



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**BURT LAZARIN**  
Chair

**Jesse Bodine**  
District Manager

September 12, 2018

Vincent G. Bradley  
Chairman  
New York State Liquor Authority  
80 S. Swan Street, 9<sup>th</sup> Floor  
Albany, New York 12210

**Re: Corporation Name TBA  
d/b/a First & Last  
783 Ninth Avenue (52/53)**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends the **denial** of a new on-premise liquor license for First & Last, 783 Ninth Avenue (52/53). The proposed establishment, to be operated as a comedy club and bar open until 4:00 a.m. nightly, is a significant departure from the previous establishment at this location and brings a host of concerns including oversaturation, excess noise, and security challenges. Granting this license would not be in, and would be contrary to, the public interest because the proposed establishment would have detrimental effect on reasonable residential quality of life.<sup>1</sup>

There are **31 (thirty-one)** on-premise liquor licenses within 500 feet of this address (per the SLA's website). The applicant has stated that the 500-foot rule does not apply due to the premises being continually licensed since prior to 1993. Although MCB4 is unable to confirm that assertion, we believe that the over-saturation concerns underlying the 500-foot rule remain highly relevant. According to local residents, the change from the prior establishment at this location, a quiet restaurant named El Azteca that closed before midnight, to a comedy club, open until 4 a.m. 7 days a week, would add to existing quality-of-life problems with the over-saturation of licensed establishments and invite unwanted, excessive late night noise and increased pedestrian and traffic congestion.

The venue is proposed to be operated as a comedy club in the rear of the establishment, with a DJ playing music before, between, and after comedy sets and operated as a bar/waiting area in the front of the establishment. 783 Ninth Avenue is an old tenement building that is likely not well-soundproofed. While there were no recorded noise

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<sup>1</sup> MCB4's recommendation is based on a vote taken at its September 5, 2018 full board meeting, with 34 members voting in favor, 0 members voting against, and 0 members abstaining.

complaints from the restaurant that previously occupied the space, the applicant's method of operation is entirely different and will admittedly involve audiences laughing and cheering and loud music playing intermittently. The applicant has not submitted a noise mitigation plan or an acoustic report to ensure that neighbors will not be affected by the noise.

First & Last plans to have three-ticketed comedy performances each night. With the quick overturn of large audiences multiple times a night, MCB4 has concerns of queuing and/or smoking on the already-crowded sidewalk. The applicant has not provided a security plan detailing how they plan to prevent congestion on the sidewalk.

At the meeting of MCB4's Business Licenses and Permits Committee on August 21, 2018, at which this application was considered, several local block associations and residential building organizations, said to be representing hundreds of residents, submitted in person and/or in writing their strong opposition to this application, citing the oversaturation of licensed establishments in these blocks that continue to degrade reasonable residential quality of life. The applicant, in turn, submitted petitions in favor of the application, containing approximately 50 signatures.

Despite the objections of the community and potential for negative impacts on quality of life in the area, should the Liquor Authority decide to grant a license here, MCB4 requests that the following stipulations be made part of the method of operation for this establishment:

Closing at midnight nightly;

Acoustic report by a licensed engineer, with recommendations implemented to ensure nearby residents are not bothered by noise from this establishment;

Security plan addressing queuing and crowd control and commitment to adhere to security plan;

No live music or DJ;

No windows/garage doors capable of being opened.

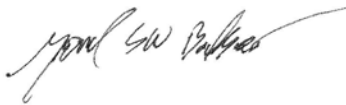
For the reasons stated above, MCB4 requests that the present application be **denied**.

Thank you for your attention and cooperation with this application.

Sincerely,



Burt Lazarin  
Chair



Yoni Bokser  
Co-Chair  
Business Licenses & Permits  
Committee



Frank Holozubiec  
Co-Chair  
Business Licenses & Permits  
Committee