



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

July 29, 2020

Mr. Brian Niccol, Chair & CEO
Chipotle Mexican Grill
610 Newport Center Drive, Suite 1300
Newport Beach, California 92660

**Re: Chipotle Mexican Grill of Colorado LLC
885 Tenth Avenue (58)
New York, NY 10019**

Dear Mr. Niccol

Manhattan Community Board 4 on July 22 recommended that the New York State Liquor Authority (SLA) deny a liquor license to serve beer and wine by Chipotle Mexican Grill which is opening a new location at the above address. We feel you should be aware of our thinking on the subject and how we arrived at our decision.

When the applicant came before the Board's Business License and Permits (BLP) committee in June, information presented by a number of members of the public pointed to ongoing investigations of Chipotle and litigation it was facing. Much of this is described in two letters to the SLA from Brad Holyman, the New York State Senator representing the 27th District which includes our neighborhoods. We have attached these letters. When questioned by committee members, the applicant confirmed that to date there has been no resolution of most of these issues. The Board does not want to recommend a license under these circumstances.

Going back to last year, Chipotle is being sued by New York City for violation of the New York City Fair Workweek Law. This provides that employees of fast food establishments must be given on a regular basis a reliable schedule estimating as best as can be done when and how much work they will be having in the coming weeks. The law also says current employees must be offered work on new shifts before employees are hired from the outside. In addition to these violations, it is also alleged that Chipotle has not adhered to the New York City Paid Sick Leave Law. As State Senator Holyman said in his letter last November to the SLA, "The privilege of holding an SLA license should not be maintained at the expense of youth or working people from our community."

Chipotle is also facing complaints with the federal Occupational Safety and Health Administration (OSHA). Several Chipotle employees gave testimony to the BLP in June that their employer did not give them notification that fellow employees were ill with Covid-19. At five Chipotle sites workers went on strike protesting the fact that managers were forcing them to work under these conditions.

Sean Reilly, a staff researcher for Local 32BJ of the Service Employees International Union (SEIU) which is organizing many fast food workers in New York City, sent an email to the BLP. In it he informed the committee that the union had filed complaints in January of this year with the SLA because “knowingly” managers at 4 locations of Chipotle had underage employees serve alcohol. Not only is Chipotle a favorite eating place of many teenagers (and serving alcohol was a concern expressed to the BLP by a teacher at a high school nearby); it also employs many teenagers. Reilly went on to say in his email that “The best way we can support them [workers at Chipotle] is holding this company accountable for their practices.” MCB 4 concurs.

With all these outstanding issues yet to be resolved and adjudicated, MCB4 does not believe it is an appropriate time to recommend a liquor license to serve beer and wine for this applicant. Thus, our recommendation to deny. Until these issues are resolved, MCB4 will have serious reservations about recommending approval for any new liquor license or renewal of an existing one for a Chipotle establishment in our district.

Sincerely,



Lowell D. Kern
Chair



Burt Lazarin
Co-Chair
Business Licenses & Permits
Committee



Frank Holozubiec
Co-Chair
Business Licenses & Permits
Committee

CHAIRMAN MAJORITY MEMBER

JUDICIARY

COMMITTEES

CITIES

CULTURAL AFFAIRS, TOURISM, PARKS
& RECREATION

FINANCE

HEALTH

RULES



SENATOR

BRAD HOYLMAN

27TH SENATORIAL DISTRICT
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November 12, 2019

Mr. Vincent G. Bradley
Chairman
New York State Liquor Authority
80 South Swan Street, Suite 900
Albany, NY 12210

Dear Chairman Bradley:

I am writing to express my general opposition to the renewal of New York State Liquor Authority ("SLA") licenses for Chipotle Mexican Grill of Colorado LLC ("Chipotle") within my Senate district as it has recently come to my attention that Chipotle is being sued by the City of New York for violating the NYC Fair Workweek Law, under which fast food employers must give workers good faith estimates of when and how much they will work, predictable work schedules and the opportunity to work newly available shifts before hiring new workers. In addition, I understand that Chipotle is the subject of an ongoing investigation for violating worker rights and there is an allegation from a former employee that while they were under 18 years of age, they were required to serve alcoholic beverages in violation of the law.

For your information, below are the Chipotle locations in my district, SLA license expiration dates, and information about complaints concerning the Fair Workweek Law:

- 304 W 34th St, exp. 11/30/2019, workers submitted Fair Workweek complaint
- 405 Ave of the Americas, exp. 11/30/2019
- 620 9th Ave, exp. 11/30/2019, workers submitted Fair Workweek complaint
- 28 W 40th St, exp. 12/31/2019
- 117 E 14th St, exp. 03/31/2020, workers submitted Fair Workweek complaint
- 504 Ave of the Americas, exp. 03/31/2020, workers submitted Fair Workweek complaint
- 25 W 45th St, exp. 05/31/2020, workers submitted Fair Workweek complaint
- 129 W 48th St, exp. 06/30/2020

SLA 2

- 320 Park Ave, exp. 06/30/2020, workers submitted Fair Workweek complaint
- 283 7th Ave, exp. 08/31/2020
- 350 5th Ave, exp. 10/31/2020, workers submitted Fair Workweek complaint
- 235 W 56th St, exp. 11/30/2020, workers submitted Fair Workweek complaint
- 274 Madison Ave, exp. 11/30/2020, workers submitted Fair Workweek complaint
- 680 Ave of the Americas, exp. 11/30/2020, workers submitted Fair Workweek complaint
- 9 W 42nd St, exp. 12/31/2020, workers submitted Fair Workweek complaint
- 200 Varick St, exp. 01/31/2021, workers submitted Fair Workweek complaint
- 55 E 8th St, exp. 01/31/2021, workers submitted Fair Workweek complaint
- 150 E 44th St, exp. 06/30/2021, workers submitted Fair Workweek complaint
- 286 1st Ave, exp. 08/31/2021
- 149 8th Ave, exp. 10/31/2021
- 501 Fashion Ave, exp. 10/31/2021
- 854 8th Ave, exp. 10/31/2021, workers submitted Fair Workweek complaint

I urge you to take into consideration these serious purported violations of the NYC Fair Workweek law as the above SLA applications come up for renewal. The privilege of holding an SLA license should not be maintained at the expense of youth or working people from our community.

Sincerely yours,

A handwritten signature in black ink that reads "Brad Hoylman". The signature is written in a cursive, flowing style.

Brad Hoylman
State Senator
27th District - Manhattan

CHAIRMAN MAJORITY MEMBER

JUDICIARY

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BRAD HOYLMAN
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June 18, 2020

Mr. Vincent G. Bradley
Chairman
New York State Liquor Authority
80 South Swan Street, Suite 900
Albany, NY 12210

Dear Chairman Bradley:

I am writing to express my opposition to the approval of New York State Liquor Authority ("SLA") license for Chipotle Mexican Grill of Colorado LLC ("Chipotle") within my Senate district, located at 885 10th Avenue in Community Board Four of Manhattan (CB4), which echoes the concerns raised by the Business Licenses and Permits Committee of CB4.

It has come to my attention that Chipotle has demonstrated a pattern of disregarding critical worker protection laws including the NYC Fair Workweek Law. The City of New York has gone so far as to file suit against Chipotle for their numerous violations. Additionally, employees have made serious allegations that Chipotle has not ensured the safety of their employees and customers during the current COVID-19 pandemic.

SLA licenses are a privilege that should be granted to businesses that uphold workers' rights and the health of our community. For these reasons, I must urge you to deny Chipotle's license at 885 10th Avenue should they proceed with their application.

Sincerely,

A handwritten signature in blue ink that reads "Brad Hoylman".

Brad Hoylman

State Senator
27th Senate District