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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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December 22, 2025

Director
Licensing Issuance Division
NY State Liquor Authority 163 W. 125th Street
New York, New York 10027

Dear Sir/Madam:

At its Full Board meeting on December 18, 2025, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Penguin Flagship NYC LLC dba Penguin 64 West 10th St 10011 (OP–Restaurant)

- i. Whereas**, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #2 to present an application to the NYS Liquor Authority for an On-Premises Restaurant Liquor License to operate a full-service reservation-focused neighborhood restaurant in the ground floor of a four (4)-story mixed-use building (a. 1838) on 10th Street between Avenue of the Americas (aka 6th Avenue) and 5th Avenue (Block #573/Lot #10), the building falling within NYC LPC's Greenwich Village Historic District; and
- ii. Whereas**, the ground floor premises is approximately 2,450 sq. ft., with 1,310 sq. ft. on the ground floor and 1,095 sq. ft. on the 2nd floor, the floors being connected by an interior stairway; there will be 21 tables and 70 seats and one bar with 19 seats on the ground floor and 17 tables and 44 seats on the 2nd floor for a total seated occupancy of 133 persons and a legal occupancy of 165 persons, there is one (1) entrance serving as both patron ingress and egress, one (1) emergency exit and two (2) patron bathrooms, the store front infill being fixed with no operable doors or windows that open out to the sidewalk; there is no outdoor seating included with this application; and
- iii. Whereas**, the Applicant's hours of operation will be 5 PM to 12 AM Sundays through Wednesdays and 5 PM to 1 AM Thursdays through Saturdays; music will be recorded background only from iPods/CDs/streaming services; there will be no TVs, no DJ's or live music, no promoted events or scheduled performance, no cover fees, no velvet ropes or metal barricades and no security personnel/doormen; and
- iv. Whereas**, the premises had been licensed since approximately 1998 under L Ray LLC dba Peter's Backyard (Lic ID # 0340-23-129814), the issuance of the license subject to a variance passed by the NYC Board of Standards and Appeals placing certain restrictions on the license because this use is a non-conforming use in a residential area and there was a gap of over two years when there was no use of the location as an eating and drinking establishment and a variance was required to reestablish the non-conforming use in a residential only zoned neighborhood, those restrictions including windows and doors being closed at all times, private parties ending no later than 12 AM Sundays through

Thursdays and 1 AM Fridays and Saturdays and that there be no lines; the Applicant, who is leasing the entire building and intends to move into one of the residential units above the premise proposed to be licensed, originally requesting closing hours of 2 AM Mondays through Saturdays and 12 AM Sundays, the block being a quiet residential block with limited ground floor retail, the ground floors consisting mostly of residential units, residents both adjacent to and across the street from the premises were not in support of the late night hours and the negative impacts to their quality of life due to noise from patrons leaving in the early morning hours, there were letters received both in support and opposition to the application, those in opposition specifically citing the late hours, those in support being familiar with the Applicant's other licensed premises in CB2, Manhattan (People's NY LLC, Lic ID # 0370-24-136782) which operates as a tavern stating that they frequent the establishment and it is well-run, CB2, Man. also receiving a letter following its SLA Committee meeting in opposition to the instant application stating that the 13th Street location has DJs and blasts music in derogation of its executed stipulations; and

v. **Whereas**, the Applicant after hearing the concerns of the neighbors agreed to reduce their closing hours to 12 AM Sundays through Wednesdays and 1 AM Thursdays through Saturdays and to limit the number of private parties to not more than 15 per year; and

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

1. Premises will be operated and advertised as a full-service neighborhood restaurant, primarily reservation-focused, with the kitchen open and full menu items available until closing every night.
2. Hours of operation will be 5 PM to 12 AM Sundays through Wednesdays and 5 PM to 1 AM Thursdays through Saturdays. All patrons will be cleared and no patrons will remain after stated closing time.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
5. Will play recorded background music at conversational levels only so as not to cause a disturbance in any adjacent residences at any time, inclusive of any private parties or events.
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 have not more than 15 private parties per year.
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 and will comply with all NYC Landmark Preservation Commission regulations..
12. Will comply with NYC Department of Buildings Regulations and will obtain Place of Assembly Certificate 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, DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances, velvet ropes or metal barricades or security personnel/doormen.
16. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
17. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.

vii. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by the granting of the On-Premises Liquor License at this location, there being **52 active licensed premises** and 9 pending licenses within 750 ft. according to LAMP, the agreed upon stipulations and hours 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 an On-Premises Restaurant Liquor License in the name of **Penguin Flagship NYC LLC dba Penguin 64 West 10th St 10011** **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant are incorporated into the “method of operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous, 39 Board Members in favor.

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,



Donna Raftery, Chair
SLA Licensing 1 and 2 Committees
Community Board #2, Manhattan



Valerie De La Rosa, Chair
Community Board #2, Manhattan

VDLR/em

cc: Hon. Daniel Goldman, Congressman
Hon. Brad Hoylman-Sigal, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Brad Lander, NYC Comptroller
Hon. Michael Levine, Man. Borough President
Hon. Erik Bottcher, NYC Council Speaker
Hon. Christopher Marte, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority



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Community Board 2 Liquor License Stipulations

The original signed and notarized form must be returned to the CB2 office by Friday, December 12, 2025. If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, Emmet McDermott as a qualified representative of Penguin Flagship NYC LLC dba Penguin located at 64 West 10th Street, New York, NY 10011 agree to the following stipulations:

Application Type: [X] OP Restaurant [] RW [] TW [] Alteration [] Other:

[X] Premise will be advertised and operated as a full-service neighborhood restaurant.

[X] Hours of operation:

Sunday: 5 PM to 12 AM Thursday: 5 PM to 1 AM
Monday: 5 PM to 12 AM Friday: 5 PM to 1 AM
Tuesday: 5 PM to 12 AM Saturday: 5 PM to 1 AM
Wednesday: 5 PM to 12 AM

(Premises will open no later than stated opening time and NO patrons will remain after stated closing time.)

- [X] Will operate a full-service neighborhood restaurant, primarily reservation-focused, with the kitchen open and full menu items available until closing every night.
[X] Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
[X] Will not operate a backyard garden or any other outdoor area for commercial purposes including any sidewalk cafe and/or roadbed seating.
[X] Will play recorded background music at conversational levels only so as not to cause a disturbance in any adjacent residences at any time, inclusive of any private parties or events.
[X] Will not have televisions.
[X] 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.
[X] Will have not more than 15 private parties per year.
[X] Will close all doors and windows at all times, allowing only for patron ingress and egress.
[X] Will not install or have French doors, operable windows or open facades.
[X] Will not make changes to the existing facade except to change signage or awning and will comply with all NYC Landmark Preservation Commission regulations.
[X] 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.
[X] Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
[X] There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.

Will not have: [X] Dancing [X] DJs [X] Live Music [X] Promoted Events [X] Any event where cover fee is charged
[X] Scheduled Performances [X] Velvet ropes or metal barricades [X] Security Personnel/Doorman.

[X] Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.

[X] Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately.

Name: EMMETT MCDERMOTT Phone Number: 212 400 6613

Signed: [Signature] Print Name: EMMETT MCDERMOTT Dated: 12/16/25
Sworn to this 16 day of Dec 2025 [Signature] Notary Public

KEDA WILLIAMS Notary Public - State of New York No. 01416443703 Qualified in Bronx County My Commission Expires 11/07/2026

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license