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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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March 24, 2026

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 March 19, 2026, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

Beyond Pho Corp 2 dba Five Spice 227 Mulberry St, store B 10012 (WBC–Restaurant)
(Corporate Change) (*appearance waived*)

- i. **Whereas**, the Applicant originally appeared before Community Board 2, Manhattan (CB2M) in [December/2020](#) to present an application to the NYS Liquor Authority for a new Restaurant Wine license to operate a full-service traditional Vietnamese restaurant in the ground floor of a C6-2-zoned, seven (7)-story mixed-use building constructed in 1991 on Mulberry Street between Spring and Prince Streets (Block #495/Lot#33); and
- ii. **Whereas, the instant application is for a Corporate Change due to a stock purchase agreement, there is no change in method of operation, the new principal has** executed and had notarized a Stipulations Agreement with CB2M which reflects the original stipulation agreement signed on 12/10/2020 that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the “method of operation” of the liquor license, with those stipulations being as follows:
 1. Premises will be advertised and operated as a full-service restaurant serving traditional Vietnamese cuisine with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be Sunday through Saturday from 11:30AM to 11:00PM. No patrons will remain after stated closing time.
 3. There is no backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadway café seating included with this application.
 4. Any future outdoor seating will follow all rules and regulations of the Dining Out NYC program and will close not later than 11 PM every day. No patrons will remain after stated closing hour. No exterior music, speakers or TVs.

5. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
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 play recorded background music at conversational levels only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
9. Will close all doors and windows at 8:00PM every night.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. 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.
14. 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.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

iii. **Whereas**, as the Applicant signed and executed the stipulation agreement prior to CB2M’s SLA Licensing Committee meeting, appearance at the meeting was waived; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the Corporate Change to the existing Restaurant Wine liquor license for **Beyond Pho Corp 2 dba 5ive Spice 227 Mulberry St, store B 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, 33 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. Brian Kavanagh, NY State Senator

Hon. Deborah J. Glick, NY State Assembly
Hon. Grace Lee, State Assembly Member
Hon. Michael Levine, NYC Comptroller
Hon. Brad Hoylman-Sigal, Man. Borough President
Hon. Erik Bottcher, NYC Council Member
Hon. Christopher Marte, NYC Council Member
Hon. Harvey Epstein, NYC Council Member
Thomas Donohue, Deputy Commissioner of Licensing, NY State Liquor Authority



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COMMUNITY BOARD 2, MANHATTAN

MAR 04 2026

Community Board 2 Liquor License Stipulations

The original signed and notarized form must be returned to the CB2 office by Monday, March 2, 2026.
If not returned 24 hours prior to CB2s full board meeting, the application will be denied.

I, **Stephen Chung** as a qualified representative of **Beyond Pho Corp 2 dba Five Spice** located at **227 Mulberry Street, Store B, New York, NY 10012** agree to the following stipulations:

Application Type: ☐ OP Restaurant/Tavern ☒ RW ☐ TW ☐ Alteration ☐ Other:

☒ Premise will be advertised and operated as a traditional Vietnamese restaurant with an added twist on flavors

☒ Hours of operation:

Sunday: 11:30 AM	to	11:00 PM	Thursday: 11:30 AM	to	11:00 PM
Monday: 11:30 AM	to	11:00 PM	Friday: 11:30 AM	to	11:00 PM
Tuesday: 11:30 AM	to	11:00 PM	Saturday: 11:30 AM	to	11:00 PM
Wednesday: 11:30 AM	to	11:00 PM			

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

☒ Will operate a full-service Vietnamese restaurant with the kitchen open and full menu items available until closing every night.

☒ Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.

☒ There is no backyard garden or any other outdoor area for commercial purposes including any sidewalk café and/or roadway café seating included with this application.

☒ Any future outdoor seating will follow all rules and regulations of the Dining Out NYC program and will close not later than 11 PM every day. No patrons will remain after stated closing hour. No exterior music, speakers or TVs.

☒ Will play recorded background music at conversational levels only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.

☒ Will not have televisions.

☒ 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.

☒ Will close all doors and windows at 8 PM every night, allowing only for patron ingress and egress.

☒ Will not make changes to the existing façade except to change signage or awning.

☒ Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.

☒ Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.

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.

☒ 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.

☒ 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: Stephen Chung Phone Number: (917) 409-2605

Signed		Print Name	<u>Stephen Chung</u>	Dated	<u>02/27/2026</u>
Sworn to this	<u>27th</u>	day of	<u>February</u>	2026	
				Notary Public	<u>ELLEN LEE</u>

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation of the business of New York

No. 01LE6109987

Qualified in Queens County

Commission Expires May 24, 2028