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



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

## **Community Board No. 2, Manhattan**

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

### **FULL BOARD MINUTES**

**DATE:** June 22, 2023  
**TIME:** 6:30 P.M.  
**PLACE:** Jackie Robinson Foundation's offices and via Video Conference

**BOARD MEMBERS PRESENT IN PERSON:** Susanna Aaron, William Benesh, Keen Berger, Carter Booth, Rich Caccappolo, Valerie De La Rosa, Chris Dignes, Stella FitzGerald, Cormac Flynn, Susan Gammie, David Gruber, Anne Hager, Julian Horkey, Zak Kazzaz, Susan Kent, Ryder Kessler, Jeannine Kiely, Patricia Laraia, Michael Levine, Matthew Metzger, Erika Olson, Juan Osorio, Brian Pape, Donna Raftery, Lois Rakoff, Bo Riccobono, Zach Roberts, Rocio Sanz, Shirley Secunda, Frederica Sigel, Emma Smith, Dr. Shirley H. Smith, Susan Wittenberg, Antony Wong, Cheryl Wu (35)

**BOARD MEMBERS PRESENT VIA ZOOM** (either by virtue of a disability or with leave of the Chair): Katy Bordonaro, Ritu Chattree, Wayne Kawadler, Ivy Kwan Arce, Edward Ma, Kristen Shea, Chenault Spence, Eugene Yoo (8)

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Natasha Avanesians, Akeela Azcuy, Anita Brandt, Amy Brenna, John Paul Deverna, Mar Fitzgerald, Daniel Miller (7)

**BOARD MEMBERS ABSENT: 0**

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Juan Osorio, Kristen Shea, Eugene Yoo

**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:** Mark Levine, Manhattan Borough President; Tevin Williams, U.S. Representative Dan Goldman's Office; Robin Forst, Mayor Eric Adams' Office; Andrew Chang, Manhattan Borough President Mark Levine's Office; Caroline Wekselbaum, Senator Brad Hoylman-Sigal's Office; Dan Mosher, Senator Brian Kavanaugh's Office; Roy Ruiz and Will Liao, Assembly Member Deborah Glick's Office; Jasper Scott, Assembly Member Grace Lee's Office; Bianny Rodriguez, Council Member Carlina Rivera's Office; Henry Lin, Council Member Christopher Marte's Office; Nicole Barth, Council Member Erik Bottcher's Office; Peter Tse, Manhattan District Attorney Alvin Bragg's Office

**MEMBERS OF THE PUBLIC AND APPLICANTS:** Josh Adamson; Jane Carey (The Whitney Museum); Austin Celestin; Christopher Courtney; Pete Davies; Melanie DeShong; Mark Dicus (SoHo-Broadway BID); Chelsea Evans (NYC Department of City Planning); Brenden Fitzgerald (CB2 Public Member); Chandler Forsythe (NoHo BID); Susan Ginsburg; Laura Hoffman; Dylan Kennedy; Jesse Lang; Melissa Krawitz; Darlene Lutz (1st Precinct Community Council); Katherine McGrath; Alexa Miller (Kasirer); Renee Monroe; Calum d’Oelsnitz; Lynn Pacifico; Cordelia Persen (NoHo BID); Erin Rulli (Higgins Quasebarth); Aaron Sanders; Jake Schmidt; Sarah Sher; Edward Siegel; Dorothy Slater; Andrew Stern; Claire Watson; Ben Wetzler

**MEETING SUMMARY**

Meeting Date – June 22, 2023  
 Board Members Present in Person – 35  
 Board Members Present Via Zoom – 8  
 Board Members Absent with Notification – 7  
 Board Members Absent – 0  
 Board Members Present/Arrived Late – 0  
 Board Members Present/Left Early – 0

**I. SUMMARY AND INDEX**

ATTENDANCE..... 1  
 MEETING SUMMARY ..... 2  
 SUMMARY AND INDEX..... 2  
 PUBLIC SESSION ..... 2  
 ADOPTION OF AGENDA ..... 4  
 ELECTED OFFICIALS' REPORTS ..... 4  
 ADOPTION OF MINUTES ..... 6  
 BUSINESS SESSION..... 6  
     Chair’s Report ..... 6  
     District Manager’s Report..... 8  
 STANDING COMMITTEE REPORTS ..... 8  
     Cannabis Committee ..... 8  
     Landmarks and Public Aesthetics ..... 10  
     Land Use ..... 11  
     Parks and Waterfront..... 13  
     Quality of Life..... 16  
     Schools and Education ..... 23  
     SLA Licensing ..... 25

**II. PUBLIC SESSION**

**Public Comment relating to the Landmarks Resolution Concerning 277 Canal**

Eddie Siegel

- This application represents the SoHo-NoHo Rezoning bearing fruit and creating the affordable housing promised in that effort.
- Recent renewal lease research revealed the dearth of affordable apartments in the SoHo area.
- Recommends that CB2’s Full Board adopt the resolution recommended by the Landmarks Committee.

Andrew Stern

- Supports the resolution re 277 Canal Street because we need affordable housing in SoHo, which was originally home to artists and artisans.
- The beautiful design by Morris Adjmi, an architect who is among the best interpreters of New York's unique architectural traditions, honors SoHo's industrial history while preserving the original building below.
- The 12-story proposal is contextual with the Cast Iron buildings elsewhere in the SoHo Historic District.

Jesse Lang

- The SoHo area has been underbuilt for decades – we need both the affordable and the market rate housing proposed for this project.

Austin Celestin

- This project represents the goal of the SoHo-NoHo Rezoning.
- The design is responsive to the historic character of the neighborhood, and it will create the affordable housing that we need.
- It is important to build affordable housing in transit rich areas and in wealthy areas

Ben Wetzler

- CB2's Landmarks Committee's requests for modest changes to the design such as the lighting and signage of the commercial space were reasonable and should be supported.
- Encourage the Full Board to include a statement that the scale of the building not be diminished so that the full complement of affordable units can be included.

Erin Rulli – Higgins Quasebarth (Preservation Consultants to the Project)

- Thanks to Landmarks Committee and the public for the thoughtful discussion at Committee.
- Important project employing a renowned architect in Morris Adjmi that realizes the goals of the SoHo-NoHo Rezoning with a design in keeping with the context of the Historic District.
- This is a specific case for a specific building – approval will not compromise or open the door for expansions of the character-defining buildings in the rest of the SoHo Historic District.
- Brings new life to this corner of the historic district.
- The proposal is appropriate to the character of the District, and provides housing benefits based on the scale of the project.

Dylan Kennedy

- Works in Soho but cannot afford to live there. Supports the project for the creation of affordable housing.
- Supports the Committee's changes to the plan as they do not affect the amount of housing that will be build.

Pete Davies

- The Broadway Residents Coalition supports the proposal.
- Glad to hear that the community supports the changes to the design sought by the Resolution, including the restrictions on the size and lighting of the commercial signage.
- Encourages the applicant to support the need for ADA access to the subway in this proposal – hoping that the developer will see the light.
- Concern that the Applicant's submission to LPC did not include the changes sought by the Committee.

## Public Comment Not Tied to a Resolution Before the Board

Pete Davies

- Thanks to Council Member Marte for coordinating the repair and return to the community of the water feature at the DiSalvio playground.

Chandler Forsythe – NoHo BID

- The NoHo BID is a non-profit dedicated to improving the quality of life in the NoHo area.
- Since 1996, with the support of building owners, store owners and residents, the NoHo BID has provided supplemental sanitation services through its Clean Team, and even removal of graffiti.
- The public is welcome at the NoHo BID’s Annual Meeting on Wednesday June 28th.

Darlene Lutz – 1st Precinct Community Council (in person)

- The 1st pct Community Council is a vehicle for communication between the community and the precinct. It is a welcome chance to talk about law enforcement outside of a crisis situation.
- Next meeting will be in September. The Council plans to alternate meetings between in person and zoom.
- There has been a recent uptick in robberies and larcenies.

Jane Carey – The Whitney Museum

- The Whitney’s June Pride Celebrations are in full swing – many activities.
- Thanks to CB2 for approving and supporting the street closure for various activities.
- Pride celebrations and related activities drew participation from over 2,000 people.
- New Pride offering this year is the “Queer History Walking Tour” featuring the history of the Meatpacking District (available online as well as in person).
- Museum exhibitions continue.
- Thanks to the SLA Committee for support of the new partnership in-house with the – Frenchette Bakery, which is scheduled to open in early Fall with exciting offerings.

## **ADOPTION OF AGENDA**

The agenda for the June 2023 meeting was unanimously adopted by acclamation.

## **III. ELECTED OFFICIALS AND REPRESENTATIVES REPORTS**

Mark Levine – Manhattan Borough President

- Congratulations on the return to in-person meetings. Greetings for Pride Month.
- Congratulations to the 120 newly appointed Board members Borough-wide – phenomenal talent and diversity.
- A somber note of reflection on the loss of life due to the fire at the eBike store in Chinatown.
  - There have been over 100 ebike fires this year, with 13 fatalities– already double the number from 2022.
  - The public needs better protection through better enforcement against unsafe products.
  - Over 65,000 delivery workers rely on ebikes, many with lower-cost/lower-quality batteries that are prone to fires. The City should buy back dangerous batteries.
  - Contrast Citibike ebikes, that have a proven safety record.

- AI (artificial intelligence) is already having an impact on our City.
  - Positives could include improved City services and research to cure disease.
  - Concerns include potential misinformation (especially in political discourse), amplifying bias, undermining copyright protection.
  - Developing a proposal to prepare for all consequences and make NYC a leader in AI safety.

Erik Bottcher – City Council Member, 3rd District

- Grateful that the Council passed the bill that requires the City to increase outreach regarding mental health services – too often these services are available, but City is not spreading the word.
- Supporting mandatory curbside composting. Also supporting the new “Big Belly” composting kiosks at select locations (operable through an app). Greater opportunities for composting until curbside composting becomes available.
- Detailed preparation with Capt Zeikel of the 6th Precinct to ensure public safety during Pride celebrations. Will follow up with the District Attorney and the Department of Social Services to help the 6th Pct with the high-needs populations they encounter.
- Responses to Question:
  - Composting will be similar to property owners’ responsibility for recycling.
  - Composting locations should be coordinated through Community Boards.
  - Council has advised it will override any Mayoral veto of the City FHEPS vouchers.
  - Supported “Sammy’s Law” to lower the speed limit, but requires State Legislation.
  - Agree that the new DSNY rules about time of day to place trash on the street is affecting the rat population – next step will be to require restaurants to use solid containers with lockable lids.

Peter Tse – New York County District Attorney Alvin Bragg’s Office

- DA’s office conducting public safety and community outreach efforts.
- Successful gun buyback took 50 guns off the street. Will have another in the Fall.
- Working with Sen. Hoylman-Sigal and A-M Rosenthal to outlaw 3-D printer “ghost” guns.
- Sponsoring “Saturday night lights” basketball program for safe youth engagement.
- DA’s Office will take part in National Night Out at all venues on 8/1.

Nicole Barth – Council-Member Erik Bottcher’s Office

- C-M Bottcher sponsored Intro 1065 calling for an Urban Forrest Master Plan to require the Parks Department to create a detailed master plan to protect urban forests.
- Sponsoring Intro 1064 to increase oversight of homeless prevention programs and aftercare.
- Also Co-sponsoring Intro 0244 with the Speaker calling for mandatory composting.
- Monthly Clinics: Housing, the 2nd Tuesday; SCRIE/DRIE, the 2nd Thursday

Dan Mosher – NYS Senator Brian Kavanagh’s Chief of Staff

- Sen. Kavanagh is disappointed that good-cause-eviction and other housing bills did not pass in the just-concluded Legislative session. But did manage to pass bills that protected tenants from Frankenstein loopholes.
- Also passed a new version of the J51 tax abatement that will be more convenient.
- Passed a bill facilitating housing energy efficiency such as retrofitting for resiliency.

Tevin Williams – U.S. Representative Dan Goldman’s Office

- Rep. Goldman is a member of the Congressional Renters Caucus – organized to fight affordable housing crisis across the country.

- Supporting the Healthy Families Act – providing paid leave for new parents.
- Migrant influx – reaching out to public and private universities for unused dormitories to become housing space for asylum seekers.

Caroline Wekselbaum – NYS Senator Brad Hoylman-Sigel’s Office

- 76 bills passed this year – most in the NYS Senate.
- Supported the creation of a “Trans Safe Haven” – for families and doctors who provide gender affirming care.
- Invitation to join the Pride March on Sunday.

Bianny Rodriguez – Council Member Carlina Rivera’s Office

- Supporting a bill to create access to use of streets for free cultural events.
- Bill to address unlicensed smoke shops selling unregulated product that undermines safety.
- Supports prohibiting property owners from renting space to businesses that sell unlicensed cannabis.
- Successful Local Law 97 webinar now available as a recording

Jasper Scott – NY Assembly-Member Grace Lee’s Office

- Focused on protection of marginalized communities including API.
- Passed bills recognizing lunar new year and Diwali as holidays.
- Adding the teaching of API history to NYS public school curriculum.
- Wednesday 7/28 - SCRIE DRIE clinic.

Henry Lin – Council Member Christopher Marte’s Office

- Concern for poor-quality ebike batteries and the fires they have been causing.
- Supports ban on the sale of uncertified batteries; buy-back of such batteries; and making delivery companies responsible for delivery workers whose bikes are not certified.
- Fixed the compromised wall in the DiSalvio playground, which allowed the water feature to be used.
- Tragedy of the recent murder in Washington Square Park - working with the 6th Pct. It appears that the 2 homeless men involved in the incident were known to each other.
  - The northwest corner of the Park has been an issue for years – seeking solutions.

Roy Ruiz - NY Assembly Member Deborah Glick’s Office (in Person)

- Passed the Clean Slate law, but could not pass the Good Cause eviction bill.
- Extended the producer responsibility act, but the climate fund bill must wait.
- Now Chairing the Environmental Conservation Committee.
- Passed the birds and bees Protection Act and the ban on lead ammunition.
- Events in July include:
  - MTA / OMNY – how to access reduced fare at the Greenwich House Center on 7/12 & 19.
- Unsure why the Speaker of the Assembly did not call a vote on Sammy’s Law.

## **ADOPTION OF MINUTES**

The May 2023 Full Board minutes were adopted by acclamation.

## **IV. BUSINESS SESSION**

**Chair's Report:** Susan Kent:

- Thanks to the Jackie Robinson Foundation, and especially to Ivo Philbert for providing such a beautiful venue in which to have our first in-person/hybrid Full Board meeting in two years.
- Thanks also to those who came in person and ensured we have a quorum for this meeting.
- Going forward it is incumbent on all CB2 Members to apprise the chairs of their assigned Standing Committees, and the Chair, Secretary and District Manager for Full Board meetings, of their availability for in-person attendance so that we do not encounter problems with quorum.
  - A friendly reminder to those CB2 Members attending via Zoom (whether due to a disability-related exception or the Chair’s permission) that the Open Meetings Law requires Members to keep their cameras on.
  - Please note that while the Mayor signed a new emergency order, it did not affect the requirement in place since June 19, 2023, that all public bodies including Community Boards must meet in person (with certain exceptions).
- Renewed welcome to our 5 newest members – Anne Hager, Julian Horkey, Zachary Kazzaz, Erika Olson and Emma Smith. Encourage new members to attend as many standing committee meetings as possible to understand the work of the Committees and the dynamics of the meetings.
- “City of Yes – Carbon Neutrality” Citywide Text Amendment received the unanimous support of the Manhattan Borough Board. Thanks to CB2’s Land Use Committee for a thorough hearing and series of discussions on the text amendment, which enabled a “yes” vote at Borough Board.
  - Carbon Neutrality is the first of three planned text amendments relating to the City of Yes initiative.
  - The next text amendment expected to be referred out to Community Boards is one directed to Economic Opportunity, for which there is a presentation on the Department of City Planning website.
- Affordable Housing Initiative at 388 Hudson Street – CB2 received a detailed response to CB2’s letter setting forth concerns and a proposed approach to this project.
  - The Agencies involved – Housing Preservation and Development (HPD) and Department of Environmental Protection (DEP) are continuing to consider CB2’s concerns and preliminary recommendations.
  - HPD is expanding the timeline for public outreach in response to CB2’s letter to allow for a complete analysis and discussion of the implications of various zoning and affordable housing programs that could be applied to this site.
- CB2 has been invited to participate in the Pier 76 Task Force. While it is located just outside our District, coordination between that site and CB2’s waterfront resources is essential.
- The children’s water feature and surrounding walls and elements at the DiSalvio playground have been repaired with the assistance of Council Member Marte – grateful the complete playground is back online in time for summer.
- CB2 was present for the street Co-naming of Fifth Avenue and Washington Square North in honor of Edie Windsor & Thea Speyer and their advocacy and resistance that eventually led to the overturning of the so-called Defense of Marriage Act.
- Concern from throughout the Community regarding the fatal stabbing yesterday in Washington Square Park. Details still emerging as the NYPD’s investigation continues. The Community is deeply moved by the incident.
- Recognize passing of Zella Jones – a passionate advocate for SoHo NoHo and surrounding communities. A long-time member of CB2. A force for enhancing the quality of life in our District for residents, businesses and visitors alike.
  - A memorial service will be held by the family – anticipating in about 6 months.
  - [The Board and audience observed a moment of silence in Zella Jones’s honor.]

**District Manager’s Report: Mark Diller:**

- Many thanks for all who assisted in the arrangement and coordination of our first in-person post-Covid in-person/Zoom hybrid meeting, including:
  - Ivo Philbert and the team at the Jackie Robinson Foundation;
  - CB2 Member David Gruber, who introduced CB2 to the Foundation and got the ball rolling for the use of such beautiful space;
  - The CB2 Office Staff (Florence, Eva and Francine) for all the behind-the-scenes work);
- Thanks also to CB2 Member Wayne Kawadler for making the Lenox Health/Greenwich Village space available for SLA-1 and –2 in July.
- Using all unused budget monies to purchase truly portable equipment to facilitate hybrid in-person/Zoom meetings at any location regardless of the infrastructure and equipment at those locations. Receiving expert consultation advice from Beta NYC on exactly what type of equipment to purchase.
- Happy to receive suggestions for additional equipment needed for our work before the fiscal year ends on June 30<sup>th</sup>.
- Due to the consistent efforts of CB2 Member and Q of L Chair Will Benesh, and of constituent Zack Winestein, CB2 has been recognized by the FCC and the project manager as a “Consulting Party” for the review of the appropriateness of the proposed installations of the 32-foot-tall LinkNYC 5G towers outside certain historic structures in our District.

**V. STANDING COMMITTEE REPORTS**

**CANNABIS COMMITTEE**

**The Doe Store, LLC. d/b/a Union Sq. Travel Agency, 835 Broadway, NY, NY 10013 (Alteration of existing licensed premises per [Revised Adult-Use Regulations §119.3\(iv\)](#))**

1. **Whereas**, The Doe Store, LLC. (heretofore referred to as Applicant) was granted a provisional license to sell retail cannabis under the [Conditional Adult-Use Retail Dispensary \(CAURD\) program](#), as a Qualifying Nonprofit 51% owned by The Doe Fund and 49% owned by the Harbour Community. It was approved by the [New York State Cannabis Control Board](#) (OCM), and issued by the [New York State Office of Cannabis Management](#) (CCB) on November 21, 2022; and
2. **Whereas**, on December 12, 2022, the Applicant appeared before CB2, Manhattan’s Cannabis Licensing Committee (heretofore referred to as CLC) to present plans for a new Adult-Use Retail Dispensary to operate in a mixed-use commercial and residential building at 62 East 13th Street; and
3. **Whereas**, on December 20, 2022, CB2, Man.’s Full Board voted in favor of the CLC resolution to deny/unless agreed upon stipulations were accurate and complete; and
4. **Whereas**, The Doe Store, LLC. opened for business under the d/b/a Union Square Travel Agency: A Cannabis Store (heretofore referred to as USQTA) at 62 East 13 St. on February 18, 2023, and has complied with the agreed upon stipulations; and
5. **Whereas**, USQTA now seeks to expand retail operations to include 835 Broadway; a six-story prewar building with 7 residential condominium units, five of which are occupied by rental tents, and 1 commercial unit; and
6. **Whereas**, the applicant’s current premises is located on the ground floor of 62 East 13th Street, which is a mid-block location with an entry door on 13th Street west of Broadway; and
7. **Whereas**, the 2,100 sq. ft. ground floor interior premises consisting of one main entrance, one bathroom, and 2,160 sq. ft. cellar level will be expanded to include 2,700 sq. ft. of new retail space, with a delivery entrance on the westernmost corner of the retail space; 62 East 13th Street will be used for outgoing delivery orders; and

8. **Whereas**, the new retail space will include 3 additional POS stations, 2 additional self-serve kiosks, and approximately 5 additional budtenders; and
9. **Whereas**, the Applicant stated that the landlord was “in the process of making improvements to the facade to restore the [historic character of the building](#), adding large windows along the length of 13th Street and exposing the original cast iron columns”, the current design is modern in style; and
10. **Whereas**, signage will be per OCM guidelines; and
11. **Whereas**, a Dept. of Buildings Certificate of Occupancy was provided; and
12. **Whereas**, this application being subject to proximity rules as defined by §119.4 of the [Revised Adult-Use Cannabis Regulations](#), is not within a 1000-ft radius of any licensed cannabis dispensary or microbusiness; and
13. **Whereas**, the subject premises is not on the same road and 500 ft. of buildings exclusively used as school grounds, occupied exclusively as a public youth facility, or within 200 ft. and on the same road as buildings used exclusively as houses of worship; and
14. **Whereas**, there will be TV monitors and music will be at background level, only consisting of music from iPod/CDs; there will be no dancing, DJs, live music, promoted events, no scheduled performances or cover fees; and
15. **Whereas**, the Applicants original hours of operation, Sunday-Thursday 10:00 AM-10:00 PM and 10:00 AM-11:00 PM Friday-Saturday, totaling 86 hours per week will be increased by 9 hours: Sunday - Thursday 9 AM - 11 PM, Friday & Saturday 9 AM - 12 AM, totaling 95 hours per week; and
16. **Whereas**, the Applicant will not operate any part of the business outdoors; and
17. **Whereas**, the delivery operation will utilize one mid-sized van to fulfill orders and pass orders off to cyclists in adjacent neighborhoods so delivery staff will not congregate outside the dispensary; and
18. **Whereas**, the Applicant will not operate on-site or congruent cannabis consumption areas; and
19. **Whereas**, the Applicants is in the process of installing extensive drywall, a drop ceiling, and sufficient insulation to ensure that noise in the retail space will not be audible in any adjacent residences; and
20. **Whereas**, outreach was conducted by the Applicant including regular contact with the residents who live above, ongoing communication with the Community Affairs and Risk Units at the 6th Police Precinct, Union Square Partnership, Pure Barre, and NYC Council Member Carlina Rivera. Letters of support were submitted by the 853 Condominium Board, Strand Bookstore, Everythings Jakes and Josh Tepperberg, Executive Director of the Unified Legacy Operators Council (UNLOC); and
21. **Whereas**, §119.2 10(b) [Proposed Adult-Use Cannabis Regulations](#) Authorizes Municipalities to “*have 30 days from the receipt of the notification from an applicant to express an opinion for or against the granting of such registration, license or permit application, and any such opinion shall be part of the record upon which the Office makes its recommendation to the Board to grant or deny an application*”, and that this resolution shall serve as Community Board 2 Manhattan’s expression of that opinion regarding this license; and
22. **Whereas**, section §119.2 Authorizations for Municipality Rulemaking of the CCB’s 11/21/2022 [Proposed Adult-Use Cannabis Regulations](#) States that, “*To the extent the following is not unreasonably impracticable, the Board authorizes municipalities to pass local laws and regulations governing the time, place, and manner*”, of cannabis retail dispensaries and on-site consumption sites, including retail hours, traffic, odor, and noise; and
23. **Whereas**, listed below are the details of the establishment’s operations as presented to Community Board 2 CLC Committee in the Applicant’s questionnaire and live testimony concerning the

premises, as follows:

- a. Premises will operate as a dispensary selling allowable cannabis products and cannabis paraphernalia to cannabis consumers in compliance with state laws and regulations; and
- b. Sunday - Thursday 9 AM - 11 PM, Friday & Saturday 9 AM - 12 AM, totaling 95/week.
- c. The premises, or any portion of the premises, will not operate as a consumption lounge.
- d. Will not operate any outdoor area, including the sidewalk, for any purpose.
- e. Will keep doors closed other than entrance and egress, stanchions and ropes will be utilized as necessary, and no patrons will remain after stated closing times.
- f. Patron egress into/out of the establishment will be through the front doors at 835 Broadway only.
- g. Will prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by the Cannabis Law are allowed to remain on the premises of the licensee.
- h. There will be no patron use, services, deliveries, or trash transport via doors on Broadway.
- i. Will comply with NYC Department of Buildings Regulations and keep current at all times with required Permits & Certificates.
- j. Music will not be at entertainment levels but background only, and no sound will be audible in any adjacent residences at any time.
- k. The retail space at 835 Broadway will not close for private events.
- l. The applicant will require customers to show a valid federal, state, or local government identification stating the customer's age and a photograph of the individual's face per State Law.
- m. Will appear before CB2, Manhattan before submitting any changes to the method of operation agreed to herein.

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Adult-Use Retail Dispensary License for The Doe Store, LLC. d/b/a Union Sq. Travel Agency, 835 Broadway, NY, NY 10003, **unless** the information the Applicant has presented is accurate and complete and that the above-stated conditions A-M are 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 41 Board members in favor, 1 in opposition (R. Sanz), and 1 recusal (M. Metzger).

### **LANDMARKS AND PUBLIC AESTHETICS**

**\*277 Canal St. aka 277-289 Canal St. & 418-422 Broadway - Application is to construct a nine-story addition and a penthouse with mechanical equipment above an existing three-story building, to restore its facade, and install new windows.**

#### **Whereas:**

- A. The building, constructed as the historic Major Theatre ca. 1928, and has undergone a number of changes and alterations which have left the facade including the design of the windows in the upper stories in the original condition; and
- B. The project will have 100 apartments of which 25 will be designated as affordable housing; and
- C. Confer with MTA NYC Transit to provide ADA access into the subway easement area that exists within the project footprint, in keeping with the City's policy for more universal ADA access to the subway, so that ADA access is an essential component of the redevelopment of the site, and also incorporate that ADA access into the master plan for the MTA entrance and/or the design of storefront infill.
- D. The enlargement use a vocabulary similar to and harmonious with the existing building while differentiating itself from the original façade; and

- E. The building is atypical of the design of buildings in the SoHo Historic District and the vertical enlargement brings it into prominence in the SoHo Broadway corridor using a design that references SoHo buildings of comparable height; and
- F. There is a proposed master plan for the ground floor commercial space of windows with simple metal and sheet glass infill with louvered transoms seen in other SoHo buildings; and
- G. The proposed signage above the windows in each bay is 24” high internally illuminated individual letters and there are provisions for bracket signs to be installed at each bay; and
- H. The existing subway entrance within the building is to be refurbished with the addition of public art and the applicant has had no discussion with the MTA concerning ADA access and about how ADA access may be incorporated into the building; and
- I. There is concern that a view from several blocks below Canal Street on Broadway, where the rooftop addition will be clearly visible, was not depicted; and
- J. There was testimony from the public with questions about details and the public generally was in support of the project; now

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

- A. Approval of the restoration of the existing building, the vertical enlargement, and rooftop structure; and
- B. Denial of the of the master plan for the commercial ground floor infill unless the size of the letters is reduced, that the illumination is of the “halo” system that has been approved by the Commission in similar instances in the district, and there is a provision that implementation of the master plan is overseen by LPC staff to ensure that the number of individual-letter signs and blade signs does not result in a cluttered appearance; and
- C. That consideration be given to having discussions with MTA concerning ADA access to the subway and incorporating this provision into the entrance design.

**Vote:** Unanimous, with 43 Board members in favor.

**LAND USE**

**69-71 MacDougal Street (Block 526, Lots 33,34). Application 292-01-BZ to the Board of Standards and Appeals pursuant to ZR 72-21 seeking an extension of term for a 20-year period, or in perpetuity, of a previous variance relating to the enlargement of the dining room of an eating and drinking establishment (Villa Mosconi) with accessory cellar-level storage in an R7-2 zoning district.**

**Whereas:**

1. The application was presented to the committee by Fredrick Becker, representing the applicant;
2. The application is for an extension of 20 years, or in perpetuity, term of a previously granted variance to allow an enlarged dining room and accessory cellar-level storage in this R7-2 district;

3. There were no changes to the terms, other than duration, proposed to the prior variance;
4. No one appeared at the hearing to speak for or against the proposal;
5. This establishment is a non-conforming use (UG 6) in an R-district;
6. The usual term of a variance of this type is 10 years and this establishment already has had two such terms of variance;
7. The Committee prefers to continue with 10-year terms and not set a precedent for longer terms.

**Therefore be it resolved that CB2, Man.** recommends approval of this extension of a previously granted variance for a term of 10 years.

**Vote:** Unanimous, with 43 Board members in favor.

**City of Yes – Carbon Neutrality** – A series of text amendments to the NYC Zoning Resolution relating to efforts to meet the City’s goals to address climate change and meet the goals for reducing greenhouse gas emissions. <https://www.nyc.gov/site/planning/plans/city-of-yes/city-of-yes-carbon-neutrality.page>

**Whereas:**

1. New York City is proposing a Zoning Text Amendment consisting of 17 proposals across four categories: Energy, Buildings, Transportation, and Waste & Water:
2. The goal of this zoning text amendment is to address climate change and reduce greenhouse gas emissions by promoting carbon neutrality.
3. Several of these proposals are not relevant to areas within Community Board 2/Manhattan:
  - a. Proposal 2: Solar parking canopies
  - b. Proposal 3: As-of-right renewable energy generation
  - c. Proposal 4: On-shore wind
  - d. Proposal 5: Energy storage
  - e. Proposal 12: Automated parking
  - f. Proposal 13: Bicycle and e-mobility
4. Community Board #2 has many older and smaller buildings that present hurdles to retrofitting, for example, and cannot benefit from economies of scale.
5. CB2 has specific comments and/or concerns relating to the following proposals from the City of Yes Carbon Neutrality zoning text amendment
  - A. The zoning text change for the following proposals:
    - a. Proposal 1: Rooftop solar
    - b. Proposal 6: Electrification retrofits
    - c. Proposal 7: Building exterior retrofits
    - d. Proposal 8: Fix/simplify “Zone Green” thickness exemption
    - e. Proposal 14: Permeable paving
    - f. Proposal 17: Rooftop greenhouses

should be accompanied by guidance for the Landmarks Preservation Commission as to how these proposals would be implemented in historic districts and for individual landmarks. These proposals touch on issues related to visibility from the street as well as potential changes to the overall character for historic districts. Due to the potential aesthetic considerations, these proposals merit further discussion and guidance for what is permissible and mechanisms for the approval process.

Furthermore, the potential for Proposal 8 to change the FAR for buildings within historic districts should be studied.

- B. Proposal 9: Vehicle charging does not address on-street chargers and thus misses a large majority of the use cases for vehicle charging in the community and the City.
- C. Proposal 15: Tree pit enhancements including raingardens – These enhancements are likely to play an important part in the city's long-term resiliency planning and in general should be supported. However, depending on design, they have the potential to reduce sidewalk space and negatively impact accessibility to building entrances for those with accessibility needs. The average sidewalk width in Community Board 2/Manhattan is much narrower than the city average. In most areas of CB2, any connected tree pit should include pavement bridging over the trench to ensure pedestrian access.
- D. Proposal 16: Composting and recycling. CB2 commends the inclusion of composting and recycling proposals as a part of the proposed changes.

- 6. The success of these proposals will depend on the roll-out of education for the various stakeholders so that the community can fully understand and implement the program
- 7. Attaining the goals of these proposals will depend on the availability of funding and deep coordination between various city, state, and federal programs for many of the requirements. Simply listing sources of funding will not be sufficient in order to ensure the success of these programs.

**Therefore be it resolved** that Community Board 2/Manhattan recommends approval of the City of Yes – Carbon Neutrality Proposal, taking into account the concerns and issues raised above.

**Vote:** Unanimous, with 43 Board Members in favor.

## **PARKS AND WATERFRONT**

### **1. Resolution in Support of the Dual Role of Administrator of Washington Square Park and Executive Director of The Washington Square Park Conservancy**

#### **WHEREAS:**

- 1. Will Morrison, NYC Department of Parks and Recreation (DPR) employee who since December 2021 has filled the role of Administrator of Washington Square Park, has recently also been named as Executive Director of The Washington Square Park Conservancy (WSPC);

2. Mr. Morrison is the third person to occupy this dual position, following his two previous predecessors, George Vellonakis and Sarah Neilson;
3. Some representatives of the community expressed concerns about this dual role of Administrator of a public park as well as Executive Director of WSPC, a private 501(c) (3) organization;
4. Persons who fill this dual role receive salary from DPR and also receive payment in the form of a stipend from the conservancy;
5. The New York City Conflict of Interest Board has ruled that, given the legitimate additional duties required by his work for WSPC, the stipend does not reflect a conflict of interest.

**THEREFORE BE IT RESOLVED**, that Manhattan Community Board 2:

- Supports the dual role of Administrator of Washington Square Park and Executive Director of The Washington Square Park Conservancy; and
- Supports the assignment of Will Morrison to this dual role; and
- Reserves the right to express a different opinion if and when a different person were to be assigned to the dual role position.

**Vote:** Passed, with 41 Board members in favor, 2 Against (K. Berger, R. Sanz)

## **2. A Resolution Requesting Consistent and Complete Enforcement of Rules in Washington Square Park**

### **WHEREAS:**

1. Washington Square Park is a vibrant and extremely well-attended park visited by crowds of both residents and visitors to our neighborhood;
2. The NYC Department of Parks and Recreation has tried to balance enforcement of citywide rules with requests from the local community to allow free expression in the park;
3. Community members have expressed concerns about park rules and city laws being broken, even flaunted, by visitors who skateboard, ride bicycles through the park, smoke and vape (tobacco and cannabis), sell illegal drugs and openly peddle other products, sometimes setting up tables for this purpose;
4. CB2 is very concerned about the safety of park visitors who are put at risk by skateboarding activity in the park as well as the damage this activity is causing;
5. CB2 is aware that Parks Enforcement Patrol (PEP) officers and, when available, assigned NYC police officers do try to curb these activities but face challenges when doing so;
6. CB2 is aware that the recent changed state cannabis laws may be contributing to a lack of clear understanding by visitors concerning sale and use of such products in Washington Square Park;

7. Other Manhattan parks such as Madison Square Park and Central Park do not appear to allow or abide vending as seen in Washington Square Park.

**THEREFORE BE IT RESOLVED**, that Manhattan Community Board 2:

1. that the NYC Department of Parks and Recreation work with the local police department to find ways to control these disturbing and dangerous activities, including stronger and more consistent enforcement of existing park rules, while working with CB2 and park users to develop approaches tailored to the special needs of the park; and
2. that the NYC Department of Parks and Recreation review its current policies and consider changes that would reduce activities that endanger the safety of visitors, particularly senior citizens, e.g., skateboarding.

Please advise us of any decision or action taken in response to this resolution.

**Vote:** Passed, with 42 Board members in favor; 1 Against (R. Kessler)

### **3. A Resolution in Support of plan for updating William F. Passannante Ballfield**

#### **WHEREAS:**

1. Representatives of the NYC Department of Parks and Recreation (DPR) presented a plan for the reconstruction of William F. Passannante Ballfield, an asphalt covered, multi-purpose active play space located at Houston St. between McDougal St and Ave. of Americas;
2. Many different sports are played in this park including basketball, kickball, pickleball, roller hockey, softball, foursquare, etc., by adults and children;
3. DPR representatives explained that an entirely new asphalt layer is required to repair cracks that have developed over the years;
4. The design schematic presented showed painted lines and different colors for fields, courts and rinks;
5. The project is scheduled to begin in late August and is expected to take four months to complete, during which time the park will be closed;
6. The park is mostly unpermitted open play space with two exceptions - weekend times for roller hockey and pickleball;
7. Most attendees welcomed the plan and expressed a shared interest in maximizing flexibility and adaptability so that sports can coexist, but opinions differed on aspects of the design including number of pickleball court and overlapping painted lines as well as the processes for granting permits and enforcement of them.

**THEREFORE BE IT RESOLVED**, that Manhattan Community Board 2:

1. Endorses the plan to rebuild the ballfield as described by DPR as well as the goals expressed and the schematic presented, though it is not entirely clear how overlapping play will work without understanding the permit process; and

2. Encourages the DPR to determine the process by which permits will be granted and enforced; and
3. Suggests that park rules and the goal of co-existing play and any permits granted be posted online and at the entrances to the park; and
4. Requests that the needs of and usage by local schools be considered priorities including the timing and duration of the construction since closure will impact recess and after school activities; and
5. Looks forward to the installation of the new surface, the planting of new trees and the installation of improved water fountains included in the plan for the rebuilding of this important community space for active recreation.

Please advise us of any decision or action taken in response to this resolution.

**Vote:** Unanimous, with 43 Board members in favor.

### **QUALITY OF LIFE: STREET ACTIVITIES**

**1. 6/10/23 – (Setup Date & Start Date) – 6/11/23 (End Date & Breakdown Date) Boot Drop (sponsor: game Seven Mktg), Broadway bet. Prince & Spring Sts. [partial sidewalk-in front of 550 Broadway]**

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

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of **Boot Drop**.

**Vote:** Unanimous, with 43 Board members in favor.

**2. 6/10/13 – Mulberry Event 23 (sponsor: Group Thrpy), Mulberry St. bet. Spring & E. Houston Sts. [full street closure] (event is now back to original date of 6/10)**

**Whereas**, fashion and lifestyle brand Aimé Leon Dore (“ALD”), with its storefront located at 224 Mulberry Street, and in conjunction with production company Group Thrpy, is seeking a full street closure in order to hold a basketball tournament on Mulberry Street between Spring and Prince Streets; and

**Whereas**, the event seeks to place a custom-sized basketball court along with bleachers on the street (and partially onto the sidewalk) in front of the ALD store at 224 Mulberry, and to utilize the rest of the block in order to support the tournament including the placement of crew tents, portable bathrooms, and crew parking; and

**Whereas**, the basketball tournament would be organized in conjunction with shoe and athletic wear brand New Balance, as well Henry Street Settlement and Masaryk Community Gym on the Lower East Side; and

**Whereas**, setup is expected to begin at midnight and continue in a staggered fashion throughout the morning of June 10<sup>th</sup>, with the event itself taking place from 11 AM to 7 PM, and load-out beginning at 8 PM that evening; and

**Whereas**, the event will feature games of 3-on-3 basketball throughout the day, with a cash prize being awarded to the winning team; and

**Whereas**, the event will feature amplified sound throughout the day, including an event MC and a DJ; and

**Whereas**, the event will not offer food and beverages other than a catering tent for the players and staff; and

**Whereas**, the applicant stated that they had hired 16 security guards for the event, which are intended to be used for crowd management and to maintain a 5 foot clear path for walking on the sidewalks; and

**Whereas**, numerous concerns and reservations were raised by Quality of Life committee members, other CB2 members, local business owners, and members of the public, regarding a number of topics surrounding the proposed event; and

**Whereas**, first and foremost amongst these concerns was the matter of physical safety, specifically surrounding the prospective attendance of the event, which is likely to draw large crowds of spectators looking to watch the basketball games, and with such large crowds potentially creating a physically dangerous situation within the extremely small and crowded block of Mulberry between Spring and Prince; and

**Whereas**, furthermore, the proposed location of the court at 224 Mulberry would be essentially be on the corner of Mulberry and Spring, with Spring being a major shopping thoroughfare and likely already to be extremely crowded on a Saturday, accelerating the risk that the event would draw in dangerous levels of crowds coming off of Spring to watch the games, or cause the crowds to spill into Spring Street; and

**Whereas**, QoL committee and CB2 board members pointed out the proposed schematics for the court and bleachers were inaccurate and/or misleading and simply did not make sense, and were unable to see how the proposed basketball court, sets of bleachers on both sides of the court, 5 foot sidewalk lane on both sidewalks, and 15-foot emergency lane, could all be maintained on the extremely narrow street (approx. 23' wide) and sidewalk; and

**Whereas**, local business owners expressed concern about the large crowds impeding access to the street and negatively impacting their business on what would otherwise be a busy Saturday, to the point that they would have to consider closing their business that day, and mentioned that regular long lines in front of the ALD store had already negatively impacted their business; and

**Whereas**, other local residents spoke in opposition to the event and mentioned the large lines/crowds from ALD impeding the entrance to other storefronts, as well as the fact that ALD has been illegally placing planters in the street and on the sidewalk; and

**Whereas**, there was general agreement amongst CB2 and community members that such an event would be better suited for an existing basketball court within a local court or playground, such as DeSalvio playground just across the street on the southeast corner of Spring and Mulberry; and

**Whereas**, despite all of these concerns, it appeared that very minimal outreach had been conducted by the applicant to the surrounding community (both local businesses and residents) ahead of the planned event, though the applicant claimed that outreach to businesses had taken place; and

**Whereas**, following the opposition and feedback expressed at the Quality-of-Life committee meeting, the applicant subsequently moved the event to a different location at Sara D. Roosevelt Park; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of **Mulberry Event 23**; and

**Therefore Be It Further Resolved** that CB2, Man. appreciates the applicant's decision to move the event in light of the numerous concerns expressed; and

**Therefore Be it Finally Resolved** that CB2, Man. continues to request that SAPO require earlier submission of street activity applications, especially for larger, potentially disruptive events, to prevent situations such as this one where resolutions must be passed on to SAPO at the committee level without time for discussion and approval at CB2 full board meetings.

**Vote:** Unanimous, with 43 Board members in favor.

**3. 6/12/23 – Chanel Artists Awards 2023 (sponsor: Tribeca Festival), Spring St. bet. Broadway & Crosby St. [full street closure]**

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

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of **Chanel Artists Awards 2023**.

**Vote:** Unanimous, with 43 Board members in favor.

**4. 6/9/23-6/10/23 (moved from 6/16/23-6/17/23) Whitney Museum Event (sponsor: Meatpacking District Management Association), Gansevoort St. bet. Washington St. & 10th Ave. [full street closure]**

**Whereas**, the Whitney Museum seeks to hold two activations in conjunction with Pride month, with the first on the evening of Friday June 9<sup>th</sup>, and the second during the day on Saturday, June 10<sup>th</sup>: and

**Whereas**, the first such activation on Friday evening is in conjunction with the museum's "Queer Teen Night," a dedicated night held by the museum focused on LGBTQ youth and allies; and

**Whereas**, the activation will feature a street closure from 4 PM to 7 PM on Friday, June 9<sup>th</sup>, with the main portion of activity taking place on the portion of the block directly in front of the Whitney Museum; and

**Whereas**, the event will feature amplified sound, with a 12-inch-tall stage, background music playing from 4 PM – 6 PM, and a DJ performance from 6 PM – 7 PM; and

**Whereas**, the event will also feature tabling by community organizations which are relevant to the LGBTQ community; and

**Whereas**, the event will not include food or drink; and

**Whereas**, the second such activation will be Whitney's Community Pride Day, which is expected to run in the same location in front of the Whitney from 11 AM – 6 PM on Saturday, June 10<sup>th</sup>; and

**Whereas**, the event will feature a variety of family-oriented activities, including hands-on art making opportunities, a queer history walking tour, and a public dance workshop; and

**Whereas**, similar to the Friday night event, the Saturday event will feature tabling by community organizations; and

**Whereas**, the event will feature amplified sound with background music playing throughout the day; and

**Whereas**, the event will feature an ice cream truck but no other food or drink; now

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

**Vote:** Unanimous, with 43 Board members in favor.

**5. 6/20/23 – (Setup Date & Start Date) – 6/21/23 (End Date & Breakdown Date) Maybelline Pride Pop Up Tour (sponsor: Youth Marketing Connection, LLC), Gansevoort Pedestrian Plaza in front of Lucid]**

**Whereas**, cosmetics brand Maybelline seeks to hold a two-day activation on the Gansevoort Plaza in conjunction with Pride month; and

**Whereas**, the event will begin load-in during the early morning of June 20<sup>th</sup>, and will be open to the public from 10 AM – 4 PM on June 20<sup>th</sup> and June 21<sup>st</sup>; and

**Whereas**, the event’s footprint is expected to be approximately 45’ x 30’, consisting of a branded mobile pop-up trailer and a “swag hut” on the north end of the plaza; and

**Whereas**, attendees at the event will have the opportunity to interact with and learn about Maybelline products, though there will be no on-site sale or purchase of products; and

**Whereas**, the applicant is partnering with non-profit The Trevor Project for the event, an organization which is focused on suicide prevention for LGBTQ youth; and

**Whereas**, the event will not offer food or beverages, but the applicant does intend to hand out flyers promoting local coffee shop The Coffee Project, which has multiple locations in NYC including one at the LGBT Center on 13<sup>th</sup> street; and

**Whereas**, the event will not include amplified sound, and will not require the use of a generator; and

**Whereas**, the applicant plans to leave the existing chairs and umbrellas on the portion of the Gansevoort Plaza not being used for the event; and

**Whereas**, while CB2 continues to generally oppose the use of the Gansevoort Plaza for commercial purposes, there was general support for the partnership with The Trevor Project and with The Coffee Project; now

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

**Vote:** Unanimous, with 43 Board members in favor.

**6. 7/27/23 – Maybelline National Lipstick Day Tour Pop Up 2023, W. 13th/14th Sts./Gansevoort Pedestrian Plaza [in front of Lucid]**

**Whereas**, cosmetics brand Maybelline seeks to hold an additional activation on the Gansevoort Plaza on July 27<sup>th</sup>, this time for one-day only and focused on a promotion around National Lipstick Day; and

**Whereas**, the event is expected to have the exact same footprint as the Maybelline Pride event, i.e. 45’ x 30’ with a branded pop-up trailer and tent; and

**Whereas**, the event will feature opportunities for attendees to learn about and interact with various lipstick products, including giveaways; and

**Whereas**, setup will begin in the early morning of July 27<sup>th</sup>, with the activation occurring between 10 AM – 4 PM, and loadout complete by 8:30 PM; and

**Whereas**, the event will not require use of a generator and will not include amplified sound; and

**Whereas**, there will be no food, drink or products for sale at the event; and

**Whereas**, similar to the Maybelline Pride event, the applicant intends to keep in place the existing chairs, tables and umbrellas on the portion of the plaza not being used for the event; and

**Whereas**, unlike the Maybelline Pride event, this event features no partnership or coordination with local nonprofits or local businesses; and

**Whereas**, CB2, Man. continues to oppose the use of Gansevoort Plaza for purely commercial activations; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of **Maybelline National Lipstick Day Tour Pop Up 2023**.

**Vote:** Unanimous, with 43 Board members in favor.

**7. 6/22/23 – Violife Cheese (sponsor: GIOMART PROMOTIONS, INC. on behalf of Epic Cheese), Spring St. bet. Mercer St. & Broadway [curb lane only]**

**Whereas**, the applicant, a vegan cheese brand, seeks to hold a food truck activation on June 22<sup>nd</sup> in the north curb lane of Spring Street; and

**Whereas**, the applicant intends to park the approximately 35’ long truck in the curb lane beginning at 8 AM, with the activation running from approximately 11 AM – 4 PM; and

**Whereas**, the activation will consist of giveaways of cheese products from the food truck, brand ambassadors stationed in front of the truck interacting with guests, and an approximately 10' x 10' canopy in the curb lane for food preparation; and

**Whereas**, the applicant intends to have two trash receptacles on site for waste management; and

**Whereas**, the event will not feature amplified sound; and

**Whereas**, the proposed location for the event is on one of the busiest blocks of Soho, and multiple residents from the area spoke in opposition to the event, citing concerns including crowding and congestion issues; and

**Whereas**, the applicant was unable to commit to moving the event to a less congested/more appropriate location; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of **Violife Cheese**.

**Vote:** Passed, with 42 Board members in favor, and 1 in opposition (R. Kessler).

**8. 6/22/23 – (Start Date) – 6/24/23 (End Date & Breakdown Date) Kiss Cosmetics Events & Pop Up (3 events) (sponsor: TH Experiental), 1) W. 13th/W. 14th Sts./Gansevoort Pedestrian Plaza [full closure]; 2) & 3) Gansevoort St./W. 13th St./Gansevoort Pedestrian Plaza [full closure]**

**Whereas**, cosmetics brand Kiss Cosmetics seeks to hold a two-day activation on the Gansevoort Plaza; and

**Whereas**, the event will begin load-in / set-up during the evening of June 22<sup>nd</sup>, with the event open to the public on June 23<sup>rd</sup> and June 24<sup>th</sup>; and

**Whereas**, on the morning of June 23<sup>rd</sup>, the applicant will hold a private catered event from 8 AM – 10 AM for press and media, but the event will then be fully open to the public from 10 AM – 7 PM on June 22<sup>nd</sup> and from 10 AM – 6 PM on June 24<sup>th</sup>; and

**Whereas**, the event's footprint is expected to be approximately 65' x 30', consisting of a set-up of fabricated cabanas and umbrellas, following the general theme of a "Hamptons inspired" summer event; and

**Whereas**, various activities will take place within the cabanas including nail services and product giveaways; and

**Whereas**, the event will not offer food or beverages, other than bottles of water and the catering for the catered press / media event from 8-10 AM on June 23<sup>rd</sup>; and

**Whereas**, the event will include amplified sound and a DJ, but the applicant promised to keep the sound at reasonable levels; and

**Whereas**, the event will include private security throughout the day to manage check-in and line, management, as well as overnight security; and

**Whereas**, the applicant plans to pick up and dispose of any trash from the event each evening so as to keep the plaza and surrounding area clean; and

**Whereas**, the applicant plans to leave the existing chairs and umbrellas on the portion of the Gansevoort Plaza not being used for the event; and

**Whereas**, the Quality of Life committee noted that the event does not seek to partner with or support any local organizations, nor does Kiss have any storefronts within CB2, Man., though Kiss products may be sold within certain stores within CB2, Man.; and

**Whereas**, CB2, Man. continues to oppose the use of Gansevoort Plaza for purely commercial activations; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of **Kiss Cosmetics Events & Pop Up**.

**Vote:** Unanimous, with 43 Board members in favor.

**FYI/Renewals:**

1. 6/17/23 – Summer Pride Block Party (sponsor: Children’s Museum of the Arts), 6th Ave. bet. Spring & Dominick Sts. [full street closure]-closure pertains to Little 6th Ave. along Spring St. Park]
2. 6/21/23 – Make Music New York (sponsor: Make Music New York), Astor Place Plaza (South) [entire plaza]
3. 6/24/23 – Washington Square North Fair/ Stonewall Democratic Club (sponsor: Greenwich House), Washington Sq. No. bet. Washington Sq. W. & Washington Sq. E. [full street closure]
4. 6/25/23 – Take Control, Take Action Health Fair (sponsor: Treatment Action Group), Thompson St. bet. Washington Sq. So. & W. 3rd St. [full street closure]
5. 6/25/23 – Family Fest at PrideFest 2023 (sponsor: Heritage of Pride, Inc.), Astor Place Plaza (South) [pedestrian plaza, side street full]
6. 6/25/23 – PrideFest 2023 (sponsor: Heritage of Pride, Inc.), 1) 4th Ave. bet. E. 10th & E. 13th Sts.; 2) E. 13th St. bet. Broadway & 4th Ave.; 3) E. 12th St. bet. Broadway & 3rd Ave.; 4) E. 10th St. bet. Broadway & 4th Ave. [full street closures]
7. 6/25/23 – StageFest at PrideFest 2023 (sponsor: Heritage of Pride, Inc.), 4th Ave. bet. E. 9th & E. 10th Sts. [full street closure]
8. 7/8/23 – 12th Annual WitchesFest USA (sponsor: NYC Wiccan Temple), Astor Pl. bet. Broadway & Lafayette Sts. [sidewalk & street closure]
9. 7/8/23 – V.I.D. Bleecker Street Fair (sponsor: Village Independent Democrats), Bleecker St. bet. Bank & Christopher Sts. [full street closure]
10. 7/22/23 – Our Lady of Pompeii Church Bleecker Street Fair (additional sponsor: none), 1) Bleecker St. bet. 6th Ave. & 7th Ave. So.; 2) Carmine St. bet. 6th Ave. & Bedford St.
11. 7/23/23 – Astor Alive Friday Night Cabaret (sponsor: Village Alliance), Astor Place Plaza (South) [pedestrian plaza, side street full]
12. 7/28/23 – Astor Alive Silent Disco (sponsor: Village Alliance), Astor Place Plaza (South) [pedestrian plaza, side street full]
13. 7/29/23 – OCM Street Fair (sponsor: Overseas Chinese Mission), Hester St. bet. Elizabeth & Mott Sts. [full street closure]
14. 8/5/23 – VRDC Bleecker Street Fair (sponsor: Village Reform Democratic Club), Bleecker St. bet. 7th Ave. So. & 8th Ave. [full street closure]

15. 8/6/23 – GVCCC Washington Sq. Summer Fair (sponsor: Greenwich Village-Chelsea Chamber of Commerce), Washington Sq. No. bet. Washington Sq. W. & Washington Sq. E.)

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

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

**Vote:** Unanimous, with 43 Board members in favor.

## **SCHOOLS AND EDUCATION**

### **Resolution to Support Enhancing Evidence-based Literacy Instruction in the Classroom for All New York City Public School Children**

**Whereas:**

1. Low literacy rates in NYC have become a civil rights issue, including contributing to the school-to-prison pipeline, and it is crucial to address these issues proactively:
  - a. Dyslexia affects as much as 10-20% of the population, regardless of primary language or background<sup>1</sup>; it is a learning disability, characterized by difficulties with specific language skills, particularly reading, but also spelling, writing, and pronouncing words, and is often unexpected in relation to other cognitive abilities;
  - b. Historically, the NYC Department of Education (DOE) has failed to develop comprehensive early screenings, curriculums, teacher trainings, programs, or district schools to support and teach children with dyslexia, creating a deeply inequitable system that is out of reach for the vast majority of New York City families with a child with dyslexia;
  - c. NYC State test data, most recently in 2022, show that 51% of the city's third through eighth-grade students did not score “proficient” on reading, with significant disparities by race: 30% of Asian students are not proficient in reading, 33% of White students, 63% of Latino students, and 64% of Black students<sup>2</sup>;
2. A Structured Literacy (SL) approach to literacy instruction and early intervention are key to remediate dyslexia and support struggling readers;
  - a. SL must include both foundational skills (e.g., decoding, spelling) and higher-level literacy skills (e.g., reading comprehension, written expression)<sup>3</sup>;
  - b. Currently, Structured Literacy is not taught to teachers graduating at State University of New York (SUNY) or City University of New York (CUNY) schools;

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<sup>1</sup> <https://dyslexiaida.org/dyslexia-basics> and <http://dyslexia.yale.edu/dyslexia/what-is-dyslexia/>

<sup>2</sup> With Test Scores Low, NYC Schools Turn To New Approach for Reading, <https://gothamist.com/news/with-test-scores-low-nyc-schools-turn-to-new-approach-for-reading-instruction>

<sup>3</sup> What is Structured Literacy <https://dyslexiaida.org/heres-why-schools-should-use-structured-literacy/#:~:text=What%20is%20Structured%20Literacy%3F,reading%20comprehension%2C%20written%20expression>

3. [Literacy Academy Collective](#) (LAC) was founded by a group of parents whose children faced reading challenges and who advocated to open the first DOE district public school to help students with dyslexia, language-based learning disabilities, and struggling readers — a group that traditional public schools often struggle to serve;
  - a. In summer 2021, LAC partnered with the [Windward Institute](#) to lead a summer pilot in District 4 in East Harlem; this included a one-week professional development course in a structured literacy followed by a five week practicum, with trainees paired with a mentor teacher;
  - b. In Summer 2021, LAC led a teacher training program in District 7 in the South Bronx;
  - c. During the 2022-23 school year, LAC led a model classroom pilot at PS 161 in the South Bronx and assessments show that the 2nd and 3rd grade students have made significant progress:
    - i. Initial assessments showed students with a *mid-year kindergarten* level;
    - ii. After just eight weeks of targeted instruction, 28 out of the 31 students tested demonstrated *end-of-year kindergarten* proficiency; making half a year’s worth of progress in eight weeks;
    - iii. The expected weekly rate of improvement for a kindergarten student mastering this skill is 1.1 additional words per week; LAC students improved at a rate of 6.97 words per week;
    - iv. If this progress continues, LAC has the chance to improve literacy for a group of students who had previously experienced no measurable academic success;
  - d. In Summer 2023, LAC will lead a summer pilot in District 1, which will expand to an after-school program for the 2023-24 school year;
  - e. In Fall 2023, [South Bronx Literacy Academy](#) (SBLA) will open as the first stand-alone NYC school for grades 2-8 specifically designed to serve students with diagnosed dyslexia, language based learning difficulties, and other struggling readers;
    - i. SBLA will have two teachers and 18 students per grade, initially enrolling students in grades 2 and 3;
    - ii. SBLA is designed to meet the unique needs of students two or more years behind in fundamental literacy skills, will offer intensive Tier 1 instruction<sup>4</sup> in structured literacy throughout the day and embed consistent and purposeful practices to support social emotional learning and executive functioning skill development to meet the needs of our student population, including co-occurring conditions such as attention deficit hyperactivity disorder (ADHD), anxiety and depression;
4. In May of 2023, Mayor Eric Adams and DOE Chancellor David C. Banks announced, “New York City Reads,” a major city-wide campaign to dramatically strengthen literacy in New York City’s public schools<sup>5</sup>;
  - a. As part of NYC Reads, all NYC elementary schools will be required to begin implementing one of three evidence-based literacy curricula; Each district superintendent will select from *Into Reading*, *Wit & Wisdom* and *EL Education*;
  - b. One criticism is that these curricula currently lack culturally responsive literature;

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<sup>4</sup> Tier 1, also known as the universal tier, refers to the curriculum, instruction, and assessments offered to all students within a grade level. It is the guaranteed instruction provided to everyone. Typically, universal tier instruction emphasizes the state's grade-level standards. <https://www.renaissance.com/2022/06/02/blog-understanding-tier-1-instructional-strategies-that-support-an-engaged-classroom/#:~:text=The%20universal%20tier%E2%80%94%20Tier,level%20standards%20for%20your%20state.>

<sup>5</sup> Mayor Adams and Chancellor Banks Launch Major new Citywide Campaign to Dramatically Strengthen Literacy, <https://www.nyc.gov/office-of-the-mayor/news/325-23/mayor-adams-chancellor-banks-launch-major-new-citywide-campaign-dramatically-strengthen#/0>

- c. In June 2021, the DOE announced Universal Mosaic Curriculum, but Mayor Adams and Chancellor Banks paused the full implementation of the mosaic curriculum, while retaining the recommended literature for use in NYC schools; and
- d. The DOE will implement NYC Reads over two years with our local schools in Phase 2 in 2024-25.

**Therefore Be It Resolved** that CB2 urgently implores the DOE to:

1. Provide unfailing support for Literacy Academy Collective’s approach to teaching children with language-based learning disabilities how to read and write to close the educational gap among NYC children;
2. Expand the Literacy Academy Collective pilots to additional schools districts;
3. Create a dyslexia-focused public school program at the Bleecker Street site to cater to and support dyslexic students' educational needs;
4. Ensure that each borough add a stand-alone DOE public school for students with dyslexia, language-based learning disabilities and who struggle to read;
5. Allocate sufficient funding to ensure proper implementation of Mayor Adams’ and Chancellor Banks’ *New York City Reads* Initiative, for Fall 2023 and beyond, including initial and ongoing professional development to ensure the implementation of evidence-based literacy instruction;
6. Emphasize and include the importance of cultural responsiveness in literacy education, and encourages schools to integrate culturally sustaining practices and materials from the “mosaic curriculum” to engage students from diverse backgrounds;
7. Collaborate with organizations like LAC and similar stakeholders to develop comprehensive literacy programs for NYC students; and,
8. Address systemic racism in the education system and promote inclusive and equitable practices that meet the needs of all students.

**Vote:** Unanimous, 43 Board Members in favor

## **SLA LICENSING**

1. **King Jade Garden Inc dba Lady Chow’s Kitchen, 171 Hester St. 10013 (RW–Restaurant) (*previously unlicensed*)**
  - i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for a Restaurant Wine license for a local Chinese restaurant located on the ground floor of a C6-2G zoned, six (6)-story mixed-use building (c. 1900) on Hester Street between Elizabeth and Mott Streets (Block #238 / Lot #38), the building falling within the designated Special Little Italy District; and

- ii. **Whereas**, the premises is roughly 1,600 sq. ft. comprised of the ground floor restaurant connected by an interior staircase to the basement, basement used for storage and patron bathroom access, there will be no service to patrons in the basement (no breakdown of square footage was provided with the floor diagram); there will be 11 tables with 53 seats and one (1) service bar with no seats for a total patron occupancy of 53 seats; there is one (1) entryway serving as both patron ingress and egress and one (1) bathroom; there will be no sidewalk café or roadbed seating; and
- iii. **Whereas**, the hours of operation will be from 9:00AM to 11:00PM Sundays through Saturdays (7 days a week); music will be quiet background only consisting of music from iPod/CDs); there will be no dancing, DJs, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. **Whereas**, the premises had been operating without a liquor license as a Chinese restaurant under the name of Canton Kitchen since approximately 2017 and prior to that as House Special since at least 2009; there are currently 33 active liquor and six (6) pending licenses within 500' of this location; and
- v. **Whereas**, the Applicant appeared before CB2, Manhattan for an On-Premises license at this location in March/2022 where it appeared clear that the Applicant's premises was within 200' of the Oversea Chinese Mission located across the street on the southwest corner of Hester and Elizabeth Streets, therefore making the 200' rule being in effect and an On-Premises license not available to this location, with Community Board 2, Man. recommending approval of the On-Premises license while also stating that "should the NYSLA find that the premises does violate the 200 ft. rule, CB2, Man. recommends approval of a Restaurant Wine license at this location", the NYSLA finding that the premises is within 200' of a Place of Worship and therefore not able to apply for an On-Premises license, the Applicant returning for a Restaurant Wine application despite the previously written resolution stating CB2 had already recommended approval of the Restaurant Wine license should the NYSLA find that the 200' rule applied; and
- vi. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the new Restaurant Wine License, with those stipulations as follows:
  - 1. Premises will be advertised and operated as a Chinese restaurant.
  - 2. The hours of operation will be 9:00AM to 11:00PM Sundays through Saturdays (7 days a week). All patrons will be cleared, and no patrons will remain after stated closing time.
  - 3. Will operate a full-service Chinese restaurant with the kitchen open and full menu items available until closing every night.
  - 4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
  - 5. Will not operate a backyard garden or other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
  - 6. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
  - 7. Will not have televisions.
  - 8. Will close all doors and windows at 10:00PM every night, allowing only for patron ingress and egress.
  - 9. Patron use of basement is for bathroom only. There will be no patron service in basement.
  - 10. Will not install or have French doors, operable windows or open façades.
  - 11. Will not make changes to the existing façade except to change signage or awning.

12. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. Will provide a Letter of No Objection permitting eating and drinking for store front premises proposed to be licensed prior to issuance of license.
14. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.”
15. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. Will not have: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/ door staff.
18. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new Restaurant Wine License for **King Jade Garden, Inc. d/b/a Lady Chow’s Kitchen, 171 Hester St. 10013**, **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the NYSLA Liquor License.

**Vote:** Unanimous, 43 Board Members in favor.

**2. MeiL W Corp dba Munchies, 126 MacDougal St 10012 (RW–Restaurant)**

- i. Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the NYS Liquor Authority for a Restaurant Wine license to operate a Chinese fast casual restaurant specializing in buns and meals on Chinese bread fillings on the ground floor of a R7-2 zoned six-story, mixed-use building (circa 1890’s) on MacDougal Street between West 3<sup>rd</sup> and Bleecker Streets (Block #54/Lot #12), the building falling within NYC LPC’s South Village Historic District; and
- ii. Whereas**, the storefront premises is approximately 800 sq. ft. on the ground floor and had been previously operated as a fast casual restaurant serving Gouku (Asian pizza) since 202 with a Restaurant Wine license and prior to that as a fast service sushi restaurant without the service of alcoholic beverages; there will be one (1) table with approximately five (5) seats with a maximum occupancy of 10 persons, there is no DCA sidewalk café at this time or other outdoor space for the service of alcohol, all doors and windows will be closed by 9PM every night, the premises has one bathroom for patron use and one entrance door will be used for patron ingress and egress; and
- iii. Whereas**, the Applicant’s hours of operation are 10AM to 10PM Sundays and 10AM to 12AM Mondays through Saturdays, music will be quiet background only consisting of music from iPod/CD’s (i.e. no active manipulation of music – only passive prearranged music), there will be no dancing, no DJ’s, no live music, no scheduled performances, no private parties, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and

- iv. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the Method of Operation of the NYSLA Restaurant Wine license, with those stipulations with respect to the premises, as follows:
1. Premises will be advertised and operated as a Chinese fast-food restaurant specializing in buns and specialized fillings in Chinese bread with the kitchen open and full menu items available until closing every night.
  2. The hours of operation will be 10AM to 10PM Sundays and 10AM to 12AM Mondays 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 the 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 operating under the temporary Open Restaurants program.
  5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
  6. Will close all doors and windows at 9PM every night, allowing only for patron ingress and egress.
  7. Will not install or have French doors, operable windows or open façades.
  8. Will not make changes to the existing façade except to change signage or awning.
  9. Will ensure there is an accessible bathroom for patrons available at all times.
  10. There will be no food prep area or food items stored in area between the front of the premises and the bathroom.
  11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
  12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
  13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
  14. Will not have: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
  15. Will not change principals prior to submission of original application to the NYSLA.
  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 permanent sidewalk or roadbed seating.
- v. **Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the Restaurant Wine license for **MeiL W Corp dba Munchies, 126 MacDougal St 10012**, unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the NYSLA Liquor License.

**Vote:** Unanimous, 43 Board Members in favor.

**3. DLYCanal LLC dba Da Long Yi Hot Pot, 159 Canal St, Suite 200 10013 (RW–Restaurant)**

- i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application for a Restaurant Wine license to operate a Hot Pot

Style Chinese Food Restaurant on the second floor of a C6-1G zoned, five (5)-story commercial building on Canal St. between Bowery and Elizabeth St. in Chinatown (Block #203/Lot #2), the building falling within the Special Little Italy District; and

- ii. **Whereas**, this is a relatively newly built building (circa 2017), the second floor premises being approximately 3,500 sq. ft., the Applicant being one of the principals in the prior business at this location, CL&Y LLC dba Da Long Yi Hot Pot SN# 1320757 which was heard for a Restaurant Wine license in November/2018 by CB2, Man., the method of operation of the instant application being the same, prior to that the premises having been previously unlicensed, there being a public assembly permit (#M00118056-II-PA issued 5/16/2019) in place but no current certificate of occupancy to operate in the manner requested, the temporary certificate of occupancy listed having expired 05/02/2021; and
- iii. **Whereas**, the premises to be licensed will have 21 tables with 87 table seats, no bars, with an ordering counter without seats for a total patron seat capacity of 87 patrons, 3 TVs (up to 50" each), background music only, there will be one (1) entrance/exit for patrons on Canal Street, all other egress will be for emergency egress only, there will be two (2) patron bathrooms and a full service kitchen; and
- iv. **Whereas**, the hours of operation will be from 12 PM to 12 AM Saturdays through Sundays (7 days a week), music will be background only, all facades will be fixed and there will be no operable doors or windows, no DJs, no promoted events, live music or TV's, no sidewalk café or other outdoor areas for the service of alcohol; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the Method of Operation of the NYSLA Restaurant Wine license, with those stipulations with respect to the premises, as follows:
  - 1. Will operate a full service restaurant, specifically a Chinese hot-pot restaurant with the kitchen open and full menu items available until one hour prior to closing every night.
  - 2. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
  - 3. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the temporary Open Restaurants program
  - 4. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
  - 5. Will have no more than 3 televisions no larger than 50" (There will be no projectors).
  - 6. Will close all doors and windows at 10 PM every night, allowing only for patron ingress and egress.
  - 7. Entrance/egress for all patrons will be on Canal Street only.
  - 8. Will not install French doors, operable windows or open facades.
  - 9. Will not make changes to the existing façade except to change signage or awning.
  - 10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
  - 11. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
  - 12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.

13. The premises will not have dancing, DJs, live music, promoted events, any event where a cover fee is charged, any scheduled performances, velvet ropes or metal barricades or security personnel.
14. Will not change principals prior to submission of original application to the NYSLA.
15. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
16. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

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

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a Restaurant Wine License in the name of **DLYCanal LLC dba Da Long Yi Hot Pot, 159 Canal St, Suite 200 10013**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

**Vote:** Unanimous, 43 Board Members in favor.

**4. Blue Stripes 13th Street LLC dba Blue Stripes, 28 E 13th St 10003** (New TW-Bar/Tavern)  
*(previously unlicensed)*

**i. Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a new Tavern Wine License to operate a coffee shop and wine bar on the ground floor of a C6-1-zoned, four (4)-story mixed-use building (c. 1899) on East 13th Street between University Place and Fifth Avenue (Block #570/Lot #19); and

**ii. Whereas**, the storefront premises is approximately 930 sq. ft. (approximately 630 sq. ft. on the ground floor and 300 sq. ft. in the cellar, the cellar being accessed via an internal staircase with no patron use of the cellar); there are approximately 11 tables with 35 seats and one food counter with no seats for a total interior seated occupancy of 35 persons; there is no full service kitchen; the premises has one (1) door which will serve as patron ingress and egress and one (1) bathroom; 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 8 AM to 12 AM Sundays through Saturdays (7 days a week); music will be ambient recorded background music only with the exception of Fridays and Saturdays when there may be live, acoustic (unamplified) music between the hours of 6 PM and 10 PM, musicians will be located in the rear of the premises consisting of not more than three (3) musician.; there will be no: dancing, DJs, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers or security personnel; there is sidewalk seating consisting of no more than four (4) tables and eight (8) patron seats, all service of alcohol to the sidewalk will be by wait staff, the outdoor seating closing at 10 PM nightly; and

**iv. Whereas**, the premises to be licensed has been operating since approximately 2018 as a coffee bar specializing in food and beverage revolving around the cacao fruit and its health and wellness benefits with a low-key atmosphere, the instant application being to expand the current menu to offer tapas and

charcuterie in addition to wine and beer into the evening hours while keeping the same atmosphere; and

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

1. Premises will be advertised and operated as a coffee shop / beer and wine bar with a limited food menu with less than a full-service kitchen but will serve food during all hours of operation.
2. The hours of operation will be from 8 PM to 12 PM Sundays through Saturdays (7 days a week). No patrons will remain after stated closing time.
3. Will not operate as a Lounge or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not operate a backyard garden or any outdoor area for commercial purposes except for certified sidewalk café operating under the temporary Open Restaurants program located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than four (4) tables and eight (8) patron seats. No roadbed seating.
5. All outdoor seating will close no later than 10 PM. All tables and chairs from the sidewalk will be removed at this hour. No exterior music, speakers or TVs. No roadbed seating.
6. All alcohol service to the exterior seats will be by wait staff to seated patrons in the sidewalk café area only.
7. A-frame signs (sandwich boards) will be kept within 3' of the building line as per NYC Sidewalk Usage Guidelines.
8. Will play quiet ambient recorded background music only with the exception of Fridays and Saturdays when there may be live, acoustic (unamplified) music between the hours of 6 PM and 10 PM. Musicians will be located in the rear of the premises consisting of not more than three (3) musicians. No music will be audible in any adjacent residences at any time.
9. All alcohol service to the exterior sidewalk seats will be by wait staff to seated patrons only.
10. Will not have televisions.
11. Will close all doors and windows at all times, allowing only for patron ingress and egress
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 keep current at all times required Permits and Certificates.
15. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
16. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
17. Will not have any of the following: dancing, DJs, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
18. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
19. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

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

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Tavern Wine License in the name of **Blue Stripes 13th Street LLC d/b/a Blue Stripes, 28 E 13th St 10003** **unless** the statements presented by the Applicant are accurate and complete and that the conditions agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

**Vote:** Unanimous, 43 Board Members in favor.

**5. Host on Howard LLC dba Host on Howard, 21 Howard St 10013 (RW-Catering Facility)**

- i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a new Restaurant Wine Catering License to operate a wholesale fixture showroom and catering event space on the ground floor of a M1-5/R9x zoned, six (6)-story commercial building (c. 1857) on Howard Street between Lafayette and Crosby Streets (Block #209/Lot #28) the building falling within NYC LPC’s designated SoHo-Cast Iron Historic District Extension and the Special SoHo-NoHo Mixed Use District; and
- ii. **Whereas**, the ground floor storefront premises is approximately 2,300 sq. ft. (the approximately 1,600 sq. ft. ground floor showroom/event space is connected via an interior stairway to the 700 sq. ft. cellar with no patron use of the cellar); the seating will vary per event with a total maximum occupancy of 60 persons, there is one (1) bar with approximately 7 (seven) seats; the premises has one (1) door on Howard Street which will serve as patron ingress and egress and one (1) patron bathroom; 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 (7 days a week); there will be no sidewalk café or roadbed dining; music will be quiet background only inclusive of private events consisting of music from iPod/CDs/streaming; there will be no dancing, DJs, live music, promoted events, scheduled performances or cover fees, velvet ropes or movable barriers or security; and
- iv. **Whereas**, the premises to be licensed was previously a retail store, the method of operation for the instant application will be as an appointment/invitation-only commercial showroom for the new lighting and furniture business the Applicant is a partner in, as well as a catering event space to host events for the showroom as well as for other persons; there is a prep kitchen capable of providing food and service for not less than 50 persons but not a full kitchen; there is a bar as part of the showroom but there will be no service of alcohol from the bar in the course of daily showroom operations, the bar may be used during events; concerns were raised regarding traffic due to for-hire vehicles should events occur on a frequent basis, the Applicant stating there would not be more than four (4) events per month consisting of not more than 50 persons; 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 Restaurant Wine Catering License, with those stipulations as follows:
  - 1. Premises will be advertised and operated as an appointment/invitation-only Wholesale Fixture Showroom and Catering Event Space.

2. The hours of operation will be 12 PM to 12 AM Saturdays through Sundays (7 days a week). No patrons will remain after stated closing time.
3. Will have not more than four (4) events per month consisting of not more than 50 person.
4. Will ensure there is suitable and adequate facilities and accommodations to provide food and service for not less than 50 persons at any one function including a full electric prep kitchen and prep area in the basement.
5. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
6. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
7. Will not have televisions.
8. Will close all doors and windows at all times, allowing only for patron ingress and egress.
9. Will ensure premises cellar doorway to larger cellar area of building is an alarmed door to prevent employee access aside from in case of emergency.
10. Will not have patron occupancy/service to any portion of the basement of licensed premises.
11. Bar area will be used for showroom purposes only without alcohol storage outside of any private catered events which include food and alcohol.
12. Will not install any 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 keep current at all times required Permits and Certificates.
15. Will provide a Letter of No Objection or Certificate of Occupancy permitting a catering establishment and commercial wholesale showroom for store front premises proposed to be licensed (21 Howard) prior to opening.
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 not change principals provided to CB2 prior to submission of original application to the NYSLA.
18. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
19. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

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

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine Catering License in the name of **Host on Howard LLC dba Host on Howard, 21 Howard St 10013**, **unless** the statements presented by the Applicant are accurate and complete and that the conditions agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

**Vote:** Unanimous, 43 Board Members in favor.

**6. Bowery Bungalow NYC LLC d/b/a Bowery Bungalow, 359 West Broadway aka 495 Broome St 10013 (OP-Restaurant)**

- i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate a modern Middle East and Mediterranean restaurant on the ground floor of a M1-5/Rx7-zoned, 7 (seven)-story mixed-use building (c. 1896, altered 1983, 2006) on Broome Street Howard Street between West Broadway and Wooster Street (Block #475/Lot #14) 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 ground floor premises is approximately 3,827 sq. ft. consisting of 2,002 sq. ft. on the ground floor and 1,825 sq. ft. in the cellar, the two floors connected by an interior stairway in addition to a sidewalk hatch on West Broadway with no patron use of the cellar; there will be approximately 28 tables and 106 seats and one (1) bar with 14–16 seats for a total seated patron occupancy of 122 and maximum occupancy of 130 persons; the premises has one (1) door on Broome Street which will serve as the main door for patron ingress and egress, one (1) additional door for emergency exit on West Broadway and staff access to cellar sidewalk hatch and three (3) patron bathrooms; and
- iii. **Whereas**, the hours of operation will be from 10 AM to 12 AM Sundays through Saturdays (7 days a week); music will be quiet background music only; there will be no: dancing, DJs, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers or security personnel; there are operable windows on Broome Street that will be kept closed at all times; there is no sidewalk café or roadbed seating or other exterior area for the service of alcohol; and
- iv. **Whereas**, the premises to be licensed was previously licensed under The Cupping Room Café (SN#1025379) which had been a fixture of the neighborhood from 1977 to 2020; and
- v. **Whereas**, the Applicant, a native New Yorker, owns a number of restaurants in the Los Angeles area including one with the same DBA name as the instant application, the New York version will be operating in a similar manner albeit with some menu changes to take advantage of East Coast local ingredients; the interior of the premises undergoing significant upgrades including enhancements for ADA accessibility, there being a number of violations on the building itself with DOB, the previous restaurant operating with temporary Certificate of Occupancy permits, there never having been a final Certificate of Occupancy issued, the Applicant explaining there is a plan with the landlord for fixing the violations and obtaining a final Certificate of Occupancy; and
- vi. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that public interest and public convenience would be served by the granting of a liquor license at this location, where there already is a significant number of licensed establishments in the immediate area, there being 41 active licensed premises within 750 feet of the subject premises, in addition to 8 pending licenses, the Applicant having reasonable closing hours with background music only, with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and
- vii. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Liquor License, with those stipulations as follows:
  1. Premises will be advertised and operated as a modern Middle Eastern and Mediterranean restaurant with the kitchen open and full menu items available until closing every night.

2. The hours of operation will be 10 AM to 12 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 operating under the temporary Open Restaurants program.
5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
6. Will not have televisions.
7. Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
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 make changes to the existing façade except to change signage or awning.
11. 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.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
14. Will 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 doorman or security personnel.
15. Will not change principals prior to submission of original application to the NYSLA.
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 permanent sidewalk or roadbed seating.

**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 **Bowery Bungalow NYC LLC d/b/a Bowery Bungalow, 359 West Broadway aka 495 Broome St 10013** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

**Vote:** Unanimous, 43 Board Members in favor.

7. **Wolf of 6th Ave LLC d/b/a Balkan StrEAT, 353 6th Ave 10014** (New Restaurant Wine) (*previously unlicensed*) (renotification)
  - i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing #1 via video conference to present an application to the NYS Liquor Authority for a new Restaurant Wine License to operate a restaurant specializing in the street food from the Balkan region of southeastern Europe on the ground floor of a R7-2/C1-5 overlay-zoned, four (4)-story mixed-use building (c. 1829) on Sixth Avenue between West 4<sup>th</sup> Street and Washington Place (Block #592/Lot #22); and

- ii. **Whereas**, the Applicant will operate a fast-casual full-service restaurant with a total interior premises of approximately 1,908 sq. ft. comprised of a ground floor of approximately 1,400 sq. ft. that is connected by an interior staircase to a basement (for use by employees only) of approximately 508 sq. ft.; there will be a total of 22 patron seats, comprised of 6 tables with 14 seats and 1 stand-up bar with no (0) seats, for a total of 14 interior seats, and a sidewalk café (operated under the temporary Outdoor Restaurants program) with an additional 2 (two) tables and 8 (eight) seats; the premises has 1 (one) entrance/exit and 1 (one) bathroom; and
- iii. **Whereas**, the agreed-to hours of operation will be 11 AM to 11 PM Mondays through Thursdays, 11 AM to 1 AM on Fridays and Saturdays, and 10 AM to 11 PM on Sundays; music will be quiet recorded background only; there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; the sidewalk café will close by 11 PM every night and there will be no roadbed dining; and
- iv. **Whereas**, the Applicant is seeking a Restaurant Wine License for a premises located approximately 160 sq. ft. from a house of worship and is aware that it will be barred from upgrading to an On-Premises Liquor License in the future; and
- v. **Whereas**, the Applicant first appeared before CB2, Manhattan with this same application for a restaurant wine license in September/2021 where the full board unanimously recommended approval with signed stipulations (<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2021/10/09-September-2021-FB-Minutes.pdf>), the Applicant then unable to move forward with their prior application at the NYSLA due to issues with the gas line, the gas line issues now resolved, the Applicant providing a new 30-day notice and returned to CB2, Man. re-affirming that there has been no change in principals and there will be no change in the method of operation, the premises having opened in January/2023 without the service of alcohol; and
- vi. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Liquor License, with those stipulations as follows:
  - 1. Premises will be advertised and operated as a fast-casual restaurant specializing in Balkan/Southeast European food with the kitchen open and all menu items available until closing every night.
  - 2. The hours of operation will be 11 AM to 11 PM Mondays through Thursdays, 11 AM to 1 AM on Fridays and Saturdays, and 10 AM to 11 PM on Sundays.
  - 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 other outdoor area for commercial purposes except for certified sidewalk café operating under the temporary Outdoor Restaurants program located immediately adjacent to storefront with no more than 2 tables and 8 patron seats. No roadbed seating.
  - 5. Sidewalk café will close by 11 PM every night. All tables and chairs will be removed at closing. No exterior music/speakers.
  - 6. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences anytime.
  - 7. Will not have televisions.
  - 8. Will not install or have French doors, operable windows or open facades.
  - 9. Will close all doors and windows by 10 PM every evening.

10. No patron occupancy/service to any portion of basement to licensed premises.
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, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades or doorman or security personnel.
16. Will not change any principals prior to submission of original application to SLA
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 permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for an Restaurant Wine License in the name of **Wolf of 6th Ave LLC d/b/a Balkan StrEAT, 353 6th 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 NYSLA Liquor License.

**Vote:** Unanimous, 43 Board Members in favor.

8. **357WBroadway, LLC dba The Residence + Cavi-AIR Café, 357 W. Broadway 10013, Grnd., 2<sup>nd</sup> & 3<sup>rd</sup> Flrs.** (New On-Premises–Restaurant) (*previously unlicensed*)
  - i. **Whereas**, the Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a restaurant, deli goods alimentari and caviar and champagne lounge on three floors of a M1-5/R7X-zoned, three (3)-story commercial building (c. 1830, altered 2013) on West Broadway between Broome and Grand Streets (Block #475/Lot #10), 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 full building has been undergoing a renovation to expand the previously ground floor-only restaurant to the 2<sup>nd</sup> and 3<sup>rd</sup> floor, roof and rear yard; the interior premises is approximately 1,599 sq. ft. on the ground floor, 1,209 sq. ft. on the second floor and 670 sq. ft. on the third floor, the renovation also consisting of the addition of an exterior rooftop area of approximately 609 sq. ft. on the third floor; the interior premises being connected by two staircases, one in the front part of the premises and another in the middle rear of the premises which also leads to the exterior third floor rooftop; and
  - iii. **Whereas**, the proposed method of operation varies between floors; the ground floor will function as a full-service restaurant with weekly rotating guests chefs, there will be eight (8) tables with twenty eight (28) seats, one (1) counter with three (3) seats and one (1) bar with eight (8) seats for a total of thirty nine (39) seats on the ground floor; the 2<sup>nd</sup> floor will function as a deli goods alimentari as well as caviar for tasting and/or purchase, there will be one banquet with three (3) tables and ten (10) seats and

one bar/island with eight (8) seats for a total of eighteen (18) seats on the 2<sup>nd</sup> floor; the 3<sup>rd</sup> floor will be an intimate caviar, champagne and cocktail lounge, there will be two (2) tables with eight (8) seats, a large banquet with five (5) tables and twelve (12) seats and one (1) bar with eight (8) seats for a total of twenty eight (28) seats on the 3<sup>rd</sup> floor interior, the floor plans indicating an additional 28 seats on the exterior rooftop; the provided questionnaire listing the total overall number of seats in the premises to be 136; there are two (2) doorways serving as both patron ingress and egress, there is one (1) bathroom on each floor for a total of three (3) bathrooms; there is a kitchen on both the ground and 2<sup>nd</sup> floors; and

- iv. **Whereas**, the Applicant appeared before CB2, Man. in July/2021 for an On-Premises Restaurant liquor license at this location with the exact same method of operation as the instant application, after meeting with a local block association (West Broadway Block Association) the Applicant agreed to a number of stipulations including but not limited to that there would be no open rooftop bar or use of the rooftop, there would be no live music and/or DJs, the hours of operation would be from 12 PM to 12 AM Sundays through Saturdays (7 days a week) with last call being at 11 PM Saturdays through Sundays (seven days a week); at the time the Applicant also held a Restaurant Wine license at another location in CB2, Man. (Badhair LLC SN#1315500, still active) at 43 MacDougal Street, where she had been operating in derogation of her stipulation agreements, the application in July/2021 being subject to the 500 foot rule requiring the Applicant to satisfy the public interest standard for adding another licensed establishment in this area, the area being saturated with licensed establishments (40 active licensed establishments and 5 pending within 750'), there having been real concerns raised about possible outdoor rooftop use, despite any stipulations agreements that might have been entered into, based on the past history of the Applicant blatantly disregarding stipulations agreements, CB2, Man. unanimously recommending denial of the On-Premises liquor license application; the Applicant returning to CB2, Man. in October/2022 with the same method of operation but for a Restaurant Wine license which does not have the public interest standard that the On-Premises license had, the Applicant signing a stipulation agreement with CB2, Man. with one of those stipulations being that she would return to CB2, Man. to address the issues regarding the method of operation for Badhair LLC, SN#1315500, located at 43 MacDougal St., CB2, Man. therefore recommending approval of the Restaurant Wine license; the Applicant being one of the principals on the transfer application of the Restaurant Wine license for Badhair LLC that came before CB2, Man. in April/2023, the new managing principal appearing and presenting a different method of operation than what currently existed at that location, the new method being of an Italian restaurant operating as one DBA on the ground floor and cellar level with reasonable hours, CB2, Man. unanimously recommending approval of that license dependent on the Applicant signing stipulations, those stipulations being incorporated into the method of operation of the new Restaurant Wine license (<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2023/04/04-April-2023-SLA-Resolutions.pdf>); and
- v. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that public interest and public convenience would be served by the granting of a liquor license at this location, where there already is a significant number of licensed establishments in the immediate area, there being 40 active licensed premises within 750 feet of the subject premises, in addition to 10 pending licenses, the Applicant taking steps to bring the method of operation at 43 MacDougal Street into alignment with agreed-upon stipulations, the instant application having reasonable closing hours, with the agreed upon stipulations being reasonable and including those made with the West Broadway Block Association originally, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

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

1. Premises will be advertised and operated as a seated pre-fixe dinner restaurant with weekly rotating guest chefs on the first floor, a deli goods market as well as caviar for tasting and/or purchase on the second floor and an intimate caviar and champagne lounge on the third floor.
2. The hours of operation will be 12:00 PM to 12:00 AM Sundays through Saturdays (7 days a week) with last call at 11:00 PM nightly. No patrons will remain after stated closing time.
3. Will operate a full-service restaurant on the first floor, specifically a seated dinner series with rotating chefs serving a prefixed menu and deli goods, caviar and a more limited menu on the second and third floors with the kitchen open and full menu items available until closing every night.
4. Will not operate a backyard garden or other outdoor area for commercial purposes including the adjacent third floor rooftop in addition to any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
6. Will not have televisions.
7. Will close all doors and windows at all times, allowing only for patron ingress and egress.
8. Will not install or have French doors, operable windows or open facades.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will 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.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
14. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, or velvet ropes or barricades.
15. Will appear before CB2, Manhattan prior to submitting changes to any stipulation agreed to herein.
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 new On-Premises Restaurant Liquor License in the name of **357WBroadway, LLC dba The Residence + Cavi-AIR Café, 357 W. Broadway 10013, Grnd., 2<sup>nd</sup> & 3<sup>rd</sup> Flrs., unless the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Restaurant Wine License. **Vote:** Unanimous, 43 Board Members in favor.**

9. **Sunset Select Inc. dba TBD, 173 Elizabeth St 10012 (OP-Restaurant) (previously unlicensed)**

- i. **Whereas**, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a full-service restaurant with a small, rotating chef's menu on the ground floor of a C6-2-zoned, five (5)-story tenement style building (c. 1900) on Elizabeth Street between Spring and Kenmare Streets (Block #479/Lot #21), the building falling within the Special Little Italy District; and
- ii. **Whereas**, the ground floor premises is approximately 300 sq. ft.; there will be six (6) tables and 20 seats and one (1) bar with four (4) seats for a total seated patron occupancy of 24; the premises has one (1) door which will serve as patron ingress and egress and one (1) bathroom, the kitchen being all electric, 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 11 AM to 11 PM Sundays, 5 PM to 11 PM Mondays through Wednesdays and 5 PM to 12 AM Thursdays and Fridays and 11 AM to 12 AM Saturdays; music will be quiet background music only; there will be no: dancing, DJs, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers or security personnel; there will be no sidewalk café or roadbed seating operating under the temporary Open Restaurants program; and
- iv. **Whereas**, the Applicant is the sole principal of 14 Spring Café LLC dba RinTinTin (OP SN# 1270562) located next door in the same building with the address of 14 Spring St. that has been at the location since approximately 2013, local residents spoke about the disruption to their quality of life due to the noise from the open French doors and the extensive sidewalk café located on both Spring and Elizabeth Streets with seating expanding into the required 8' clear path, in addition to a roadbed shed that extends past the restaurant blocking the residential entryway, concerns were raised that the instant application will not run independently of the adjacent restaurant, that the instant application may operate as a lounge for patrons of RinTinTin either before or after their meals there and additionally that the area is already over-saturated with liquor licenses; and
- v. **Whereas**, the premises to be licensed was previously unlicensed and had been a pop-up boutique and retail store; and
- vi. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that public interest and public convenience would be served by the granting of a liquor license at this location, where there already is a significant number of licensed establishments in the immediate area, there being 93 active licensed premises within 750 feet of the subject premises, in addition to 9 pending licenses, the Applicant working with the community and agreeing to have closing hours of midnight Thursdays through Saturdays with background music only with all doors and windows remaining fixed, that there will be no outdoor seating at this location now or in the future, that the Applicant will remain knowledgeable of and abide by all rules and regulations at all times pertaining to outdoor dining and will operate the outdoor dining for 14 Spring St Café in compliance with all NYC outdoor dining regulations; with the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and
- vii. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Restaurant Liquor License, with those stipulations as follows:

1. Premises will be advertised and operated as a full-service restaurant with a small, rotating chef's menu with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 11 AM to 11 PM Sundays, 5 PM to 11 PM Mondays through Wednesdays and 5 PM to 12 AM Thursdays and Fridays and 11 AM to 12 AM 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 including any sidewalk café and/or roadbed seating for commercial purposes now or in the future.
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 close all doors and windows at all times, allowing only for patron ingress and egress.
8. Will not install or have French doors, operable windows or open facades.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
11. 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.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
13. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
14. Will 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 doorman or security personnel.
15. Will not change principals prior to submission of original application to the NYSLA.
16. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
17. Being the sole principal of Sunset Select Inc at 173 Elizabeth St and also sole principal of 14 Spring Street Café LLC dba RinTinTin (OP SN# 1270562) located next door in the same building with the address of 14 Spring St. affirm that the two businesses will be operated completely independently without any overlap or interconnect, and that as part of creating public interest for the issuance of a new on-premise liquor license where none has previously existed at 173 Elizabeth St. affirm in response to significant community opposition that I will remain knowledgeable on all rules and regulations at all times pertaining to outdoor dining and will, while a principal of 14 Spring Street Café Inc., operate my outdoor dining for 14 Spring Street Café LLC in complete and absolute compliance with all NYC outdoor dining regulations including no seating in amenity zones, no outdoor host stands, will maintain proper clearance from all cross walks, and will not have seating outside of any clearly designated roadway areas (ie only within existing barriers) and will maintain an 8' clear path on the side walk at all times.

**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 **Sunset Select Inc. dba TBD, 173 Elizabeth 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.

**Vote:** Unanimous, 43 Board Members in favor.

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

**10. Sum Yung Gai LLC dba Char'd, 17 E 13th St 10003 (OP) (Corporate Change) (Change in Method of Operation) (Alteration Application)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/2023 and will resubmit the applications 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 **Sum Yung Gai LLC dba Char'd, 17 E 13th 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, 43 Board Members in favor.

**11. Pro Action Holdings Ltd, 195 Spring St 10012 (OP-Restaurant) (Change in Method of Operation – Increase outdoor seating)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 6, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Pro Action Holdings Ltd, 195 Spring St 10012 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**12. Melda Comedy LLC, dba Greenwich Village Comedy Club, 99 MacDougal St. lower level 10012 (OP-Bar/Tavern) (Change in Method of Operation)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **Melda Comedy LLC, dba Greenwich Village Comedy Club, 99 MacDougal St. lower level 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, 43 Board Members in favor.

**13. 219 Mulberry LLC dba Ruby's, 219B Mulberry St 10012 (RW) (Change in Method of Operation – adding cellar use as storage and a kitchen) (DOT Open Restaurant Program – roadway)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **219 Mulberry LLC dba Ruby's, 219B Mulberry St 10012 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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, 43 Board Members in favor.

**14. Italia Like Locals Inc, 171 Canal St 3rd Fl 10013 (Catering Establishment – Wine, Beer, Cider)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **Italia Like Locals Inc, 171 Canal St 3rd Fl 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, 43 Board Members in favor.

**15. Babak Khorrami, 29 Kenmare St 10012 (OP–Restaurant) (previously unlicensed)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **Babak Khorrami, 29 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, 43 Board Members in favor.

**16. Entity to be formed by 224 Lafayette St, 224 Lafayette St 10012 (OP–Restaurant) (DOT Open Restaurant Program – sidewalk)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 224 Lafayette St, 224 Lafayette St 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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, 43 Board Members in favor.

**17. Entity to be formed by Cristian Macancela dba The Original Benito One, 174 Mulberry St 10013 (OP–Restaurant) (DOT Open Restaurant Program – sidewalk, covered structure)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 6, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Entity to be formed by Cristian Macancela dba The Original Benito One, 174 Mulberry St 10013** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**18. Uchi New York 206-210 Elizabeth Street fka Entity to be formed by Todd D. Reppert, 204-206 Elizabeth St 10012 (OP–Restaurant) (Courtyard) (previously unlicensed)**

**Whereas**, at this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **Uchi New York 206-210 Elizabeth Street fka Entity to be formed by Todd D. Reppert, 204-206 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, 43 Board Members in favor.

**19. Westside Museum LLC, 427 Broadway 10013 (OP–Restaurant)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 6, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Westside Museum LLC, 427 Broadway 10013** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**20. Astor Entertainment LLC, 163 Bleecker St 10012 (OP–Restaurant) (Live Music-Entertainment Level) (Scheduled Performances, Promoted Events)**

**Whereas**, at this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **Astor Entertainment LLC, 163 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, 43 Board Members in favor.

**21. Entity to be formed by John McDonald, 65 Bleecker St 10012 (OP-Restaurant)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 6, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Entity to be formed by John McDonald, 65 Bleecker St 10012** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**22. Aime Leon Dore Soho LLC d/b/a Aime Leon Dore, 214 Mulberry St 10012 (OP-Bar/Tavern)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **Aime Leon Dore Soho LLC d/b/a Aime Leon Dore, 214 Mulberry St 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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, 43 Board Members in favor.

**23. Davida I Inc dba Marchellino, 178 Mulberry St 10013 (OP-Restaurant)**

**Whereas**, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on June 6, 2023, the Applicant requested **to lay over** this application to July/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 **Davida I Inc dba Marchellino, 178 Mulberry St 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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, 43 Board Members in favor.

**24. Bleecker Street Pizza Corp d/b/a Bleecker Street Pizza, 69 71 7th Ave S 10014 (RW)**

- i. Whereas**, the Applicants and the Applicants' attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for a Corporate Change on the existing Restaurant Wine License for a Pizzeria Restaurant in a ground floor storefront located in a 1-story 1900 commercial building on Seventh Avenue South between Bleecker and Barrow Streets in the Greenwich Village Historic District; and,

- ii. **Whereas**, the current license holder has operated the premises for the last four years, and now seeks to transfer ownership to her two daughters, and said daughters have been managing the premises for most of the last four years; and,
- iii. **Whereas**, the premises to be transferred has operated as Bleecker Street Pizza for over 4 years under its current owner, and is roughly 1000 sq. ft.; with 16 tables with 32 seats and one (1) stand-up bar with no (0) seats, and has a sidewalk café located immediately adjacent to the storefront frontage which is approximately 70 sq. ft., and has two (2) tables and four (4) seats; and there is a kitchen and two patron bathrooms, the storefront infill is fixed and there are no operable French doors or windows, and 2 entrances on Seventh Avenue South; and,
- iv. **Whereas**, the Applicant's hours of operation will remain Sunday to Wednesday from 10:00 AM to 1:00 AM, and Thursday to Saturday from 10:00 AM to 2:00 AM; music is quiet recorded background only; there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, and no television, doors are closed at 10:00 PM allowing only for patron ingress and egress, the sidewalk café hours are 10:00 AM to 10:00 PM, and include waitstaff for service of alcohol as required by SLA regulations, and there is no roadbed seating included in this application; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the "Method of Operation" of the Restaurant Wine Liquor License, with those stipulations as follows:
  - 1. Premise will be advertised and operated as a Pizzeria.
  - 2. Hours of operation: Sunday to Wednesday from 10:00 AM to 1:00 AM, and Thursday to Saturday from 10:00 AM to 2:00 AM. (Premises will open no later than stated opening time and **NO** patrons will remain after stated closing time.)
  - 3. Will operate a full-service restaurant, specifically a Pizzeria, with the kitchen open and full menu items available until closing every night.
  - 4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
  - 5. Will not operate a backyard garden or any outdoor area for commercial purposes except for certified sidewalk café operating under the temporary Open Restaurants program located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 2 tables and 4 patron seats. No roadbed seating.
  - 6. All outdoor seating will close no later than 11:00 PM. All tables and chairs will be removed at this hour. No exterior music, speakers, or TVs. No roadbed seating.
  - 7. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
  - 8. Will not have televisions.
  - 9. Will close all doors and windows at 10PM every night, and anytime there is live music, amplified music or DJ.
  - 10. allowing only for patron ingress and egress.
  - 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: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/doorman.
16. Will not change principals 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 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 **Bleecker Street Pizza Corp d/b/a Bleecker Street Pizza, 69 71 7th Ave S 10014** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant Wine License.

**Vote:** Unanimous, 43 Board Members in favor.

**25. The Whitney Museum of American Art and Hudson Yards Catering LLC d/b/a Whitney Museum; Whitney Café; Studio Bar, 99 Gansevoort St 10014 (OP-Restaurant)**

- i. **Whereas**, the Applicant and the Applicant’s representatives appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a Corporate Change, changes to the Method of Operation involving seating and hours, and alterations involving renovations of the interiors, for their licensed spaces on the ground floor and the 8<sup>th</sup> floor of the museum, a 2011 public facility building on Gansevoort Street between Washington Street and Tenth Avenue/West Street; and,
- ii. **Whereas**, the licensee seeks a corporate change to add additional principals to the license, including members from Galactus Group, LLC dba Frenchette Bakery, a catering and events provider; and,
- iii. **Whereas**, the Applicant further seeks the following changes to the licensed restaurant on the ground floor: Custom wooden shelving behind the bar, and on countertops for food and bottle display and storage; custom lighting fixtures and art installation; new seating and furniture in a new layout; and, reduction of patron seating in the interior of the restaurant space by 30, resulting in 58 patron seats, including eliminating all bar seats, and expanding seating in the restaurant’s exterior space by 4, resulting in 56 patron seats, and opening the restaurant (interior and exterior spaces) 1 hour earlier at 8:00 AM daily, with no change to the current stipulated closing hours of 12:00 AM Sunday through Thursday and 1:00 AM Friday and Saturday for the interior, with the exterior spaces opening at the same time but closing 1 hour earlier than the interior, advertised/posted restaurant closing hours will remain 2 hours earlier than the stipulated closing hours above; and,
- iv. **Whereas**, the Applicant further seeks the following changes to the licensed café on the 8<sup>th</sup> floor: redesigned shelving with added lighting and storage, new tables, chairs and banquettes, at varying heights: high top tables with stools, dining table height with banquette seating and lower lounge style seats with accompanying tables; and, reduction of patron table seating by 4, resulting in 62

seats, expansion of bar seating by 2, resulting in 12 bar seats and overall interior patron seating for 74, and reducing patron seating on the exterior terrace by 20, resulting in 32 exterior seats, and increasing interior closing hours to 12:00 AM Sunday to Thursday and 1:00 AM Friday & Saturday from the current stipulated hours of 6:00 pm and 9:30 respectively, with no change to the current daily opening time of 10:30 AM, and exterior hours will remain 10:30 AM to 6:00 PM Sunday to Thursdays and 10:30 AM to 9:30 PM Fridays & Saturdays, and the Applicant will return to the Community Board should they decide to seek a change in the exterior hours on the 8<sup>th</sup> Floor café terrace, and other stipulations and representatives remain unchanged; and,

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

1. **Restaurant and Café Hours of Operation:**

**Ground Floor Restaurant**

*Interior Space* – 58 seats, 0 (zero) bar seats:

Posted Operating Hours will include soft closing hours – no reservations will be accepted after posted soft closing hours and no patrons without reservations will be seated after posted soft closing hours — Sunday to Thursday at 10:00pm and Friday to Saturday at 11:00pm.

Hard Operating Hours – No Patrons shall remain after closing hour or be seated prior to opening hour: Sunday to Thursday from 8:00am to 12:00am, Friday and Saturday from 8:00am to 1:00am.

*Exterior space* — 56 outdoor seats:

Soft and Hard Operating Hours: will open at same time and close one hour earlier than the interior restaurant. Tables and chairs shall be removed at those closing times. Stanchions will be placed around the adjacent exterior space for the restaurant on the ground floor and entry will be from a fixed point which will be managed by a staff member and patrons will be seated at specific tables. A waitlist will be maintained as necessary and if needed will be managed with electronic notifications. At no time will there be more patrons in the adjacent exterior space to the ground floor restaurant than there are patron seats in the ground floor area — there will be no standing patrons drinking any beverages without an available seat.

**8th Floor Café and Adjoining Exterior Terrace**

62 indoor seats, 12 bar seats, 32 outdoor seats:

The indoor café will be operated with hard operating hours of Sunday to Thursday from 10:30am to 12:00am and Friday and Saturday from 10:30am to 1:00am. The exterior terrace will be operated with hard operating hours of Sunday to Thursday from 10:30am to 6:00pm and Friday and Saturday from 10:30am to 9:30pm. At the closing time, no patrons or guests shall remain in those areas.

2. In the interior of the Ground Floor Restaurant and the 8th Floor Café, there will be quiet background music only; there will be no DJ, no live music, no dancing, and no scheduled performances. There will be no music or amplified sound in the exterior spaces of the Ground Floor Restaurant and the 8th Floor Café at any time. Any sound or music from the interior of the Ground Floor Restaurant or 8th Floor Café will not be heard in the adjoining exterior space.
3. Any Windows, Doors or French Doors adjoining the cafe, bar, or dining areas will be closed no later than 10:00pm (remain in a fixed closed position except for ingress and egress).

4. For all parties or events held on any of the museum's exterior spaces, no music or amplified sound will be permitted. However, there may be up to 6 special events per calendar year identified well in advance with exterior music or amplified sound that may be held only on the 5th floor terrace. The volume at which any music or amplified sound is utilized for those 6 events must conform to the limits described in #5 below and all such parties and events will end by 11:00pm with all patrons and guests having left the 5th floor terrace at 11:00pm. Those 6 exceptions for music or amplified sound on the 5th floor terrace must be identified well in advance and made known to any local residents who request to be notified at least 2 weeks in advance (email notice is acceptable) and to the 6th Precinct and CB2.
5. For all exterior art or programmatic activity, the Whitney will ensure that at no time will sound levels exceed 10db (7db after 10pm) over the ambient noise level when measured using both A-weighted and C-Weighted decibel scales. [From January/2017 forward, should there be complaints and after meeting with and at the request of CB2 regarding those complaints, the Whitney would resume at CB2's request for all exterior art or programmatic activity to monitor and gather accurate db readings at frequencies down to 25hz will ensure that at no time will sound levels exceed 10db (7db after 10pm) over the ambient noise level when measured using both A-weighted and C-Weighted decibel scales. These measurements will be taken 15 feet away from, and at the same height as, the railings which mark the boundaries of the space where the music is being played.] Sub-woofers will not be installed. All individuals, artists or companies responsible for any aspect of music or amplified sound or any sound affiliated with exterior art or programmatic activity in exterior areas will be made aware of these requirements and a specific individual shall be identified for ensuring compliance during all times of operation. That individual may be an employee of the Whitney. The Whitney and the Community will revisit these sound limits as necessary should residents or the museum be experiencing any sound related issues. All exterior art or programmatic activity involving music or amplified sound or other sound will finish by 11:00pm with 6 exceptions allowed per year.
6. The Whitney agrees to revisit any DOT related issues as necessary to mitigate traffic impacts.
7. The Whitney will station one or more properly attired and well identified traffic management agents outside the Museum during any events that are expected to draw unusually high numbers of vehicles, especially taxis and for hire vehicles, to help insure that Gansevoort Street and 10th Avenue adjoining the Museum do not at any time become blocked or obstructed by double-parked or standing vehicles.
8. All parties and special events in any of the interior areas of the Museum will end by midnight with all patrons and guests having left at that time. There may be up to 6 exceptions per year for special events lasting until 2:00am in the interior areas of the museum only. Those 6 exceptions must be identified well in advance and made known to any local residents who request to be notified at least 2 weeks in advance (email notice is acceptable) and to the 6th Precinct and CB2. At 2 am for the 6 exceptions, all patrons and guest shall have exited the premises.
9. No outside caterers or outside groups will serve alcohol within the premises except those that appear on the license. Should there be any changes to the operators of the Ground Floor Restaurant, 8th Floor Cafe or event caterer for any portion of the premises, The Whitney will return to CB2 Manhattan to present the alteration with the new operators who will agree to the

existing stipulations and any modifications as necessary to reflect any ongoing documented issues.

10. All information and details as presented to CB2 in December of 2014 and January of 2017 except as modified in this agreement are presented in good faith and are accurate and complete. Should there be any changes, The Whitney will return to CB2 as soon as practical to present those changes.

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a Corporate Change, Change in Method of Operation and Alterations to the On-Premises Restaurant Liquor License of the **Whitney Museum of American Art and Hudson Yards Catering LLC d/b/a Whitney Museum; Whitney Café; Studio Bar, 99 Gansevoort St 10014** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA On Premises License.

**Vote:** Unanimous, 43 Board Members in favor.

**26. While We Were Young, LLC, d/b/a While We Were Young Kitchen & Cocktails, 183 W. 10<sup>th</sup> St., Space #2 10014 (OP – Alteration to add Open Storefront)**

- i. **Whereas**, the Applicant and his Attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application for an alteration to its existing on premise liquor license (Lic. # 1290230), to open, via operable French style doors, the entire storefront façade to the public sidewalk during operating hours; and,
- ii. **Whereas**, the Applicant has been operating a small restaurant serving specialty cocktails at this location since 2017, the licensed premise being roughly 400 sq. ft., with 4 tables and 12 seats, one bar with 9 seats and 4 additional window counter seats facing the sidewalk, for a total patron seating capacity of 25, the licensed storefront being located in a five story residential building at the corner of West 4<sup>th</sup> and West 10<sup>th</sup> Street, this same corner building also containing and consisting of three separate licensed establishments running along West 10<sup>th</sup> Street, at street level, including a jazz club located immediately next door resulting in long lines queuing on the public sidewalk for multiple shows each evening, the sidewalk due to its location at this intersection in a landmarked district being subject to heavy use and congestion, on a narrow street which also includes an adjacent bike lane and a NYC Transit Bus service line, the M8, the narrowness of the sidewalk being further exacerbated by the Applicant’s use of the sidewalk for additional seating on the narrow sidewalk; and,
- iii. **Whereas**, over the prior objections of Community Board 2—as set forth in its previous resolution from June/2017—the Applicant has been operating and providing service to the sidewalk in question, with 7 exterior tables and 20 patrons seats, while not leaving the requisite 8 foot passage on the sidewalk for pedestrian traffic, forcing pedestrians to walk between the tables on both sides of the sidewalk, with wait service to patrons crossing over such passage, the Applicant also having built a roofed structure/shed on the public sidewalk without permits, blocking use and emergency egress from a fire escape located directly above the storefront down to the sidewalk, the safety concern relating to this fire escape being an objection voiced to the placement of sidewalk seating at this location in the past, the above-described structure having been built on the sidewalk immediately under the fire escape, in addition to the use of the tree pit and amenity zone running along the edge of the curb for tables and seats, both shed and amenity zone seating being in

derogation of and a departure from the temporary program introduced by the City of New York in reaction to the Covid Pandemic; and,

- iv. **Whereas**, in addition public interest objections were raised when this license was first made and when first approved at the NYSLA in 2017, those objections relating to pre-existing conditions within the immediate area where there already existed a large quantity of licensed premises, this particular location having never held an on premise liquor license, the proposed establishment not being unique, with 2 existing licenses already in the same building, the area generating noise and sidewalk congestion complaints, the intersection of West 4<sup>th</sup> and 10<sup>th</sup> Streets also having experienced a significant increase in late night eating and drinking establishments, the area being greatly saturated with liquor licenses, where there are currently 75 liquor licenses within 750 feet of the Applicant's licensed premise, with 14 additional pending licenses; and,
- v. **Whereas**, in an attempt to meet the public interest standard and alleviate the concerns raised by those residents living in the same building and immediate area in 2017, the NYS Liquor Authority approved the license albeit derived from certain representations by the Applicant to the NYS Liquor Authority which was later determined and found to be material misrepresentations, resulting in disciplinary proceedings at the NYSLA: to wit the Applicant in March 2016 appeared before the Full Board of the Liquor Authority and the Members of the Authority and after a lengthy discussion, question and answer period where the Applicant and his Counsel unambiguously represented to the Authority (in order to persuade the Full Board of the NYS Liquor Authority that a public interest could be found) that its front façade to the storefront would be fixed and that there would be no exterior seating that would add to noise or sidewalk congestion in light of where the license was being sited; and,
- vi. **Whereas**, before the Liquor Authority, the Applicant's attorney is recorded as making several statements to persuade the Liquor Authority that the license was in the public interest, including "We'll be soundproofing the floor, the ceiling, the walls, replacing the frontage of the building with soundproof glass." and, "They're soundproofing this place like crazy" and "I don't think that adding a full bar and a full food menu and soundproofing is going to net us a louder establishment. They've taken advice from the Community Board in respect to getting a security person or someone to keep the front area clean. They've come done that, keeping the façade fixed";
- vii. **Whereas**, during the same hearing before the Liquor Authority, the Applicant Bradford Dunnigan was also recorded as follows: "I've done everything I've been asked." and, "As far as the storefront goes, we've already had an initial meeting with LPC and we will be replacing the whole storefront."; and in response to a query from Chairman Bradley "are those windows going to open?", Mr. Dunnigan responded "no fixed"; and,
- viii. **Whereas**, shortly after the applicant appeared before the NYSLA and made those material representations to the Chairman and the Licensing Board to garner the approval of his liquor license, the Applicant installed an operable façade with large accordion style windows across the entire façade in contradiction of his promises; and,
- ix. **Whereas**, in June 2017, when the Applicant returned to Community Board 2 Man., seeking to add service to the public sidewalk, residents living in the area appeared in opposition, citing such misrepresentations, providing photos demonstrating that the front façade was reconstructed with operable accordion doors running along the entire front façade, allowing the entire storefront to open up which was exactly what he was promised and affirmed would not occur in order to garner

it's liquor license, while also objecting to sidewalk congestion and the aforesaid fire escape egress concerns; and,

- x. **Whereas**, because the Applicant asserted material misrepresentations to the NYSLA to obtain his initial liquor license, the NYSLA brought disciplinary proceedings (1790-2021/Case No. 154671) against the Applicant warranting revocation, cancellation or suspension of the license, the Applicant in 2021 not contesting those charges, compromising such charges levied against him with the NYSLA by paying fines to avoid but not losing the privilege of operating with an on premise license; and,
- xi. **Whereas**, despite such misrepresentations, disciplinary actions and fines, the Applicant has returned with a new attorney seeking to open the windows he represented would never be installed, seeking to horse trade with this Community Board by proposing a reduction in sidewalk seating and the removal of the unpermitted sidewalk shed in exchange for the right to open his storefront; and,
- xii. **Whereas**, there was opposition to this application from the Tenant's Association representing the residents living in the same building where the license was issued, the local block association and residents living in the immediate neighborhood; and, there was support of the instant application from other residents living within and outside the neighborhood, in addition to a member of Community Board 2; and,
- xiii. **Whereas**, in addition to the concerns outlined above, it is difficult to take any representations by this applicant on their face as accurate, complete or correct; the material misrepresentations, if known at the inception of this license, would have resulted in this liquor license not being approved by the Liquor Authority – this is clear from the record of the meeting, and subsequent disciplinary proceedings that followed, with the Applicant not contesting those charges; so to extend this particular aspect of this license at this time would specifically reward the Applicant for the very same material misrepresentations from which he improperly derived his liquor license; and
- xiv. **Whereas**, CB2 Man. is always in a position where it must rely upon Applicants to be honest and truthful in their presentations and that statements made are accurate and complete; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan recommends denial of the alteration application to the existing on-premise license Serial Number 1290230 for **While We Were Young, LLC, d/b/a While We Were Young Kitchen & Cocktails, 183 W. 10<sup>th</sup> St., Space #2 10014**; and,

**THEREFORE, BE IT FURTHER RESOLVED** that CB2, Manhattan respectfully requests that this alteration application be calendared to be heard before the Full Board of the New York State Liquor Authority prior to any determination.

**Vote:** Unanimous, 43 Board Members in favor.

**27. Cappone Foods Inc dba Cappone's, 11 Abingdon Square (aka 4 Eighth Ave.) 10014 (RW-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 Restaurant Wine License to operate an Italian specialties sandwich shop in a ground floor storefront

located in an 1856 mixed-use building on Eighth Avenue between West 12th and Bleecker Streets in the Greenwich Village Historic District; and,

- ii. **Whereas**, the storefront proposed to be licensed has operated in the past as Injera Restaurant, the interior is roughly 1300 sq. ft., with 650 square feet on the ground floor and a 650 sq. ft. basement, there is a full-service kitchen, with all patron service on the ground floor with 6 tables with 12 seats and 1 lunch counter/snack bar with 5 seats for a total indoor seated patron occupancy of 17 persons, the storefront infill being fixed and there are no operable French doors or windows, 1 entrance on Eighth Avenue and 2 patron bathrooms, there will be sidewalk café operating under the temporary Open Restaurants Program with seating located immediate adjacent to the storefront frontage with 2 tables and 4 seats; and,
- iii. **Whereas**, the Applicant's interior hours of operation will be Sunday to Saturday from 8:00 AM to 12:00 AM, 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 1 television; the sidewalk café hours will be 8:00 AM to 10:00 PM, and include waitstaff service as required by SLA regulations, and there is no roadbed seating 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 Wine Liquor License, with those stipulations as follows:
  - 1. Premise will be advertised and operated as a sandwich-focused Italian restaurant.
  - 2. Hours of operation will be: Sunday to Saturday from 8:00 AM to 12:00 AM. (**NO** patrons will remain after stated closing time.)
  - 3. Will operate a full-service restaurant, specifically a "Italian-specialty restaurant with an emphasis on traditional New York sandwiches," with the kitchen open and full menu items available until closing every night.
  - 4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
  - 5. Will not operate a backyard garden or any outdoor area for commercial purposes except for certified sidewalk café operating under the temporary Open Restaurants program located immediately adjacent to the storefront leaving a minimum clearance of 8' to the curbside for pedestrian passage with no more than 2 tables and 4 patron seats. No roadbed seating.
  - 6. All outdoor seating will close no later than 10:00 PM. All tables and chairs will be removed from the sidewalk at this hour. No exterior music, speakers, or TVs. No roadbed seating.
  - 7. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
  - 8. Will have no more than 1 television(s) no larger than 40". There will be no projectors and TV will operate in "closed caption" mode only without sound.
  - 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. 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: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/doorman.
16. Will not change principals 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 permanent sidewalk or roadbed seating.

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License to **Cappone Foods Inc dba Cappone's, 11 Abingdon Square 10014** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant Wine License.

**Vote:** Unanimous, 43 Board Members in favor.

**28. A24 Commerce St LLC, 38-42 Commerce St 10014 (OP-Restaurant | Theatre)**

- 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 a restaurant within a legitimate theatre (the Cherry Lane Theatre) housed in an 1838 theater building and the ground floor of an adjacent 1858 mixed-use building both on Commerce Street between Bedford and Barrow Streets in the Greenwich Village Historic District; and,
- ii. **Whereas**, the space proposed to be licensed has operated for many years as the Cherry Lane Theatre, the interior is roughly 4404 sq. ft., with the theatre portion having an occupancy of 220 and the dedicated restaurant space of 60, with the restaurant having 15 tables with 46 seats and 1 bar with 8 seats for a total seated restaurant capacity of 54 persons, and the theatre has 166 seats, and there is a full-service kitchen, there will be two patron entrances on Commerce Street and no more than 1 operable window, and 3 patron bathrooms, there will be no sidewalk café, roadbed seating or other outdoor food or beverage service or seating; and,
- iii. **Whereas**, the restaurant’s hours of operation will be Sunday to Saturday from 11:00 AM to 11:00 PM; music in the restaurant will be quiet recorded background only; the restaurant area will not have DJ’s, promoted events, live music, scheduled performances, cover fees, or televisions; and.
- iv. **Whereas**, the Applicant has met with neighboring tenants and other block residents and committed to sophisticated soundproofing of the restaurant space and design and management steps to mitigate impact of theatre queuing and traffic as well as prevent queuing for the restaurant, and a number of local residents testified and testimony was mostly supportive although concerns about noise, queuing and especially traffic were expressed; and,
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the On Premises Liquor License, with those stipulations as follows:
  1. Premise will be advertised and operated as a Theatre, with a restaurant in it.
  2. Hours of operation: Sunday to Saturday from 11:00 AM to 11:00 PM (Premises will open no later than stated opening time and NO patrons will remain after stated closing time.)

3. Will operate as a theatre and full-service restaurant. The restaurant may operate at times when there is no performance. The restaurant kitchen will be open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the temporary Open Restaurants program.
6. Will play quiet ambient recorded background music only in the restaurant, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
7. Will not have televisions.
8. Restaurant will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk. Theatre will accommodate queuing/gathering/waiting inside as much as possible and will direct any outside line towards the East end of the block.
9. Will close all doors and windows at 10PM 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 will keep current at all times required Permits and Certificates.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
14. The restaurant will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/doorman.
15. Street ushers, line control, and traffic control for theatre performances will be provided as needed.
16. Will not change principals 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 permanent sidewalk or roadbed seating.

**vi. 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, there being 43 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 3 additional pending licenses, the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **A24 Commerce St LLC, 38-42 Commerce St 10014 unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA On Premises License.

**Vote:** Unanimous, 43 Board Members in favor.

**29. Retro Japan Inc d/b/a Retro, 87 7th Ave South 10014 (OP-Restaurant)**

- i. Whereas,** the Applicants and the Applicants’ 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 traditional Japanese restaurant in a 1923 (extensively renovated in 2006) commercial building on Seventh Avenue South between Barrow and Grove Streets in the Greenwich Village Historic District; and,
- ii. Whereas,** the location proposed to be licensed has operated in the past as Sushisamba, a restaurant with a heavy record of negative community impacts, the interior is roughly 6064 sq. ft., with 2465 sq. ft. on the ground floor, 1790 sq. ft. on the second floor, and 1807 sq ft in the basement, there are 26 tables with 80 seats and 2 stand-up bars with 16 seats for a total of 96 patron seats, there is a full-service kitchen, a service bar, 1 patron entrance on Seventh Avenue South, and 3 patron bathrooms, there are to be no operable windows and no use of any preexisting operable windows, any entrances on Barrow Street will not be used for patron access; and,
- iii. Whereas,** the hours of operation will be Sunday to Thursday from 9:00 AM to 12:30 AM, and Friday to Saturday from 9:00 AM to 2:00 AM, with last seating on Fridays & Saturdays no later than 12:30 AM, there is no stand-up service and all patrons are seated, and 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,** there was opposition to elements of the presented application, specifically the hours, a proposal (since withdrawn) to use the rooftop for outdoor dining, and a planned reclassification of the site zoning to allow for entertainment venues; and, community opinion on appropriate closing times ranged from 11 PM and 12 AM for weeknights and 12 AM and 1 AM for weekends, concerns about rooftop dining was rooted in the experience of negative impact from use of that space in the past and the neighboring recently renovated and partially already occupied residential apartment building where some of the units directly abut and face the rooftop space; and, the Applicants in response to such concerns offered and agreed to mitigate their weekend hours and forego the use of the roof, and later upon consultation with the landlord’s representatives, committed to maintain the current zoning use group, which is appropriate to their application and proposed use; and,
- v. Whereas,** the location has a history of being very disruptive and diminishing of community, local residential quality of life, and businesses, public interest would not likely exist without the inclusion of specific elements in the Applicants’ final proposal such as the seated, food-driven and quiet atmosphere concept of the establishment, the commitment to maintain an appropriate zoning use group for a restaurant, the focusing of the establishment on the Avenue and not the side street, and the commitment not to use the roof or include outdoor dining on Barrow Street; 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 Liquor License, with those stipulations as follows:

  1. Premise will be advertised and operated as a “traditional Japanese restaurant with a menu thoughtfully crafted to capture the essence of Japanese culinary traditions.”

2. Hours of operation: Sunday to Thursday from 9:00 AM to 12:30 AM, and Friday to Saturday from 9:00 AM to 2:00 AM (Premises will open no later than stated opening time and **NO** patrons will remain after stated closing time.)
3. Last seating on Friday's and Saturday's will be no later than 12:30 AM.
4. Will operate a full-service restaurant, specifically a traditional Japanese restaurant with the kitchen open and full menu items available until closing every night.
5. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
6. Will not operate a backyard garden, terrace, rooftop, or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the temporary Open Restaurants program.
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. No exterior music, speakers, or TVs.
8. Will not have televisions.
9. Will not have patron service to any portion of the basement of licensed premises.
10. Will not install or have French windows/French doors, operable windows or open facades.
11. Will close all doors and windows at all times except for patron egress.
12. All changes to the existing façade will be approved by the Landmarks Preservation Commission.
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 or Certificate of Occupancy specifying NYC Zoning Use Group 6 (allowing for eating and drinking establishments) for premises proposed to be licensed prior to opening. Will not apply for Use Group 12.
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, velvet ropes or metal barricades, security personnel/doorman.
18. Will not change principals prior to submission of original application to the NYSLA.
19. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
20. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**vii. Whereas**, this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, where there are 61 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 9 additional pending licenses, the method of operation being reasonable when compared to what was licensed and operated at the same location in the past, the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **Retro Japan Inc d/b/a Retro, 87 7th Ave South 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 On Premises License.

**Vote:** Unanimous, 43 Board Members in favor.

**30. LLC to be formed by Cesar Ramirez d/b/a Cesar's, 333 Hudson St 10013 (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 a fine dining French-Japanese restaurant in a ground floor storefront located in a 1925 commercial building on Hudson Street between Charlton and Vandam Streets; and,
- ii. Whereas**, the storefront proposed to be licensed was previously the Hudson Food Court, the location being roughly 6200 sq. ft., with 2500 sq. ft. ground floor and 3700 sq. ft. basement in the basement , with 22 interior tables with 64 interior seats, 1 stand up bar with 23, for a total interior seating of 87 patrons, a full kitchen, and 3 patron bathrooms, all on the ground floor, with no patron access to the basement, there no operable windows and no outdoor seating or service; and,
- iii. Whereas**, the Applicant’s proposed hours of operation are Wednesdays to Mondays and from 12:00 PM to 12:00 AM (closed Tuesdays); 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 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 Wine License, with those stipulations as follows:
  1. Premise will be advertised and operated as a “fine dining Japanese restaurant.”
  2. Hours will be Sunday through Monday 12:00 PM to 12 AM, Closed Tuesdays, Wednesday through Saturday 12:00 PM to 12:00 AM. (Premises will open no later than stated opening time and **NO** patrons will remain after stated closing time.)
  3. Will operate a full-service restaurant, specifically a fine-dining restaurant with Japanese cuisine with the kitchen open and full menu items available until closing every night.
  4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
  5. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the temporary Open Restaurants program.
  6. 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. Will not have televisions.
  8. Will not install or have French doors, operable windows, or open facades.
  9. Will not make changes to the existing façade except to change signage or awning.
  10. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
  11. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.

12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
13. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/doorman.
14. Will not change principals prior to submission of original application to the NYSLA.
15. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
16. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed 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, where there are 20 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 5 additional pending licenses, the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **LLC to be formed by Cesar Ramirez d/b/a Cesar's, 333 Hudson St 10013** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA On Premises License.

**Vote:** Unanimous, 43 Board Members in favor.

**31. LYN LLC, 55 Christopher St 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 an Izakaya-style Japanese restaurant in a ground floor storefront located in a 1915 mixed-use building on Christopher Street between Waverly Place and Seventh Avenue South in the Greenwich Village Historic District; and,
- ii. **Whereas**, the storefront proposed to be licensed has operated in the past as 55 Bar, the interior storefront is roughly 980 sq. ft., plus a 980 sq. ft. basement which is used only for storage (no patron access) there is a full-service kitchen, with 5 tables with 20 patron seats and 4 booths with an additional seating for 22 patrons and 1 stand-up bar with 8 seats for a total indoor seated patron occupancy of 50 persons, and there is no exterior seating and Applicant indicated that they will not seek such in the future, and the storefront infill being fixed and there are no operable French doors or windows, 1 entrance on Christopher Street and 2 ADA accessible patron bathrooms; and,
- iii. **Whereas**, the Applicant’s hours of operation will be Sunday to Wednesday from 12:00 PM (Noon) to 1:00 AM, and Thursday to Saturday from 12:00 PM (Noon) to 2:00 AM; live music will be provided no more than once per week, will be acoustic and non-amplified, will consist of no more than 2 musicians, and will end by 11 pm.; when there is no performance, recorded music will be quiet background only; there will be no DJ’s, no promoted events, no cover fees, and no televisions; 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 Premises Liquor License, with those stipulations as follows:

1. Premise will be advertised and operated as an “Izakaya-style Japanese restaurant.”
2. Hours of operation will be: Sunday to Wednesday from 12:00 PM (Noon) to 1:00 AM, and Thursday to Saturday from 12:00 PM (Noon) to 2:00 AM. (**NO** patrons will remain after stated closing time.)
3. Will operate a full-service restaurant, specifically a “Izakaya-style Japanese restaurant,” with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the temporary Open Restaurants or Open Streets programs.
6. Will not have televisions.
7. Will not install or have French doors, operable windows or open facades.
8. Will not make changes to the existing façade except to change signage or awning.
9. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
10. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
12. Will not have dancing, DJs, promoted events, any event where cover fee is charged, velvet ropes or metal barricades, security personnel/doorman.
13. Live performances will be not more than once per week, will be acoustic and non-amplified, consist of no more than 2 musicians and will end by 11 pm. Recorded music will be background level only. No music will be audible in nearby residential apartments or on the street at any time.
14. Will not change principals prior to submission of original application to the NYSLA.
15. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
16. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed 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, there being 62 active on premise liquor licenses within 750 feet of the location proposed to be licensed, with 8 additional pending licenses, the method of operation being similar to what was licensed and operated at the same location in the past, the agreed upon stipulations being reasonable, the public interest being established albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations; and

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **LYN LLC, 55 Christopher St 10014** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA On Premises License.

**Vote:** Unanimous, 43 Board Members in favor.

- 32. Arthur & Sons NY Italian LLC, 38-40 8th Ave aka 328 W 4th St 10014** (Existing OP-Alteration to add Additional Exterior Sidewalk Seating)
- 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 Expansion into Municipal Property to add exterior sidewalk seating to an existing On-Premises license for ground floor storefronts located in adjoining 1842 mixed-use buildings on Eighth Avenue between Jane and West 12<sup>th</sup> Streets in the Greenwich Village Historic District; and,
  - ii. Whereas,** the proposed licensed sidewalk café is located immediately adjacent to the storefront on Jane and West 4<sup>th</sup> Streets, with seating parallel to the building and leaving a minimum clearance of 8’ to the curbside for pedestrian passage, and will have no more than 7 tables and 14 patron seats on West 4<sup>th</sup> St and no more than 5 tables and 10 seats on the Jane St for a total of not more than 12 tables and 24 seats, and tables on Jane St will be two-tops only and all seating will be parallel to Jane St., and there is no roadbed seating; and,
  - iii. Whereas,** the café shall comply with all NYC regulations regarding café footprints, pedestrian clearance, and public safety of the program, and will close at 10:00 PM, with all tables and chairs removed from sidewalk with no patrons remaining outside at this hour, and there will be no music, speakers, or televisions in the sidewalk café or exterior to the licensed premises, and the café shall have wait service as required of licensed premises by the SLA; and,
  - iv. Whereas,** the Applicant’s interior hours of operation will remain Sunday to Thursday from 11:00 AM to 11:00 PM, and Friday to Saturday from 11:00 AM to 12:00 AM; and all existing stipulations concerning method of operation and other aspects of the business will remain; and,
  - v. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the On Premises Liquor License, with those stipulations as follows:
    1. Premise will be advertised and operated as a “classic Italian neighborhood restaurant.”
    2. Hours will be: Sunday to Thursday from 11:00 AM to 11:00 PM, and Friday to Saturday from 11:00 AM to 12:00 AM. (Premises will open no later than stated opening time and **NO** patrons will remain after stated closing time.)
    3. Will operate a full-service restaurant, specifically a “classic Italian neighborhood restaurant,” with the kitchen open and full menu items available until closing every night.
    4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
    5. Will not operate a backyard garden or any outdoor area for commercial purposes except for a certified sidewalk café operating under the temporary Open Restaurants program on W 4<sup>th</sup> St. and Jane St. Sidewalk café is located immediately adjacent to the storefront with seating parallel to the building and leaving a minimum clearance of 8’ to the curbside for pedestrian passage. Side café shall have no more than 7 tables and 14 patron seats on West 4<sup>th</sup> St and no more than 5 tables and 10 seats on the Jane St for a total of not more than 12 tables and 24 seats. All tables on Jane St will be two-tops only and all seating will be parallel to Jane St. No roadbed seating.

6. All outdoor seating will close no later than 10:00 PM. All tables and chairs will be removed from sidewalk with no patrons remaining outside at this hour. No exterior music, speakers or TVs.
7. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
8. Will not have televisions.
9. Will not install or have French doors, operable windows or open facades.
10. Will close all doors and windows at 10:00 PM every evening.
11. No patron occupancy/service to any portion of premises' basement.
12. Will not make changes to the existing façade except to change signage or awning.
13. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
14. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
15. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
16. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/doorman.
17. Will not change principals prior to submission of original application to the NYSLA.
18. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
19. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE, BE IT RESOLVED** that Community Board 2, Manhattan recommends **denial** of the application for an alteration to its existing On Premises Liquor License to **Arthur & Sons NY Italian LLC, 38-40 8th Ave aka 328 W 4th St 10014** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA On Premises License.

**Vote:** Unanimous, 43 Board Members in favor.

**33. Chez Group Inc d/b/a Chez Omar, 394 West St 10014 (OP-Restaurant) (Renotification)**

- i. **Whereas**, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Committee in March/2022 to present an application to the NYS Liquor Authority for a new On-Premises Restaurant Liquor License to operate a full-service restaurant serving French-Caribbean fare within a ground floor storefront on the corner of West Street and West 10<sup>th</sup> Street within a three-story brick residential building (circa 1910) in Greenwich Village, this building falling within NYC LPC’s designated Greenwich Village Historic District and were unanimously recommended for approval by CB2, Manhattan (<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2022/05/03-March-2022-Full-Board-Minutes.pdf>); and
- ii. **Whereas**, in reviewing the application, the NYSLA noted the original 30-day notice sent to CB2, Man. was an outdated form and requested the Applicant to re-submit the notice using the updated form; and

iii. **Whereas**, prior to this month’s meeting 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 Liquor License, those stipulations being the same as the ones executed in March/2022, there being no change in principals or change in method of operation therefore appearance by the Applicant was waived; and

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

**Vote:** Unanimous, 43 Board Members in favor.

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

**34. 182 West 4th Hospitality LLC, 182-184 West 4th St 10014** (OP-Restaurant) (Temporary Retail Permit) (Scheduled Performances, Promoted Events) (Live Music) (DJ) (Security) (4AM) (laid over)

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 8, 2023, the Applicant sought more time and requested **to lay over** this application to July/2023, thereafter affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **182 West 4th Hospitality LLC, 182-184 West 4th St 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**35. ReBoot West Village LLC, 101 7th Ave South 10014** (RW-Restaurant) (Temporary Retail Permit) (DOT Open Restaurants-Sidewalk) (*previously unlicensed*) (laid over)

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 8, 2023, the Applicant sought more time and requested **to lay over** this application to July/2023, thereafter affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **ReBoot West Village LLC, 101 7th Ave South 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**36. Sushi Nakazawa LLC, 23 Commerce St 10014 (RW) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 2023, the Applicant sought more time and requested **to lay over** this application to July/2023, thereafter affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Sushi Nakazawa LLC, 23 Commerce St 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**37. Uno Nove Otto Corp d/b/a Canto West Village, 117 Perry St 10014 (OP) (add sidewalk cafe under City Streets program, which will close at 10PM, amend operating hours on Thursday-Saturday from 11 A.M.-12 A.M. to 11 A.M. to 1 A.M.) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 2023, the Applicant sought more time and requested **to lay over** this application to July/2023, thereafter affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Uno Nove Otto Corp d/b/a Canto West Village, 117 Perry St 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**38. RH NY Guesthouse LLC & RH NY Guesthouse F&B LLC dba RH, 55 Gansevoort St 10014 (OP-Hotel with Restaurant) (Update cellar's opening hour to 11 a.m.) (DJ, LiveMusic – full buyouts) (Rooftop) (DOT Open Restaurant Program – sidewalk café) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 2023, the Applicant sought more time and requested **to lay over** this application to July/2023, thereafter affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

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

**NY Guesthouse LLC & RH NY Guesthouse F&B LLC dba RH, 55 Gansevoort St 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**39. Carmine Street Beers Inc d/b/a Carmine Street Beers, 52A Carmine St 10014 (TW-Alteration)**  
(Include backyard as part of licensed premises) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 2023, the Applicant sought more time and requested **to lay over** this application to July/2023, thereafter affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Carmine Street Beers Inc d/b/a Carmine Street Beers, 52A Carmine St 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**40. Hudson River Rice LLC dba Glaze, 350 Hudson St 10014 (RW-Restaurant) (Temporary Retail Permit) (*previously unlicensed*) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Hudson River Rice LLC dba Glaze, 350 Hudson St 10014 until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**41. Tomo Omakase Inc, 11 Barrow St 10014 (TW-Japanese Omakase) (Temporary Retail Permit) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Tomo Omakase Inc, 11 Barrow St 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**42. Entity to be formed by Gianna Groark, 38 8th Ave 10014 (OP-Restaurant) (Temporary Retail Permit) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Entity to be formed by Gianna Groark, 38 8th Ave 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

**43. LLC to be formed by Lina Goujjane d/b/a Kiko, 178 W Houston St 10014 (OP-Restaurant) (Temporary Retail Permit) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 8, 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 CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **LLC to be formed by Lina Goujjane d/b/a Kiko, 178 W Houston St 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license until this important step is taken and the concerns of the Community be fully heard.

**Vote:** Unanimous, 43 Board Members in favor.

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