



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

Jesse Bodine
District Manager

March 13, 2020

Vincent G. Bradley
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210 10

**Re: The Spot Bar NYC LLC d/b/a The Spot
601 Tenth Avenue (43/44 Streets)**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends **denial** of the application for an OP license for The Spot Bar NYC LLC d/b/a The Spot, 601 Tenth Avenue (43/44).1 Granting this license would not be in the public interest because this establishment risks seriously compromising reasonable residential quality of life. MCB4's recommendation is based on a vote taken at its March 4, 2020 full board meeting, with 34 members voting in favor of the recommendation, 2 members opposed, 0 members abstaining and 0 present but not eligible.

Our first of many concerns is that the establishment would be located on the ground floor of a residential building, in a space that to the best of our knowledge has not been previously licensed and has never housed an eating or drinking establishment of any kind. In fact, this space had most recently been occupied by residential apartments. The zoning in the special district where these apartments are located is very strict in regard to conversion.

After inquiring, MCB4 received a correspondence from the Department of Buildings stating that the department will be issuing a commissioner's order to notify the applicant that CofO number 122803902F dated May 30, 2019, was issued contrary to New York City Zoning Resolution (the "ZR") § 96-109 in that a "material alteration" of a multiple dwelling within the Preservation Area of the Special Clinton District was completed without the issuance of a Certificate of No Harassment ("CONH") by the City's Department of Housing Preservation and Development ("HPD").

Further, this establishment is in an area with a high concentration of liquor licenses -- 18 (eighteen) OP liquor licenses within 500 feet of this address (per the SLA LAMP report) of which five (5) are located on the same block as the proposed location. The addition to this block of a large 195-person capacity bar with DJ, karaoke, and live performances, open until 2:00 a.m. weekdays and 4:00 a.m. weekends, risks bringing significant additional noise and disruption to this area, affecting thousands of residents who live within a one-block radius of this location. Adding a late-night venue to this block will increase vehicular and pedestrian traffic as patrons arrive and depart from the establishment all night long. Of particular concern is the noise made by patrons, often loud and inebriated, as they leave the establishment and loiter in the immediate vicinity -- particularly given the number of large residential buildings nearby. For example, one of the 46-story towers of the Manhattan Plaza complex, housing thousands of residents, is less than one block away. Although the applicant may have good-faith intentions to control noise from their patrons, the applicant's ability to do is limited once patrons leave the establishment. Similarly, although the applicant's security plan contains a proposal to deal with smokers outside the establishment, it does not address the issue of patrons queuing on the sidewalk to enter once the establishment reaches capacity. 1

Another concern relates to noise affecting residents in the building itself. Although the applicant has submitted an acoustic report with respect to sound-proofing the premises, the report notes that the building currently is "not sufficiently soundproofed" to avoid disturbing residents above -- unsurprising given that this space has never previously housed anything similar to the proposed use. Applicant's proposals to soundproof the space are encouraging, but the effectiveness of such soundproofing is not guaranteed and depends on, among other things, the absence of unforeseen issues, contractors and builders following the specifications carefully, and constant vigilance to ensure that, once in operation, the music and operations adhere to the sound limits in the acoustical report -- particularly key given the loud activities proposed in the space including DJ, karaoke, and drag performances. At the February 11, 2020 meeting of the Business Licenses and Permits (BLP) Committee of MCB4, the Committee heard multiple speakers in person and considered extensive written submissions -- both opposed to and in support of the application. Community members opposed to the application, including the two nearest block associations that represent over 2500 families, expressed concerns about such issues as the oversaturation of OP licenses on this residential block; the noise and other issues that would likely accompany another large, late-night venue here; and the fact that this location has not been previously licensed.

Several community members also noted that Rise Bar, another establishment in this district operated by the applicant's principals, had been a source of constant problems in its early years of operation, including excessive noise, overcrowding, patrons obstructing the sidewalk, and activities outside the agreed-to method of operation which resulted in the establishment being shut down for one month. (Some of these issues are summarized in MCB4's letter to the Liquor Authority dated November 15, 2016.)

Individuals in support of the applicant spoke, among other things, of the applicant's experience in the industry; the applicant's support of charitable activities; the need for "safe spaces" for the LGBTQ community; and the fact that establishments such as this

animate street life adding to security. The applicant stated that any problems at Rise Bar had been resolved and presented, among other petitions in support of this application, a petition of support of the applicant signed by a majority of the residents in the building housing Rise Bar.

We note that the proposed establishment, catering to the LGBTQ community, would add little new to the neighborhood as there are already at least two LGBTQ bars within five blocks of this establishment, and the applicant's own another establishment, Rise Bar at 859 Ninth Avenue (55/56 Streets) is approximately 13 blocks away.

MCB4 is of the opinion that regardless of the applicant, this is the wrong location for an establishment of this size, late hours, and method of operation (DJs, karaoke) in a fully residential building with a Certificate of Occupancy being challenged by DOB. Adding such an establishment here in a place never licensed before, risks significantly changing the character of this block and the surrounding residential blocks. Given the noise and other concerns threatening reasonable residential quality of life, granting this license would not be in the public interest.

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

Thank you for your attention and cooperation with this application.

Sincerely,



Lowell Kern
Chair



Yoni Bokser
Co-Chair
Business Licenses & Permits
Committee



Frank Holozubiec
Co-Chair
Business Licenses & Permits
Committee