



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

## February 2020 Full Board Minutes

Meeting of Community Board 3 held on Tuesday, February 25, 2020 at 6:30pm at PS 20, 166 Essex Street.

### Public Session:

Michael Marino – Friends of Corlears Park will be handing out reusable bags at the Fine Fare at 545 Grand Street on 2/26

Nancy Ortiz – Resigned from NYCHA subcommittee and is resigning from CB3.

Trevor Holland – Community groups won lawsuit about waterfront rezoning, beneficial for the residents of Two Bridges.

Tonto Cabrera – New commander at 7th Precinct and you can meet him at the next community meeting March 18, 2018.

Ryan Gilliam – Director of FABNYC. LES History month is May. No Housing, No Piece theatre piece opening in March tracking Tompkins Square struggles. Several neighbor awards open Community Hero Awards and other nominations open.

Eric Diaz – ED of Vision Urbana Inc. Provides monthly health meetings for the community. This month's theme is on the heart to prevent heart disease. Being held at 207 East Broadway on 3/19 from 1:30-3 PM. Free silver service nutrition program at 66 Essex Street. Distributes 25 pound boxes of food for people over the age of 60.

Laura Sewell – Director of EVCC. Supportive of the Economic Development Special District.

Harry Bubbins – Village Preservation. Supportive of the Economic Development Special District. Union Square special hotel district has been rejected by all relevant CBs and borough president's office via ULURP process. 3 St. Mark's oversized office tower will be heard at city planning commission March 4.

Christine Datz-Romero – LES Ecology Center. Important that the center is part of the re-design and construction of the park.

### Public Officials:

Mayor Bill de Blasio, Andrew Kunkes: no report

Public Advocate Jumaane Williams, Lilah Mejia: no report

Comptroller Scott Stringer, Michael Stinson: no report

Borough President Gale Brewer, Brian Lewis:

- 116 Second Avenue fire. Red Cross found temporary housing for those displaced in Manhattan. Many rent-controlled and stabilized tenants in the building BP's office is making sure their tenancy is protected.
- Pier 42 – city has committed to moving garbage trucks out of CB3.
- East Coast Resiliency – Sent letter to mayor asking for compost yard to stay open for as long as possible.
- 3 St. Marks ULURP – BP's recommendations will come out shortly. BP's office is opposing transfer of air rights.
- Community Board – CB applications are closed. CB3 was first board to get all of its re-applications in. 71 applications, 46 of which are new.
- Capital Grants – In process. Non-profits and other eligible groups should get in touch.
- County Based Census – If you are a non-profit focused on getting a comprehensive count, you can get pre-qualified for these grants. Soft due date of Feb. 28.
- Women's History Month – Open house from 3-5 PM at BP's office on Sunday, March 1. Call office to RSVP for women's history walking tour.
- State of the Borough – Will be held at 311 West 34th Street on March 29. Doors likely at 1 PM.
- Manhattan Historian - Saturday April 4 at 1 Centre Street in the mezzanine

Congressmember Nydia Velazquez, Lingxia Ye:

- Budget negotiations season - Want to expand budget for housing and schools, cut budget for ICE. President's budget proposal includes disastrous cuts to public housing, Medicare, and Medicaid.

Congressmember Carolyn Maloney, Victor Montesinos:

- Introduced the FAIR access to co-ops for veteran's act to permanently expand the veteran's loan program to co-ops.

Assemblymember Yuh-Line Niou, Shivani Gonzalez:

- Budget season. Already submitted budget letters. Top funding issue is housing, specifically public housing.

Assemblymember Deborah J. Glick, Charlie Anderson:

- Held budgetary meeting on the higher education committee that Assemblymember Glick runs.
- There is a link on the SLA website that takes you to the Open Data website to find specific SLA designations. You can reach out to the office if you have questions.

Assemblymember Harvey Epstein, Aura Olavarria:

- L train entrance on the north side of Avenue A opened this month.
- Trying to get student metrocards extended to 11:30 PM.
- Sunday, March 1 doing a reusable bag giveaway at Tompkins Square Park

State Senator Brian Kavanagh, Greer Mayhew:

- Feb. 12, Senate passed a package of bills to enforce code violations
- Pier 36, Sanitation will engage in remediation because there isn't another place to put the garbage trucks. But there is a proposal for a garage at 25th Street.
- Public hearing on housing and homelessness at 250 Broadway, Friday 2/28 at 10 am – contact Greer
- Saturday, February 29 – NYS budget forum at the NY Academy of Medicine (103rd and 5th Avenue) from 2-5PM

State Senator Brad M. Hoylman, Caroline Wechselbaum:

- Deadline to register for the 4/28 presidential primary is 4/3
- Saturday, February 29 – NYS budget forum at the NY Academy of Medicine from 2-5PM

Councilmember Margaret Chin, Marian Guerra:

- Reminder about the plastic bag ban March 1. SNAP and EBT users are exempted from the fees.
- Fair Fares will expand access to public transportation to all New Yorkers. Opening enrollment to all New Yorkers between the ages of 18-64 who don't already have a subsidized MetroCard to apply.

Councilmember Carlina Rivera, Isabelle Chandler:

- Councilmember Rivera is calling on the state for \$3 billion in annual funding for public housing, \$2 billion specifically to NYCHA
- Led the women's caucus is releasing a statement about the Me Too movement, calling on Cy Vance to resign because of his failure to protect survivors of sexual assault

Members Present at First Vote:

David Adams	[P]	Trever Holland	[P]	Paul Rangel	[P]
Yaron Altman	[P]	Linda Jones	[P]	Carolyn Ratcliffe	[P]
Jesse Beck	[P]	Vaylateena Jones	[P]	Damaris Reyes	[P]
Dominic Berg	[A]	Tatiana Jorio	[P]	Richard Ropiak	[P]
Lee Berman	[P]	Meghan Joye	[P]	Thomas Rosa	[P]
Karlin Chan	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
Jonathan Chu	[P]	Olympia Kazi	[P]	Heidi Schmidt	[P]
David Crane	[P]	Joseph Kerns	[A]	Laryssa Shainberg	[P]
Felicia Cruickshank	[P]	Michelle Koppersmith	[P]	Clint Smeltzer	[A]
Paul DeRienzo	[A]	Mae Lee	[P]	Anisha Steephen	[P]
Eric Diaz	[P]	Alysha Lewis-Coleman	[P]	Sandra Strother	[P]
Alistair Economakis	[A]	Ellen Luo	[P]	Josephine Velez	[P]
Shirley Fennessey	[A]	Michael Marino	[P]	Rodney Washington	[A]
Ryan Gilliam	[P]	Alexandra Militano	[P]	Kathleen Webster	[P]
Debra Glass	[A]	Nancy Ortiz	[A]	Jacky Wong	[P]
Herman Hewitt	[P]	Michael Perles	[P]		

Minutes:

Minutes of December 2019 were approved, as is.

**38 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

Board Chairperson's Report:

Chairperson Alysha Lewis-Coleman

- Happy Black History Month! It's the month of love.

District Manager's Report:

District Manager Susan Stetzer

- 9th Precinct wants the community to know about the proliferation of package theft. Precinct will be coming out with tips for people to avoid theft.
- City is creating a new website for CB3. Information technology from the city solicited comments from the community – many people don't know about the community board, a lot of people don't use websites at all.
- Garbage trucks at Pier 42. Sanitation called all elected officials and told them that they were removing CB6 trucks from Pier 42. They will be moved to 23rd Street and FDR Sanitation would not comment on why CB6 trucks were being kept in CB3.
- City is enforcing BID parking restrictions. Issuing 20-30 citations a night. Not a huge learning curve because many drivers are one-time visitors.
- About 50 people experiencing homelessness in CB3 are part of case management. There has been an increase in overdoses so there are additional case workers on the streets.
- Community outreach from the Community Engagement Commission.

Committee Reports:

Executive Committee

- Board member removal for attendance noncompliance

**VOTE: TITLE: RESOLUTION TO REMOVE Paul DeRienzo**

Whereas, according to CB 3 by-laws, members may be removed from the board for missing over 1/3 of their meeting obligations as defined by the procedures contained in CB 3 by-laws as follows:

*Section H: If a Board Member is absent from one third or more of the Board Member's meeting obligations during a six-month period, a letter shall be sent either electronically or by regular mail to the Board Member advising the Board Member of his/her substantial lack of attendance with a copy to the elected official who recommended the Board Member and the Borough President. During the next three months, if the Board Member continues to be absent from one third or more of his/her meeting obligations, the Board Chairperson shall propose the removal of the Board Member as set forth in Section I below. There shall be two periods for measurement of attendance each year (April to September and October to March).*

Whereas, CB 3 follows a procedure for ensuring board members comply with attendance requirements according to the by-laws as follows:

*Section G1: A Board Member shall be deemed present at a Board meeting, committee, subcommittee or task force if he/she is present for the first and last votes at that meeting. If present at either the first or last vote but not both, a Board Member shall be deemed present at half the meeting.*

Whereas, Paul DeRienzo missed 55% of his meeting obligations for the six-month review period between April-September 2019, and Paul DeRienzo was given a letter explaining the by-laws and that he had a 3-month probation period to improve his attendance,

Whereas, Paul DeRienzo missed 58% of his meeting obligations during the three-month probationary period between October – December 2019, and Paul was given a letter providing him an opportunity to be heard at the February 2020 Executive committee meeting,

Whereas, Paul DeRienzo did attend the February 2020 executive committee meeting but did not offer to rectify his chronic absences,

Therefore, be it resolved, CB 3 removes Paul DeRienzo as a Community Board 3 member, effective immediately after the vote as per CB 3 by-laws.

**36 YES 0 NO 1 ABS 0 PNV MOTION PASSED**

**By-Laws Task Force**

- Clarification of language regarding absences deferred to next month

**Parks, Recreation, Waterfront, & Resiliency Committee**

1. Approval of previous month's minutes approved by committee
2. Parks: Mitigations for East Side Coastal Resiliency project no vote necessary
3. Parks: Street Tree Planting and Tree Stewardship no vote necessary
4. Parks/EDC: Pier 42 deck repairs and interim recreational amenities no vote necessary
5. Brooklyn Bridge – Montgomery Coastal Resilience project no vote necessary
6. Lower East Side Preservation Initiative: Informational presentation regarding request to State Historic Preservation Office to consider the East River Park Track House & Tennis Comfort Station for listing on State / National Historic Registries and LESPI's role as a consulting party to the review process no vote necessary
7. Parks Manager Update no vote necessary
8. Vote to adjourn approved by committee

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee**

1. Approval of previous month's minutes approved by committee
2. Alliance for Positive Change: Request for support for move to 35 East Broadway and placement of syringe disposal kiosk

**VOTE: TITLE: RESOLUTION IN SUPPORT OF RELOCATING ALLIANCE FOR POSITIVE CHANGE LOWER EAST-SIDE HARM REDUCTION CENTER (LESHRC) DROP-IN CENTER**

WHEREAS, injection of opioids is on the rise and continues to be a public health emergency in New York City and,

WHEREAS, New York State Department of Health (NYSDOH) and the US Department of Health & Human Services (USDHHS) have recognized Syringe Exchange Programs (SEPs) as an evidence-based intervention for protecting community health, which have directly contributed to lowering the incidence of transmission of HIV and Hep C; and,

WHEREAS, the Alliance for Positive Change's Lower East Side Harm Reduction Center (LESHRC) is currently authorized to offer syringe exchange outreach in Lower Manhattan through a New York State Department of Health Syringe Exchange Program waiver; and,

WHEREAS, Alliance received capital funding from the New York State Department of Health to expand access among marginalized populations to life-saving supports provided by LESHRC by relocating all LESHRC services from 25 Allen Street, New York, New York 10002 to a newly renovated facility at 35 East Broadway, New York, NY 10002; and

WHEREAS, Alliance's LESHRC relocation will expand access to vital harm reduction programming through co-location of mental health and substance use full spectrum services to support active and recovering substance users at any stage of recovery and/or treatment. By providing a welcoming environment Alliance will be able to expand syringe exchange, harm reduction education, overdose prevention, recovery support, Medication Assisted Treatment (MAT) with buprenorphine, referral to our NYS Office of Addiction Services and Supports (OASAS) substance use outpatient treatment and care coordination, services urgently needed in the Lower East Side and adjacent neighborhoods. Alliance LESHRC is an anchor in the lower Manhattan community, helping some of our most underserved, under-resourced, and hardest-to-reach residents make lasting, positive changes towards health, housing, recovery and self-sufficiency, as they navigate life with substance use, mental health, HIV, Hep C and other chronic conditions.

WHEREAS, LESHRC has been a member of the Lower East-Side community for over 28 years as a provider of drop-in syringe exchange, and LESHRC has its roots here as one of the premier harm reduction agencies; and

WHEREAS, throughout its history, LESHRC has had a strong partnership with Community Board 3 and demonstrated strong and continuing commitment to reducing drug-related harm to the community,

THEREFORE, BE IT RESOLVED that Manhattan Community Board 3 strongly supports Alliance's LESHRC request to the New York State Department of Health to amend its Syringe Exchange Program waiver to relocate the LESHRC from 25 Allen Street, New York, New York 10002 to 35 East Broadway.

3. Planning for April panel on special education  
no vote necessary
4. CAB/CEC reports  
no vote necessary
5. Vote to adjourn  
approved by committee

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**SLA & DCA Licensing Committee**

1. Approval of previous month's minutes  
approved by committee

**Alterations**

2. El Sombrero (Two Almontes Corp), 108 Stanton St btwn Ludlow & Orchard Sts (op/alt: to use basement to store alcohol/method of operation: change hours to 11am to 2am Sunday thru Thursday and 11am to 4am Friday and Saturday; change number of employees to 8; to hire 1 security personnel for Friday and Saturday to check ID)  
withdrawn
3. The Crown (Bridgeview Hotel LLC), 50 Bowery btwn Canal & Bayard Sts (op/method of operation/add recorded/background music to roof-top space)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Bridgeview Hotel LLC, doing business as Hotel 50 Bowery, is seeking an alteration of its full on-premises hotel liquor license for the premises located at 50 Bowery, between Canal Street and Bayard Street, New York, New York, to wit adding recorded background music to its exterior rooftop lounge; and

**WHEREAS**, Bridgeview Hotel LLC was denied a full-on premises hotel liquor license by Community Board 3 in February of 2016 unless the applicant agreed to make as conditions of its license stipulations that, in pertinent part, the nineteenth-floor exterior terraces would 1) operate as lounge seating areas for patrons, with the restaurant kitchen serving food during all hours of operation and additional food service from food carts with electric grills, 2) have hours of operation of 7:00 A.M. to 2:00 A.M. all days, 3) have no music at any time, 4) not have "happy hours," 5) not host pub crawls or party buses, 6) not have unlimited drink specials with food, 7) be accessed through the hotel lobby, 8) conspicuously post this stipulation form beside its liquor license inside of its business, and 9) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this corporation was issued a full on-premises liquor license by the SLA on May 12, 2017; and

**WHEREAS**, this alteration, as well as an alteration to add DJs and regular live music to the interior rooftop lounge, was heard by Community Board 3 in December of 2019 and, at that time, Community Board 3 had received complaints about DJs and live music in the interior and exterior rooftop areas although this use was inconsistent from the existing stipulations; and

**WHEREAS**, the Confucius Plaza Board of Directors, representing seven hundred sixty-two (762) families living in a large-scale development directly across Bowery from this location, submitted a statement in opposition to this application at that time and has renewed this statement for this application because its residents have been complaining about noise from live music and DJs from the hotel rooftop from the Spring of 2019 through September of 2019, and, in response to complaints, the Board of Directors had sent a letter to hotel management in June of 2019, but had received no reply; and

**WHEREAS**, the Democratic District Leader for this area submitted a statement in December of 2019 expressing concern that there had been numerous complaints to him from residents about the noise from this rooftop and asking that the applicant address these complaints before seeking to amend its license; and

**WHEREAS**, a representative of the Bowery Block Association appeared for both hearings and asked that the applicant not be rewarded by an approval of its alteration application when it had already been operating in violation of its stipulations; and

**WHEREAS**, the applicant had informed Community Board 3 in December of 2019 that it had only received complaints regarding its rooftop from the community board office in the Summer of 2019 and had spoken with the community affairs officer from the local police precinct who had informed the applicant that any noise complaints regarding the rooftop that he had received had not been verified or validated; and

**WHEREAS**, the applicant had also conceded that the former management of the rooftop areas had not been operating those areas consistent with its stipulations and had caused the rooftop to be a disturbance and that the applicant had replaced this management; and

**WHEREAS**, during the original hearing of this liquor license in February of 2016, the applicant had not submitted a sound study or recommendations from a sound engineer for its rooftop terraces but had then only been proposing that the area would have no music; and

**WHEREAS**, although it was seeking to add music to its exterior terraces, the applicant did not provide a sound study and sound mitigation plan from a sound engineer in December of 2019 and Community Board 3 expressed concern about approving this alteration in the absence of such information and given already existing resident complaints; and

**WHEREAS**, given the concerns of Community Board 3 about impacts of allowing music to the nineteenth-floor terraces, the applicant agreed to withdraw that portion of its alteration application in December of 2019 and obtain a sound study and sound mitigation plan from a sound engineer; and

**WHEREAS**, the applicant has now failed to appear before Community Board 3 for further review of its application and has failed to provide the promised sound study and sound mitigation plan from a sound engineer; and

**WHEREAS**, given the above-described circumstances, including the failure to provide a sound study and sound mitigation plan to address resident complaints about existing music on the nineteenth-floor terraces, Community Board 3 cannot support this alteration; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for the alteration of the full on-premises hotel liquor license for Bridgeview Hotel LLC, doing business as Hotel 50 Bowery, for the premises located at 50 Bowery, on its rooftop, between Canal Street and Bayard Street, New York, New York, to wit adding recorded background music to its exterior rooftop lounge.

4. Norman's Cay (Norman's Cay Group LLC), 74 Orchard St btwn Broome & Grand Sts (op/alt/to license adjacent space)  
withdrawn
5. Brasserie Saint Marc (UKI Freedom LLC), 136 2nd Ave btwn St Marks Pl & E 9th St (op/method of operation/add DJ, Live Music (Acoustic), promoted events, any event at which a cover fee is charged, scheduled performances, add more than 12 private parties per year, add unlimited drink specials, add boozy brunches with food, extend Happy Hour, add Jukebox and Karaoke, add Video/Arcade Game

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, UKI Freedom LLC notified Community Board 3 that it is seeking an alteration and a change in the method of operation of its full on-premises liquor license for the premises doing business as Brasserie Saint Marc, located at 136 Second Avenue, between Saint Marks Place and East 9th Street, New York, New York; and

**WHEREAS**, the attorney for the applicant then submitted an email to the community board office dated December 12, 2019, outlining the intent of the applicant to seek an alteration to add a sidewalk café and change its method of operation by adding DJs, acoustic live music, promoted events, scheduled performances, events with cover fees, more than twelve (12) private parties per year,

unlimited drink specials, "boozy brunches," a jukebox , karaoke, video arcade games and extending its happy hours; and

**WHEREAS**, the applicant then submitted a statement as part of its Community Board 3 questionnaire that it was seeking to add promoted events, scheduled performances and events with cover fees because it wanted to host fundraisers, community events, ticketed events, weddings, parties and Ukrainian performances and the applicant also stated that it wants the radio station housed within this building to be able to broadcast from the restaurant; and

**WHEREAS**, this applicant was heard by Community Board 3 in May of 2018, June of 2018 and July of 2018 and was denied a full on-premises liquor license in July of 2018 unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service French American Ukrainian restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 8:00 A.M. to 2:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged and have no more than twelve (12) private parties per year, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) have "happy hours" to 8:00 P.M. each night, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) ensure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 11) conspicuously post this stipulation form beside its liquor license inside of its business, and 12) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this location was unlicensed at the time that this application was first heard and is zoned R7A R8B with a C1-5 commercial overlay; and

**WHEREAS**, when this applicant was heard by Community Board 3 in July of 2018, it was proposing to operate a French American Ukrainian restaurant with a combined certificate of occupancy of seventy-four (74) people on the ground floor and basement, fifteen tables and thirty-six (36) seats with eleven (11) tables and twenty-six (26) seats on the ground floor and four (4) tables and ten (10) seats in the basement, a twenty-six (26) foot bar, a sixteen (16) foot bar and a thirteen (13) bar with two (2) bars with twenty-three (23) stools on the ground floor and one (1) bar with fifteen (15) stools in the basement, a backyard with nine (9) tables and twenty-four (24) seats and hours of operation of 11:00 A.M. to 6:00 P.M all days, a sidewalk café, hours of operation for the interior space of 8:00 A.M. to 4:00 A.M. all days, a kitchen open during all hours of operation, French doors, no televisions, recorded background music, no promoted events, scheduled performances or events with cover fees, no security and no wait lines outside; and

**WHEREAS**, Community Board 3 heard the original application three (3) times in part because the applicant was not well-prepared to answer questions about its method of operation, because of the proposed elements of the application, because of the lack of experience of the applicant and because Community Board 3 had concerns that, given what the applicant was proposing, the business would not be operated consistent with the stated method of operation of a restaurant; and

**WHEREAS**, although the location was previously unlicensed and Community Board 3 noted that there were twenty-three (23) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty (40) full on-premises liquor licenses and one (1) pending full on-premises liquor license within five hundred (500) feet of this location per the SLA LAMP map at the time of its original hearing, Community Board 3 ultimately approved the application for a full on-premises liquor license because the applicant stated that this location would be a restaurant that would host Ukrainian events, meetings and dinners by organizations from the longstanding local Ukrainian community, because the applicant intended to open the ground floor all day and occasionally open the cellar for groups, meetings or private dinners, because the applicant had amended its application to eliminate commercial use of the backyard and a sidewalk café and had agreed to close its business at 2:00 A.M. all days and because there was a substantial showing of support for this application from the local Ukrainian community, including local business owners, residents and representatives of the Ukrainian community; and

**WHEREAS**, this applicant was then issued a full on-premises liquor license by the SLA on October 1, 2019, and opened its business on October 16, 2019; and

**WHEREAS**, this applicant has now been operating this business for less than four (4) months; and

**WHEREAS**, Community Board 3 informed the applicant prior to its hearing in January of 2020 that the appropriate method of applying for a sidewalk café permit was through an application to DCA and that a sidewalk café would not be considered by Community Board 3 as part of an alteration application given that there is no preexisting sidewalk café at this location; and

**WHEREAS**, the applicant has applied for a sidewalk café permit to DCA which has now been considered at the same time as this application; and

**WHEREAS**, it should be noted for the benefit of the SLA that, given that the law requires in most circumstances the approval of sidewalk café permits, Community Board 3 is now compelled to consider the approval of a sidewalk café for this location despite the previous representations of the applicant that it would not have a sidewalk café in order to obtain the support of Community Board 3 for its application for a full on-premises liquor license; and

**WHEREAS**, this applicant was first heard for its change in method of operation in January of 2020 and withdrew after asserting that 1) although it had stated and signed stipulations that would become conditions of its license that it would not have DJs, live music, promoted events, scheduled performances and events with cover fees, the applicant was seeking to add DJs, live music, karaoke, promoted events, scheduled performances, ticketed sales and events with cover fees, and 2) although it had stated and signed stipulations that would become conditions of its license that it would not commercially use any outdoor areas, the applicant was seeking to operate a sidewalk café and had begun plans to extend commercial use to its backyard; and

**WHEREAS**, during its January 2020 hearing, the applicant also rescinded its request to add video or arcade games; and

**WHEREAS**, the applicant has now stated that it is seeking to add four (4) televisions to its application since last month and wants to have DJs three (3) times per week, live music consisting of string, woodwind and horn instruments and a piano but not percussion instruments, unlimited drink specials, outside seating at a sidewalk café and twenty (20) to twenty-four (24) private parties per year; and

**WHEREAS**, it should be noted that subsequent to its February of 2020 hearing, the applicant informed committee members that it had already applied for a public assembly permit to increase its occupancy; and

**WHEREAS**, the applicant provided petition signatures, eighteen (18) of which are from area residents, in support of its application; and

**WHEREAS**, a representative of the landlord of the building appeared in opposition to this application in both January of 2020 and February of 2020 because the applicant had not spoken with the landlord about any of the proposed changes to its method of operation; and

**WHEREAS**, representatives the board of the building that had originally leased the commercial space to the applicant, as well as one of the organizations housed within the building, appeared to express concern about the proposed changes in the method of operation of the business; and

**WHEREAS**, representatives of the owners' association of 51 Saint Marks Place appeared in opposition to this application in both January of 2020 and February of 2020 given that 1) the applicant has only been operating for a short time and the breadth of its proposed changes suggest that it is seeking to operate an event space rather than a restaurant and the block cannot absorb an additional event space because this location is adjacent to a multi-story event space, 2) the applicant is seeking to add a sidewalk café although the sidewalk on this block is already congested with people, and 3) the applicant has now expressed that it is intending to extend its business into the courtyard shared with 51 Saint Marks Place without having engaged in any outreach or notice the residents of that building or consideration of the impacts on their quality of life; and

**WHEREAS**, with respect to the proposed change in method of operation to add scheduled performances and events with cover fees, Community Board 3 has informed the applicant that given that the zoning for this location is R7A R8B with a C1-5 overlay, scheduled performances and ticketed sales, which includes events with cover fees, are not permitted; and



**WHEREAS**, Community Board 3 informed the applicant that the zoning restrictions prohibited the following specific uses proposed by the applicant: 1) ticketed events, whether or not for fundraising purposes; 2) scheduled musical and dance performances; and 3) scheduled live radio broadcasts; and

**WHEREAS**, Community Board 3 has grave concerns that the applicant is seeking to change its business in so many significant ways so early in its operating history, contrary to its original representations to this community board and after the original application was heard by Community Board 3 three (3) times and the elements of the business discussed at length during each of those hearings; and

**WHEREAS**, Community Board 3 also has grave concerns that the method of operation of a full-service restaurant will not be maintained given that, after less than four (4) months of operation, the applicant is applying to eliminate or change most of its stipulations so that it can host promoted events, scheduled performances and events with cover fees, add DJs, live music and karaoke, have unlimited drink specials and more private parties and extend its happy hours; and

**WHEREAS**, given these circumstances, Community Board 3 cannot now endorse changes in the method of operation for this full on-premises liquor license; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a change in the method of operation of the full on-premises liquor license of UKI Freedom LLC, doing business as Brasserie Saint Marc, in the premises located at 136 Second Avenue, between Saint Marks Place and East 9th Street, New York, New York, to wit adding DJs, acoustic live music, promoted events, scheduled performances, events with cover fees, more private parties per year, unlimited drink specials, "boozy brunches," and karaoke and by extending its happy hours.

**Sidewalk Cafe Application**

6. Brasserie Saint Marc (UKI Freedom LLC), 136 2nd Ave btwn St Marks Pl & E 9th St

**VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—Change Order Attached**

**WHEREAS**, UKI Freedom LLC, doing business as Brasserie Saint Marc, is applying for a sidewalk café permit for its restaurant for the premises located at 136 Second Avenue, between Saint Marks Place and East 9th Street; and

**WHEREAS**, this is an application for a sidewalk café where the applicant has submitted a written application to DCA reflecting that the applicant is applying for twenty-three (23) tables and forty-six (46) seats but attached plans depicting twenty-two (22) tables and forty-four (44) seats with one (1) row of twelve (12) tables and twenty-four (24) seats against the façade of the building, a three (3) foot wait path and one (1) row of ten (10) tables and twenty (20) seats; and

**WHEREAS**, this applicant has also completed a Community Board 3 application in which it has noted that it is applying for a sidewalk café consisting of twenty-four (24) tables and forty-eight (48) seats; and

**WHEREAS**, the applicant has now informed Community Board 3 that it is seeking a sidewalk café permit for twenty-two (22) tables and forty-four (44) seats, consistent with the plans submitted to DCA, with hours of operation of 10:00 A.M. to 12:00 A.M. Sundays, 8:00 A.M. to 12:00 A.M. Mondays through Thursdays and 8:00 A.M. to 1:00 A.M. Fridays and Saturdays; and

**WHEREAS**, this applicant has operated a restaurant at this location since October 16, 2019; and

**WHEREAS**, in order to obtain approval from Community Board 3 for a full on-premises liquor license for its restaurant, this applicant had agreed, in part, to make as a condition of its liquor license a stipulation not to commercially operate any outdoor areas; and

**WHEREAS**, representatives of the owners' association of 51 Saint Marks Place appeared in opposition to this application because the sidewalk on this block of Second Avenue is already congested with people and because the nearby existing large sidewalk café located at 132 Second Avenue, at the corner of Saint Mark Place and Second Avenue, New York, New York, contributes to this sidewalk congestion by not maintaining its permitted footprint; and

**WHEREAS**, given these circumstances, Community would only support an application for a sidewalk café for this business if its size and hours of operation were reduced; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the approval of the application for an unenclosed sidewalk café permit for ten (10) tables and twenty (20) seats for UKI Freedom LLC, doing business as Brasserie Saint Marc, for the premises located at 136 Second Avenue, between Saint Marks Place and East 9th Street, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of ten (10) tables and twenty (20) seats flush against the façade of the building and standing three (3) feet six (6) inches from the façade into the sidewalk, consistent with the submitted plans,
- 2) there will be a three (3) foot wait aisle between café seating and the sidewalk,
- 3) there will be a thirty (30) inch barrier around the perimeter of the sidewalk café, and
- 4) its hours of operation will be 10:00 A.M. to 10:00 P.M. all days.

7. Ruby's East Village LLC, 198 E 11th St btwn 2nd & 3rd Aves

**VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Change Order Agreed To—Change Order Attached**

**WHEREAS**, Ruby's East Village LLC, doing business as Ruby's Cafe, is applying for a sidewalk café permit for its restaurant for the premises located at 198 East 11th Street, between Second Avenue and Third Avenue; and

**WHEREAS**, this is an application for a sidewalk café consisting of five (5) tables and twenty (20) seats with proposed hours of operation of 9:00 A.M. to 10:00 P.M. all days; and

**WHEREAS**, the wine beer license for this applicant was administratively approved in August of 2019 with stipulations to 1) operate a full kitchen open and serving food during all hours of operation, 2) have hours of operation 8:30 A.M. to 12:00 A.M. all days, 3) not commercially operate any outdoor areas, 4) close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, 6) not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3, 7) not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3, 8) not have "happy hours," 9) not host pub crawls or party buses, 10) not have unlimited drink specials with food, 11) ensure that there are no wait lines outside, 13) conspicuously post this stipulation form beside its liquor license inside of its business, and 14) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant has operated a restaurant at this location since October of 2019; and

**WHEREAS**, this business is located on a narrow residential street which has no other sidewalk cafes; and

**WHEREAS**, as part of the application the applicant submitted a photograph depicting a wind barrier erected against the entire façade of its business which the applicant stated was to enclose bench seating for waiting patrons; and

**WHEREAS**, the applicant was informed that it could not use its wind barrier to enclose outdoor seating, including the proposed sidewalk café; and

**WHEREAS**, given the above-described circumstances, Community would only support an application for a sidewalk café for this business if its size was reduced; now

**THEREFORE BE IT RESOLVED** that Community Board 3 recommends the approval of the application for an unenclosed sidewalk café permit for five (5) tables and ten (10) seats for Ruby's East Village LLC, doing business as Ruby's Cafe, for the premises located at 198 East 11th Street, between Second Avenue and Third Avenue, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of five (5) tables and ten (10) seats in one row flush against the façade of the building, and
- 2) its hours of operation will be 9:00 A.M. to 10:00 P.M. all days.

**New Liquor License Applications**

8. Ichibantei (Lucky One Enterprises LLC), 20 St Marks Pl (op) withdrawn

9. Corp to be formed by Erinson Salce, 112 Rivington St btwn Ludlow & Essex Sts (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Suave Bar Restaurant LLC is seeking a full on-premises liquor license for the premises located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York; and

**WHEREAS**, this application was previously heard by Community Board 3 in September of 2019 and the applicant then withdrew its application for various reasons, including issues regarding the elements of the proposed application, the incompleteness of the application or business plan and lack of community outreach; and

**WHEREAS**, this is an application for a bar restaurant with a certificate of occupancy of two hundred seventy-two (272) people with a certificate of occupancy of one hundred (100) people in the basement, one hundred twenty-eight (128) people on the ground floor and forty-four (44) people on the mezzanine, twenty-three (23) tables and one hundred forty-one (141) seats with fifteen (15) tables and forty-two (42) seats and a large bench and large couch with fourteen (14) seats in the basement, three (3) large benches with forty-four (44) seats on the ground floor and one (1) large bench and two (2) large couches with an unspecified number of seats on the mezzanine, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Thursdays and 11:00 A.M. to 2:00 A.M. Fridays and Saturdays, a forty (40) foot bar with fifteen (15) stools on the ground floor and an eighteen (18) foot bar with seven (7) stools in the basement, a kitchen open during all hours of operation serving "modern continental cuisine," happy hours to 7:00 P.M., recorded music, DJs, six (6) private parties per month and security; and

**WHEREAS**, this is a currently unlicensed location; and

**WHEREAS**, there are twenty-seven (27) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but thirty-two (32) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant had stated in September of 2019 that the public benefit of its proposed venue is that it will provide a Latin-focused restaurant but it has since changed the type of restaurant it is proposing to operate to a modern continental restaurant and has now stated that the benefit of adding a full on-premises liquor license to this location is in occupying a vacant storefront; and

**WHEREAS**, the applicant submitted petition signatures in support of its application, twenty-two (22) of which are from area residents, but did no outreach since it was last heard in September of 2019 to residents of the building or to the LES Dwellers, a local residents association, both of whom appeared during that hearing and submitted statements in opposition to its application; and

**WHEREAS**, Community Board 3 denied a full on-premises liquor license for the previous licensee in February of 2005, because it failed to appear and denied an alteration to add a stand-up bar to its business in September of 2005 because it had not yet opened; and

**WHEREAS**, the previous licensee was issued a full on-premises liquor license by the SLA on October 19, 2005, for a method of operation as a lounge with food service and DJs but no live music, scheduled performances, events with cover fees or dancing; and

**WHEREAS**, Community Board 3 then asked the SLA in October of 2015 to deny the renewal of and either revoke the full on-premises liquor license for the previous licensee or enforce its approved method of operation because the business 1) had not been operating consistent with its method of operation by hosting scheduled performances, dancing without a cabaret license, events with ticket sales and cover fees and not serving food, 2) had been illegally using a mezzanine and exceeding its maximum occupancy, 3) had an emergency egress which illegally and unsafely led into the hallway of the residential portion of 112 Rivington Street where the licensee had ejected unruly drunk patrons who would then pass out, fight and or vomit in the residential hallways, 4) had blocked access to the building water boiler which had resulted in the landlord being unable to access the boiler for repairs without the licensee, thereby resulting in a loss of hot water for residential tenants because the licensee had not been responsive when the boiler needed repairs, 5) had commandeered use of the residential garbage area for its own use, and 6) had received numerous complaints from residents of surrounding buildings of late night noise from live performances, patrons on the sidewalk and an air horn; and

**WHEREAS**, consistent with the complaints against it, the previous licensee had Environmental Control Board violations from 2009 and 2013, for exceeding maximum occupancy, illegal cabaret and stage, as well as an improper emergency exit, all of which were still open when the business closed in 2017, and had also entered into a no contest plea before the SLA on May 4, 2007, for improper conduct and an unauthorized bar on December 4, 2005, a no contest plea on April 10, 2010, for failure to conform and unauthorized trade name on January 17, 2009, a no contest plea on August 14, 2009, for unlicensed cabaret on January 17, 2009, a no contest plea on March 28, 2012, for failure to supervise on June 26, 2011, and a no contest plea on May 17, 2013, for exceeding maximum occupancy and a sale to a minor; and

**WHEREAS**, the previous license for this location was ultimately cancelled by the SLA; and

**WHEREAS**, the LES Dwellers previously submitted a letter in opposition to a full on-premises liquor license for this applicant at this location and renewed its opposition for this hearing given that 1) there are already too many full on-premises liquor licenses within five hundred (500) feet of this location which is in an area of the country with the highest alcohol density, 2) the elements of this business, to wit DJs, late night closings, three (3) floors with two (2) bars, a massive occupancy and security, are more consistent with a nightclub than a restaurant, 3) residents of this area are already suffering from traffic congestion and conflicts, parking difficulties, excessive noise and raucous and violent patrons from or because of the existing eating and drinking establishment which have created a public safety and health concern for residents, 4) the previous business at this location had a long history of violations, operating inconsistent from its stated method of operation, creating unsafe conditions for residents and other resident complaints which has proven that the next business has the potential to have a significant impact on the community, 5) this applicant has no license experience and has seven (7) years' experience as a manager of a hookah lounge restaurant, and 6) there is no public benefit in adding another large scale nightlife driven venue in a location near the worst intersection of this area in terms of number of licensed businesses and crowds and noise on the street which requires FDNY and NYPD to set up stations on the street on the weekends to monitor conditions; and

**WHEREAS**, the LES Dwellers further noted that the applicant had failed to reach out to their organization or respond to its effort to meet with the applicant to address the issues raised at its community board hearing in September 2019, and that it was surprised that the applicant was appearing for its community board hearing in February of 2020 given that it had been evicted by the commercial landlord; and

**WHEREAS**, a resident of 112 Rivington Street appeared in opposition to this application given that the applicant had failed to reach out to the tenants of his building to address the issues raised in September 2019 and also expressed confusion that the applicant was appearing for this application given that the applicant had been evicted by the commercial landlord; and

**WHEREAS**, the resident of 112 Rivington Street also submitted a statement from his building condominium board which stated that 1) a majority approval of the board is required for this applicant to operate the commercial space and two (2) of the three (3) board members are opposed to this application, 2) the previous business detrimentally impacted residents with loud music, drunk people both inside and in front of the building, the installation of a fire exit into the residential lobby of the building resulting in drunk patrons accessing the residential portion of the building and creating unsafe conditions for residents and the removal of a building common area which provided access to the boiler and resulted in the building being unable to access the boiler for repairs, and 3) the area already has significant noise, sanitation, traffic and public safety issues as the result of the existing licensed businesses and the addition of this business will increase all of those problems; and

**WHEREAS**, a review of the application materials submitted by the applicant revealed that the diagrams of the proposed venue depicted three (3) floors comprised of large-scale lounge seating which looked the same as the photographs of the existing floors also submitted by the applicant and the applicant then conceded that it would be maintaining the layout and seating of the existing club; and

**WHEREAS**, a review of the application materials submitted by the applicant also revealed a menu consisting of one page entitled its late night menu, consisting of appetizers and snacks, and when asked about the menu the applicant had represented that it would have as part of a full-service restaurant, the applicant stated that it had such a menu but had not brought a copy and was unable to produce one during the community board hearing or articulate what it contained; and

**WHEREAS**, during its community board hearing, the applicant offered to reduce its closing times to 12:00 A.M. all days and maintain a full-service kitchen in an effort to garner approval of its application for a full on-premises liquor license but Community Board 3 does not believe that a proposed reduction of hours of operation can address the deficiencies in this application to justify supporting this applicant for a full on-premises liquor license; and

**WHEREAS**, the applicant has no experience operating a licensed business and its most notable experience is its seven (7) years' experience as a manager of a one-story hookah lounge and restaurant, doing business as Sahara East, located at 184 First Avenue, New York, New York, which is substantially smaller than this location, has operated only with a wine beer license and which had a conditional no contest plea before the SLA on January 24, 2005, for sale of alcohol to a minor, sustained charges before the SLA on September 16, 2005, for sale of alcohol to a minor and sustained charged before the SLA on November 2, 2009, for an illegal extension of its premises and failure to comply with its application by extending its business into a tent in its rear yard; and

**WHEREAS**, although the applicant withdrew its application five (5) months ago to provide a complete application supporting its proposal for a full-service restaurant at this location and engage in outreach to address community concerns about the licensing of this location, it has failed to meet or even speak with residents, has failed to submit an application that reflects that it intends to open a full-service restaurant and instead has submitted an application that reflects that the existing club layout will be maintained and that any food offered at this business will be limited to snacks and appetizers; and

**WHEREAS**, Community Board 3 is unpersuaded that there is a public benefit in the approval of this license for this location to occupy an otherwise vacant space given that the applicant is proposing to operate an apparently nightlife driven business in a venue that can accommodate up to two hundred seventy-two (272) people in an area where there are numerous large-scale venues with full on-premises liquor licenses within one (1) block and given that this community has invested significant time and energy into ensuring that a new business at this location does not duplicate the conditions and ills of the previous business; and

**WHEREAS**, Community Board 3 cannot support this application given that the applicant has no experience operating a licensed business, building and community opposition to the addition of a full on-premises liquor license at this location, the history of this location which includes numerous violations, operation inconsistent from its approved method of operation, noise complaints and unsafe and illegal conduct by the previous licensee and the lack of public benefit in opening what is essentially a lounge with limited food, DJs and security and a full on-premises liquor license in an area well-served with similar businesses; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Suave Bar Restaurant LLC for the premises located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York.

10. Cozy Cafe (Cozy Cafe Corp), 43 E 1st St btwn 1st & 2nd Aves (upgrade to op)  
withdrawn

**New Liquor License Applications**

11. Down and Out (Down and Out Brooklyn LLC), 503 E 6th St (op)  
withdrawn
12. Elcacto 13 Corp, 54 E 13th St (op)  
withdrawn
13. 9th Street Underground LLC, 141 Chrystie St (op)  
withdrawn
14. Corp to be formed by Beatrice Rodriguez Dearma, 157 E Houston St btwn Allen & Eldridge Sts (op)  
withdrawn
15. Tsismis NYC (Burgers and Chismis LLC), 143 Orchard St btwn Rivington & Delancey Sts (upgrade to op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Burgers and Chismis LLC, doing business as Tsismis, is applying for a change in class of its wine beer license to a full on-premises liquor license for the premises located at 143 Orchard Street, between Rivington Street and Delancey Street, New York, New York; and

**WHEREAS**, this is an application for a Filipino restaurant with a certificate of occupancy of sixty-seven (67) people, twelve (12) tables and thirty-eight (38) seats, a nineteen (19) foot bar with nine (9) stools, hours of operation of 5:00 P.M. to 1:00 A.M. Tuesdays through Sundays, a kitchen open during all hours of operation, recorded background music and happy hours to 8:00 P.M.; and

**WHEREAS**, this applicant was heard by Community Board 3 in May of 2017 and withdrew its application after there was a committee recommendation to deny its application for a full on-premises liquor license; and

**WHEREAS**, this applicant was then heard for a wine beer license by Community Board 3 in May of 2017 and was denied unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service Filipino restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 5:00 P.M. to 1:00 A.M. Tuesdays through Sundays and be closed Mondays, 3) not commercially operate any outdoor areas, 4) install soundproofing, 5) close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and otherwise have a closed fixed facade with no open doors or windows, 6) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) not host pub crawls or party buses, 9) not have unlimited drink specials with food, 10) have "happy hours" to 8:00 P.M. each night, 11) ensure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 12) conspicuously post this stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant was then issued a wine beer license by the SLA on June 4, 2019 and opened its business in June of 2019; and

**WHEREAS**, this location was unlicensed and had been operated as a retail store before the applicant was issued a wine beer license; and

**WHEREAS**, the applicant has stated that the public benefit for approving a full on-premises liquor license for this location is that it serves Filipino food and serving alcohol would elevate the dining experience of its patrons; and

**WHEREAS**, there are twenty-six (26) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant and one (1) pending full on-premises hotel liquor licenses on this block per the SLA LAMP map; and

**WHEREAS**, there are several Filipino restaurants within this community board district; and

**WHEREAS**, although the manager stated that he has fourteen (14) years' experience as a chef and manager of eating and drinking businesses without identifying the businesses other than this business, the applicant has no prior experience operating a licensed business; and

**WHEREAS**, the applicant furnished petition signatures, only ten (10) of which are from area residents, in support of its application; and

**WHEREAS**, given the limited operating history for this location, the lack of experience operating a licensed business other than this business, the lack of demonstrated community support for this application and the number of licensed businesses within close proximity to this location, Community Board 3 cannot now support an application for a change in class of the wine beer license of this applicant to a full on-premises liquor license; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the change in class from its wine beer license to a full on-premises liquor license for Burgers and Chismis LLC, doing business as Tsismis, for the premises located at 143 Orchard Street, between Rivington Street and Delancey Street.

16. A 10th Kitchen (A 10th Kitchen Inc), 162 Ave A btwn E 10th & E 11th Sts (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached**

**WHEREAS**, A10th Kitchen Inc., with a proposed business name of A10th Kitchen, has applied for a full on-premises liquor license to operate a restaurant in the premises located at 162 Avenue A, between East 10th Street and East 11th Street, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a "New American" restaurant with a certificate of occupancy of seventy-four (74) people, thirteen (13) tables and twenty-six (26) seats inside and eight (8) tables and sixteen (16) seats outside within the building line in front of the business, a fifteen (15)

foot bar with six (6) stools, hours of operation of 11:00 A.M. to 2:00 A.M. Mondays through Fridays and 10:00 A.M. to 2:00 A.M. Saturdays and Sundays, a kitchen open during all hours of operation, no answer about the façade, recorded background music, four (4) private parties per month and happy hours to 8:00 P.M.; and

**WHEREAS**, the previous licensee at this location was heard for a full on-premises liquor license by Community Board 3 in September of 2013 and was denied unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate as a full-service modern Australian restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 5:00 P.M. to 1:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 2:00 A.M. Thursdays through Saturdays, 3) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 4) not commercially use any outdoor areas, 5) close any façade doors and windows at 10:00 P.M. every night, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3 and not seek to expand its premises, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) not seek a sidewalk café permit until it had been operating with a liquor license for at least one (1) year, 10) employ security guards Fridays and Saturdays, from 8:00 P.M. to 2:00 A.M., and otherwise as needed, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, although the date of the issuance of its license could not be found on the SLA LAMP map, the previous business closed in August of 2018; and

**WHEREAS**, there are twelve (12) full on-premises liquor licenses and three (3) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, this applicant has no experience operating a licensed business but has stated that it has experience working in various positions in restaurants since 1999, including ten (10) years' experience as a manager of an unnamed business on East 59th Street and Fifth Avenue in New York City; and

**WHEREAS**, the applicant provided petition signatures, twenty-nine (29) of which are from area residents, in support of its application; and

**WHEREAS**, representatives of the North Avenue A Neighborhood Association, a local residents association, appeared and asked the community board that the interior part of the business close at 12:00 A.M. weekdays and the sidewalk seating close at 10:00 P.M. all days; and

**WHEREAS**, a resident and owner of the adjacent building located at 166 Avenue A, appeared to express concern about the number of licensed businesses in the immediate area and the potential disturbances to him and his family from a restaurant with outdoor seating; and

**WHEREAS**, Community Board 3 expressed concern about the lack of experience of the applicant in operating a licensed business anywhere or in working in any business within this community, its intention to use the outdoor area within its building line for restaurant seating although the previous business had not had outdoor seating and the already overcrowded sidewalks from sidewalk seating in this area, specifically along Avenue A and Avenue B; and

**WHEREAS**, given the concerns expressed by residents and the community board, the applicant agreed to reduce the closing hours of its interior area to 12:00 A.M. Sundays through Wednesdays and 1:00 A.M. Thursdays and its exterior area to 9:00 P.M. Sundays through Wednesdays; and

**WHEREAS**, given that this business will operate as a full-service restaurant with daytime hours of operation and has reduced the closing times of its proposed interior and exterior areas, Community Board 3 will approve this application for a full on-premises liquor license with stipulations governing the method of operation of the proposed business; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full-liquor license for A10th Kitchen Inc., with a proposed business name of A10th Kitchen, for the premises located 162 Avenue A, between East 10th Street and East 11th Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service New American restaurant, with a kitchen open and serving food during all hours of operation,

- 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Sundays, 11:00 A.M. to 12:00 A.M. Mondays through Wednesdays 11:00 A.M. to 1:00 A.M. Thursdays, 11:00 A.M. to 2:00 A.M. Fridays and 10:00 A.M. to 2:00 A.M. Saturdays,
- 3) it will operate the area within its building line in front of the business only as restaurant seating, consisting of no more than eight (8) tables and sixteen (16) seats, with hours of operation of 10:00 A.M. to 9:00 P.M. Sundays, 11:00 A.M. to 9:00 P.M. Mondays through Wednesdays, 11:00 A.M. to 10:00 P.M. Thursdays and Fridays and 10:00 A.M. to 10:00 P.M. Saturdays,
- 4) it will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged and may have no more than four (4) private parties per month,
- 6) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 7) it may have "happy hours" to 8:00 P.M. each night,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it will ensure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 11) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 12) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

17. Plado (Germat of NY Inc), 192 E 2nd St btwn Aves A & B (upgrade to op/corporate change)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Germat of NY Inc., doing business as Plado, is applying for a change in class of its wine beer license to a full on-premises liquor license for the premises located at 192 East 2nd Street, between Avenue A and Avenue B, New York, New York; and

**WHEREAS**, this applicant is also seeking a corporate change which would remove one (1) of the two (2) principals from this corporate entity; and

**WHEREAS**, this is an application for an Italian restaurant with a certificate of occupancy of seventy-five (75) people, seventeen (17) tables and forty-five (45) seats, an eight (8) foot bar with eight (8) stools, hours of operation of 10:00 A.M. to 12:00 A.M. all days, a kitchen open during all hours of operation, recorded background music and one (1) television; and

**WHEREAS**, this applicant was administratively approved a wine beer license by Community Board 3 in July of 2018 provided the applicant agreed to make as conditions of its license stipulations that it would 1) operate a full-service Mediterranean tapas restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 11:00 A.M. to 12:00 A.M. Mondays through Fridays and 10:00 A.M. to 12:00 A.M. Saturdays and Sundays, 3) not commercially operate any outdoor areas, 4) close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances, 5) play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee would be charged, 6) not seek a change in class to a full on-premises liquor license without first obtaining approval from Community Board 3, 7) not apply for any alteration in its method of operation without first appearing before Community Board 3, 8) have happy hours to 7:00 P.M. each night, 9) not host pub crawls or party buses, 10) not have unlimited drink specials, 11) ensure that there are no wait lines outside, 12) conspicuously post this stipulation form beside its liquor license inside of its business, and 13) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

**WHEREAS**, this applicant was then issued a wine beer license by the SLA on July 19, 2019 and has stated that it opened its business in June of 2019, although a community board member and nearby resident observed that the business appeared to have opened in October of 2019 and social media reports it opening in September of 2019; and

**WHEREAS**, this location is located mid-block on a residentially zoned street, zoned R8B, and was previously operated as a club which had not been approved by Community Board 3 and was operated inconsistent from the residential zoning; and



**WHEREAS**, the applicant has stated that the public benefit for approving a full on-premises liquor license for this location is to respond to patron demand and increase its revenue; and

**WHEREAS**, there are fifteen (15) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but seventeen (17) full on-premises liquor licenses and four (4) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, there are numerous Italian restaurants within the surrounding two (2) blocks; and

**WHEREAS**, the applicant stated that it has operated a business known as Vine Vinosteria, located at 3105 34th Street, Astoria, New York, since 2014; and

**WHEREAS**, the applicant furnished petition signatures, thirty-two (32) of which are from area residents, in support of its application; and

**WHEREAS**, Community Board 3 makes no recommendation about the application for a corporate change; and

**WHEREAS**, given the limited operating history for this location, the lack of experience operating a licensed business in this community, the location of the business midblock on a residentially zoned street, the number of licensed businesses within close proximity to this location and the insufficient benefit in adding another full on-premises liquor license, Community Board 3 cannot support an application for a change in class of the wine beer license of this applicant to a full on-premises liquor license; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the change in class from its wine beer license to a full on-premises liquor license for Germat of NY Inc., doing business as Plado, for the premises located at 192 East 2nd Street, between Avenue A and Avenue B.

18. Sally Can Wait (Sally Can Wait LLC), 245 Bowery @ Stanton St (op)

**VOTE: TITLE: Community Board 3 Recommendation To Deny**

**WHEREAS**, Sally Can Wait LLC has applied for a full on-premises liquor license to operate a restaurant with a proposed business name of Sally Can Wait in the premises located at 245 Bowery, at the corner of Stanton Street and Bowery, New York, New York; and

**WHEREAS**, this applicant is seeking to operate a restaurant with a certificate of occupancy of seventy-four (74) people although previous applicants listed the certificate of occupancy as one hundred seventy (170) people, twenty (20) tables and forty (40) seats although a diagram depicts seventeen (17) tables and thirty-four (34) seats and three (3) banquettes with eighteen (18) seats, a thirty (30) foot bar with twelve (12) stools, a kitchen open during all hours of operation serving Jewish Latin fusion food, hours of operation of 12:00 P.M. to 2:00 A.M. Mondays through Fridays and 11:00 A.M. to 2:00 A.M. Saturdays and Sundays, windows closing at 10:00 P.M., one (1) television, recorded background music, two (2) private parties per month and one (1) to two (2) security guards Thursdays through Saturdays, from 8:00 P.M. to 2:00 A.M.; and

**WHEREAS**, the applicant has stated that it is intending to operate a "curated cocktail bar" with a food menu that complements its cocktails; and

**WHEREAS**, the applicant has also stated that the diagram submitted with its application depicts the correct seating and the proposed television would not have sound; and

**WHEREAS**, this block of Stanton Street, between Chrystie Street and Bowery, is a narrow, one-way street, principally compromised of one-large scale residential building, smaller residential buildings some of which have ground-floor retail and a large hotel which faces Chrystie Street; and

**WHEREAS**, this location was previously operated as a full-service restaurant, doing business as Cata, with a full on-premises liquor license that was issued by the SLA on April 12, 2012, and which closed in January of 2019; and

**WHEREAS**, the previous licensee at this location was denied a full on-premises liquor license by Community Board 3 in June of 2010 unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service Spanish tapas restaurant, serving food to within one (1) hour of closing, and, while it would have a certificate of occupancy for one hundred seventy (170) people only have seating for one hundred sixty-five (165) people and its bar would include food display counters

and a grill, 2) have hours of operation of 11:30 A.M. to 10:30 P.M. Sundays, 11:30 A.M. to 12:00 A.M. Mondays through Wednesdays, 11:30 A.M. to 1:00 A.M. Thursdays and 11:30 A.M. to 2:00 A.M. Fridays and Saturdays, 3) install soundproofing to buffer the residential areas at the location, including double layer soundproofing and a dropped ceiling, consistent with its soundproofing plan, 4) close its façade doors and windows at 10:00 P.M. every night, 5) play ambient background music only, consisting of recorded music, 6) make efforts to minimize outdoor loitering, including accepting reservations, creating a large entry area to accommodate waiting patrons and installing interior and exterior surveillance, 7) not apply for a sidewalk café permit, and 8) have a doorman on duty Thursdays through Saturdays, as well as a manager on duty all days of the week; and

**WHEREAS**, the applicant counted nineteen (19) full on-premises liquor licenses within five hundred (500) feet and six (6) full on-premises liquor licenses within one (1) block of this location but there are twenty (20) full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

**WHEREAS**, the applicant provided petition signatures, fifty-nine (59) of which are from area residents including ten (10) from residents of the building directly across the street from this location, in support of its application and four (4) recommendation letters from previous employers and one (1) patron of a former business submitted a letter in support of this application; and

**WHEREAS**, this applicant has no experience operating a licensed business but stated that its principals have experience a bartenders and managers in similar businesses; and

**WHEREAS**, a representative of the Bowery Street Block Association appeared in opposition to this application because 1) the applicant has not operated a licensed business and is choosing a location on Bowery where the turnover rate for licensed businesses is very high, 2) the proposed business would exacerbate existing conditions of noise from people and loud music in the immediate area, further diminishing the quality of life of residents, 3) there are already too many full on-premises liquor licenses in the area, and 4) this block of Stanton Street, which is a narrow residential street, cannot accommodate another bar when it is already impacted by a large multi-venue hotel and another large bar located on this street; and

**WHEREAS**, a resident of 10 Stanton Street, the large-scale residential building occupying half of the northern side of this block, appeared in opposition to this application, stating that 1) there are too many licensed businesses in the immediate area, with a hotel with numerous licensed venues and another bar at the opposite end of the street and that it is left to residents to enforce these businesses, 2) the area is already a high-trafficked area overwhelmed with noise and smoking, including the corner of Bowery and Stanton Street where this business would be located, and the area cannot absorb another nightlife business, 3) neighbors had met and worked with the previous business owner at this location about its method of operation and even though the previous business had been a restaurant, it left its windows open late and disturbed residents of 10 Stanton Street whose apartments faced the street, and 4) she believed that residents who signed the petition for the applicant and people the applicant had spoken with from her building did not live in street-facing apartments like she did and so would not be impacted by the proposed business; and

**WHEREAS**, given the concerns expressed by residents and the community board, the applicant offered to reduce its proposed closing hours to 12:00 A.M. Sundays and Mondays, 1:00 A.M. Tuesdays and Wednesdays and 2:00 A.M. Thursdays through Saturdays; and

**WHEREAS**, within the past year, Community Board 3 has heard three (3) applications for full on-premises liquor licenses for full-service restaurants at this location and during each of those hearings has sought to ensure that the method of operation for each of the proposed businesses at this storefront would be a full-service restaurant with moderate hours of operation given that Community Board 3 understands that this storefront, which is long and narrow and mostly faces Stanton Street, has great potential to negatively impact tenants of 10 Stanton Street, the large-scale residential building directly across the street, as well as the rest of this narrow, predominantly residential, block; and

**WHEREAS**, notwithstanding the amended hours of operation proposed by the applicant, given the concerns voiced by residents who appeared and the location of the business on a primarily narrow residential street, as well as the proposed method of operation of a cocktail bar with security and the lack of experience of the applicant in operating a licensed business, Community Board 3 cannot approve this application for a full on-premises liquor license; now

**THEREFORE, BE IT RESOLVED** that Community Board 3 recommends the denial of the application for a full-liquor license for Sally Can Wait LLC, with a proposed business name of Sally Can Wait, for the premises located at 245 Bowery, at the corner of Stanton Street and Bowery, New York, New York.

**Items not heard at Committee**

- 19. The Kitchen Sink (88 2nd Ave Food Corp), 88 2nd Ave (op/corp change)  
administrative approval
- 20. Dos Toros (Dos Toros LLC), 145 4th Ave (wb/corp change)  
administrative approval
- 21. The Ground (Chinatown United Food Services LLC), 130 Madison St (wb)  
administrative approval
- 22. Moge Tee (East Peral Canal Holding Inc), 90 Canal St (b)  
administrative approval
- 23. Sanshi Yunnan Noodles LLC, 118 2nd Ave (wb)  
administrative approval
- 24. Bajibaji Inc, 145 1st Ave (wb)  
administrative approval
- 25. Bites of Xi'an Corp, 84 E 10th St (wb)  
administrative approval

**New Liquor License Applications**

- 26. Nostro East Village (Romi Ripa LLC), 75 2nd Ave (wb)  
withdrawn
- 27. Vote to adjourn  
approved by committee

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 3, 18)**

**36 YES 0 NO 0 ABS 1 PNV MOTION PASSED (SLA item 3)**

**36 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 18)**

**Landmarks Committee**

- 1. Approval of previous month's minutes  
approved by committee
- 2. Lower East Side Preservation Initiative: Informational presentation regarding request to State Historic Preservation Office to consider the East River Park Track House & Tennis Comfort Station for listing on State / National Historic Registries and LESPI's role as a consulting party to the review process  
no vote necessary
- 3. Vote to adjourn  
approved by committee

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Land Use, Zoning, Public & Private Housing Committee**

- 1. Approval of previous month's minutes  
approved by committee
- 2. HPD: Where We Live NYC – Presentation on draft fair housing plan  
no vote necessary
- 3. NYS Sen Kavanagh: Update on the impact of 2019 Rent Laws on Co-ops  
no vote necessary
- 4. Report from Two Bridges Community Rezoning Co-Application  
no vote necessary
- 5. Vote to adjourn  
approved by committee

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Transportation, Public Safety, & Environment Committee**

- 1. Approval of previous month's minutes  
approved by committee
- 2. Review of Applications and Guidelines available for download on CB 3 website  
no vote necessary
- 3. Resolution for reoccurring street events

**VOTE: TITLE: RESOLUTION SUPPORTING ADMINISTRATIVE APPROVAL OF REOCCURRING STREET EVENTS**

WHEREAS, Community Board 3 hosts reoccurring street events such as Street Festivals, Single Block Festivals, Block Parties, Weekend Walks, and other street events produced by Community Board 3 nonprofit and community groups and

WHEREAS, CB 3 recognizes these categories of reoccurring events do not need review every year; and

WHEREAS, CB 3 has stipulated that new street events should not occur if they close major through streets or reroute MTA bus traffic, unless they have exhausted all other alternative locations and routes, and

Whereas CB 3 has stipulated that sound permits may not extend for more than 4 hours, and

Whereas CB 3 has stipulated that street events must fall within the 9 a.m. to 8 p.m. window, including set up and break down, so

Therefore, BE IT RESOLVED, that CB 3 authorizes the CB 3 office staff to automatically deny street event applications that do not fall within the abovementioned stipulations, and

Further be it resolved that CB 3 transportation committee will hear street event applications only for the first year unless there are complaints; reoccurring applications will be administratively approved by the CB 3 office.

- 4. Vote to adjourn approved by committee

**37 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

**Economic Development Committee**

- 1. Approval of previous month's minutes approved by committee
- 2. Finalize Special Enhanced Commercial Districts Proposal (2nd Ave & 1st Ave; Aves A, B, C, D; E 14th St, E 13th St, E Houston St)

**VOTE: TITLE: Approval of Special Enhanced Commercial District Resolution with amendments**

**WHEREAS**, in recent years the East Village has experienced a loss of retail diversity, a saturation of destination nightlife businesses, an increase of national chain stores, local businesses facing competition from the rise of e-commerce, and a vacancy rate of approximately 15 percent<sup>1</sup>; and

**WHEREAS**, these problems are most pronounced on the commercially zoned east-west corridors of 14th Street and Houston Street between 2nd Avenue and Avenue D, and the north-south corridors with commercial overlays between 14th Street and Houston Street, including 2nd Avenue, 1st Avenue, Avenue A, Avenue B, Avenue C, and Avenue D; and

**WHEREAS**, on these north-south corridors, 57.1 percent of all tenanted commercial frontage is currently occupied by a formula retail establishment or an eating and drinking establishment<sup>2</sup>; and

**WHEREAS**, vacant storefronts and the majority of nightlife businesses which largely do not open before 6:00 pm, has resulted in significantly decreased daytime foot traffic which has contributed to a loss of independent daytime businesses. These businesses had provided a variety of affordable goods and services that were characteristic of the East Village's commercial streets; and

**WHEREAS**, the saturation of nightlife businesses, many open until 4:00 a.m., has also contributed to widespread quality of life issues. The location of nightlife businesses open until 4:00 am in and near residential buildings has create of conflict of uses, as residents are now subjected to excessive noise, pedestrian congestion, and vehicular congestion on nights and weekends. 311 noise complaints have gone up 38 percent in the neighborhood since 2014<sup>3</sup>; and

<sup>1</sup> Cooper Square Committee and East Village Community Coalition, 2018.

<sup>2</sup> Formula retail establishments make up 13% of total commercial frontage and eating and drinking establishments make up 44.1% of total commercial frontage. Figures based on East Village Community Coalition storefront survey data collected in March 2019.

<sup>3</sup> Zip code 10009, which encompasses the majority of the East Village, registered 1,621 complaints in 2014 for commercial noise, street/sidewalk noise and vehicular noise, and 2,242 complaints in 2019. (Source: 311, DoITT)

**WHEREAS**, the 2019 Center for an Urban Future "State of the Chains" report notes a 15 percent increase in chain stores in zip code 10009 from 2018 to 2019; and

**WHEREAS**, these national chain stores frequently have larger commercial floor plates, larger ground floor frontages, and uniform facades, decor and signage that detract from the unique character and aesthetics of the commercial corridors in the East Village, an area historically distinguished by smaller storefronts with a varied and diverse visual character; and

**WHEREAS**, formula retail businesses are less likely to circulate money within the neighborhood and the New York City economy<sup>4</sup>; and

**WHEREAS**, the existence of formula retail stores negatively impacts small and locally owned businesses that are competing for the same storefronts and providing the same or similar merchandise or services; and

**WHEREAS**, results from Community Board 3 neighborhood outreach efforts in June 2019 found that nearly 70 percent of area residents surveyed felt there should be less formula retail stores in the neighborhood, and 55 percent responded that the area has too little retail diversity; and

**WHEREAS**, the East Village has a storied history as a hub of arts, culture, and activism, with many significant music and poetry venues, Off-Broadway theatres, cultural centers, and eclectic independent retailers contributing to a unique commercial fabric that has made it a New York City tourist attraction and cultural destination; and

**WHEREAS**, there are still many small businesses and arts and cultural organizations in this area which have long served the needs of the racially diverse and mixed-income residential population and should be preserved as valuable community assets; and

**WHEREAS**, vibrant pedestrian-friendly commercial areas like the East Village have distinct offerings, experiences and characteristics that cannot be found online or in other parts of New York City; and

**WHEREAS**, in an effort to protect the historically vibrant and diverse retail corridors of the East Village, support existing small businesses, encourage future small business investment and growth, and promote a lively and engaging pedestrian experience on commercial streets, Community Board 3 (CB 3) has studied and proposed a number of potential zoning interventions; and

**WHEREAS**, these efforts have been ongoing since 2015, with regular monthly public discussions at Economic Development Committee meetings, a CB 3-hosted public forum in June 2017, extensive community outreach and survey collection in Summer 2019, significant input from independent urban planning consultants, and prior Board resolutions of support in May and October 2019; and

**THEREFORE BE IT RESOLVED**, to achieve the above-mentioned goals, Community Board 3 approves of a preliminary set of regulations for three Special Enhanced Commercial Districts:

- The Avenue A, Avenue B, Avenue C, and Avenue D Special Enhanced Commercial District
- The 1st Avenue and 2nd Avenue Special Enhanced Commercial District
- The East Houston Street, East 1st Street, East 14th Street, and East 13th Street Special Enhanced Commercial District; and

**THEREFORE BE IT FURTHER RESOLVED**, these regulations would:

- Place limitations on formula retail establishments
- Regulate the overall street frontage of retail establishments in general
- Regulate the street frontage of eating and drinking establishments specifically
- Require ground floor transparency regulations
- Require a minimum number of non-residential establishments per commercial block; and

**THEREFORE BE IT FURTHER RESOLVED**, CB 3 will continue to do outreach to the broader community in the proposed districts and collect feedback on the proposals captured in this resolution in the coming months, which are detailed below:

***Special Enhanced Commercial District Designations:***

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<sup>4</sup> "Locally Owned vs. Chain: The Local Premium." Institute for Local Self-Reliance. <<https://www.ilsr.org/wp-content/uploads/2012/04/Premium.pdf>>

- **The Avenue A, Avenue B, Avenue C, and Avenue D Special Enhanced Commercial District**

Avenue A and Avenue B between 14th Street and Houston Street; the west side of Avenue C between 14th Street and East 2nd Street; the east side of Avenue C between 10th Street and 2nd Street; and the west side of Avenue D between 10th Street and 2nd Street

- **The 1st Avenue and 2nd Avenue Special Enhanced Commercial District**

2nd Avenue between 14th Street and Houston Street; and 1st Avenue between 14th Street and 1st Street

- **The East Houston Street, East 1st Street, East 14th Street, and East 13th Street Special Enhanced Commercial District**

The south side of 14th Street between 2nd Avenue and Avenue C; the north side of 13th Street between 2nd Avenue and Avenue B; the north side of Houston Street between Avenue A and Avenue B; and East 1st Street between 1st Avenue and Avenue A

***General Purposes:***

To promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- To preserve and enhance the vitality and diversity of commercial districts by ensuring ground floor frontages continue to reflect the multi-store character of such blocks;
- To promote a lively and engaging pedestrian experience;
- To limit the ground floor presence of inactive street wall frontage;
- To promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

***District Requirements:***

**The Avenue A, Avenue B, Avenue C, and Avenue D Special Enhanced Commercial District**

- For all zoning lots with a lot width of 50 feet or more, which have been or are being developed to include commercial uses, a minimum of two non-residential establishments shall be required for every 50 feet of street frontage along the designated commercial street
- Transparency/glazing is required for 50% of the street wall area of new developments between a height of 2' and 12' as measured above the sidewalk level for all uses fronting the designated commercial street in new buildings. No portion of a ground floor may have a blank wall with a width exceeding 10'
- New and expanding eating and drinking establishments shall not exceed 25' street frontage along the designated commercial street
- New and expanding commercial establishments shall not exceed 40' street frontage along the designated commercial street
- New and expanding formula retail<sup>5</sup> establishments are prohibited except by City Planning Commission Special Permit, which requires a ULURP

**The 1st Avenue and 2nd Avenue Special Enhanced Commercial District**

- For all zoning lots with a lot width of 50 feet or more, which have been or are being developed to include commercial uses, a minimum of two non-residential establishments shall be required for every 50 feet of street frontage along the designated commercial street (ZR 132-23)

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<sup>5</sup> **Formula retail** is defined as any establishment with ten or more other retail sales establishments located in the United States, and maintains two or more of the following defining features: a standardized array of merchandise, a standardized façade, a standardized décor/color scheme, a uniform apparel, standardized signage, and a trademark or a servicemark.

- Transparency/glazing is required for 50% of the street wall area of new developments between a height of 2' and 12' as measured above the sidewalk level for all uses fronting the designated commercial street in new buildings. No portion of a ground floor may have a blank wall with a width exceeding 10' (ZR 132-32)
- New and expanding eating and drinking establishments shall not exceed 25' street frontage along the designated commercial street
- New and expanding formula retail establishments are prohibited except by City Planning Commission Special Permit, which requires a ULURP

**The East Houston Street, East 1st Street, East 14th Street, and East 13th Street Special Enhanced Commercial District**

- For all zoning lots with a lot width of 50 feet or more, which have been or are being developed to include commercial uses, a minimum of two non-residential establishments shall be required for every 50 feet of street frontage along the designated commercial street (ZR 132-23)
- Transparency/glazing is required for 50% of the street wall area of new developments between a height of 2' and 12' as measured above the sidewalk level for all uses fronting the designated commercial street in new buildings. No portion of a ground floor may have a blank wall with a width exceeding 10' (ZR 132-32)

**Special Enhanced Commercial Districts – Summary Chart**

	Avenue A	Avenue B	Avenue C	Avenue D	2nd Avenue	1st Avenue	East Houston Street	East 1st Street	East 14th Street	East 13th Street
At least two non-residential establishments required for every 50' of street frontage (132-23)	X	X	X	X	X	X	X	X	X	X
Ground floor transparency - glass requirements, no blank walls (132-32)	X	X	X	X	X	X	X	X	X	X
Eating/Drinking establishments can occupy no more than 25' of street frontage	X	X	X	X	X	X				
Establishments can occupy no more than 40' street frontage	X	X	X	X						
Formula retail prohibited except by City Planning Commission Special Permit, which requires a ULURP	X	X	X	X	X	X				

- 3. Report from Arts & Cultural Affairs Subcommittee  
no vote necessary
- 4. Vote to adjourn  
approved by committee

**38 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

Vote to adjourn

**38 YES 0 NO 0 ABS 0 PNV MOTION PASSED**

Members Present at Last Vote:

David Adams	[P]	Trever Holland	[P]	Paul Rangel	[P]
Yaron Altman	[P]	Linda Jones	[P]	Carolyn Ratcliffe	[P]
Jesse Beck	[A]	Vaylateena Jones	[P]	Damaris Reyes	[P]
Dominic Berg	[A]	Tatiana Jorio	[P]	Richard Ropiak	[P]
Lee Berman	[P]	Meghan Joye	[A]	Thomas Rosa	[P]
Karlin Chan	[P]	Lisa Kaplan	[P]	Robin Schatell	[P]
Jonathan Chu	[P]	Olympia Kazi	[P]	Heidi Schmidt	[P]
David Crane	[P]	Joseph Kerns	[A]	Laryssa Shainberg	[P]
Felicia Cruickshank	[P]	Michelle Koppersmith	[P]	Clint Smeltzer	[A]
Eric Diaz	[P]	Mae Lee	[P]	Anisha Steephen	[P]
Alistair Economakis	[P]	Alysha Lewis-Coleman	[P]	Sandra Strother	[P]
Shirley Fennessey	[A]	Ellen Luo	[P]	Josephine Velez	[P]
Ryan Gilliam	[P]	Michael Marino	[P]	Rodney Washington	[A]
Debra Glass	[A]	Alexandra Militano	[P]	Kathleen Webster	[P]
Herman Hewitt	[P]	Michael Perles	[P]	Jacky Wong	[P]

Meeting Adjourned