



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

April 2019 Vote Sheet

Executive Committee

- Charter Revision Commission Task Force

VOTE: To dissolve the charter revision commission taskforce as it has completed its mission

29 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. Manhattan Detention Center application and DEIS

VOTE: TITLE: CB 3 Recommendations on Mitigations for Manhattan Detention Center Facility

WHEREAS, in April 2017, the Independent Commission on New York City Criminal Justice and Incarceration Reform, chaired by Judge Jonathan Lippman, issued a significant report titled *A More Just New York City* which included a number of recommendations to improve New York City's criminal justice system, which was then followed by a report by the NYC Mayor's Office for Criminal Justice entitled *Smaller, Safer, Fairer*, outlining a plan to pursue a modern and more humane borough-based jail network in New York City; and

WHEREAS, these plans included the closure of the Rikers Island jail complex, where conditions are known to frequently be inhumane and often quite violent, and where the geographic isolation makes it difficult for loved ones to visit detainees and for lawyers to meet with clients they are preparing defenses for; and

WHEREAS, these plans for a modern, more humane criminal justice system also called for the reduction of the overall number of incarcerated people in the New York City jail system through State-level legislative reforms to cash bail and pretrial detention, the discovery process, and speedy trial provisions, which have now been implemented, and City-level reforms which have already led to upwards of 15% reductions in the incarcerated population on Rikers Island; and

WHEREAS, there are opportunities to continue to reduce this population through additional changes in policing practices, removal of low-level offenses from the criminal justice system, legislative reforms for parole revocation, and the transition of individuals with mental health needs or substance abuse issues away from incarceration and toward therapeutic treatment; and

WHEREAS, the proposed borough-based system intends to use current best practices to ensure new facilities are more humane and better serve the incarcerated population, including "clustered housing" models, the reduction of barriers between staff and inmates, improved facilities and services for medical care, behavioral health care services, therapeutic services, and vocational and educational programs, improved visiting areas, and locations near court facilities in transit-rich civic centers that are more accessible for visitors and which would reduce system-wide transportation costs; and

WHEREAS, the New York City Department of Corrections and the Mayor announced in August 2018 that the plan to close the Rikers Island Complex and pursue a borough-based jail system would include a Manhattan facility to be located at 80 Centre Street; and

WHEREAS, that plan has since been revised, and the Manhattan jail facility is now being proposed for 124-125 White Street, replacing the current Manhattan Detention Complex commonly known as "The Tombs"; and

WHEREAS, in order to develop this facility, a zoning text amendment to create a special permit for borough jail facilities to modify zoning requirements is being pursued, and in addition, several site-specific land use actions are necessary to develop the Manhattan facility,

including the site selection for a public facility and a special permit to modify regulations pertaining to bulk and parking, both of which trigger public review through the Uniform Land Use Review Procedure (ULURP); and

WHEREAS, although the proposed facility is located in Community District 1 and therefore Community Board 1 has jurisdiction over the ULURP, the proposed facility is just across Baxter Street from Community District 3 and will have significant impacts within that district as well; and

WHEREAS, CB 1 and CB 3 have been working collaboratively and CB 3 will send its resolution to CB 1 for inclusion in their ULURP response;

THEREFORE BE IT RESOLVED, Community Board 3 believes the following recommendations must be incorporated into the proposal for the Manhattan detention facility at 124-125 White Street:

Scale and Capacity

The detention facility proposed for Manhattan would be a hyper-dense vertical jail containing approximately 1,437 beds in 1,270,000 gross square feet of floor area. The scale of the proposed Manhattan detention facility must be reduced from its current iteration to have the smallest feasible footprint at 124-125 White Street, including design re-considerations, relocating various programming to existing off-site facilities, and the pursuit of additional criminal justice reforms that would create a pathway to lessen capacity needs by reducing the incarcerated population in New York City to levels significantly below what is currently projected.

In the period since the Draft Scope of Work for this project was issued, NYS criminal justice reforms have been passed that address bail and pretrial detention, the discovery process, and speedy trial provisions¹, and New York City passed legislation that would no longer require marijuana drug testing as a condition for probation and parole². All of this will contribute to a smaller incarcerated population than was original projected, and with more reforms anticipated in the near future, it is clear that a smaller facility must be considered at this time.

Off-site Treatment for Mental Health, Drugs, and Complex Medical and Safety Needs

The scale of the proposed Manhattan detention facility and its current projected population should be further reduced by locating specialty care off-site for criminal defendants with mental health, drug-related, and otherwise complex or unique medical needs at separate "therapeutic housing" facilities, or when possible, at nearby existing institutions that currently provide similar services. Generally, these individuals should be moved toward treatment, where better care and services can be provided, rather than incarceration, which would also contribute to the reduction of capacity needs and the overall size of the proposed Manhattan facility.

While the City committed to opening 12 specialized care units through the Program to Accelerate Clinical Effectiveness (PACE) by 2020, they have fallen behind the anticipated schedule siting and construction schedule, which would result in the proposed Manhattan facility requiring more capacity to compensate.³

Further, in April 2018 the NYC Department of Correction and NYC Commission on Human Rights announced plans to maintain a separate safe housing option for transgender and gender non-confirming inmates and it has not been disclosed at this time where that housing would be located, though an off-site location could facilitate a further decrease in necessary capacity at the proposed 124-125 White Street facility.

Impact on Local Senior Citizen Population, Low-Income Senior Residence at 96 Baxter Street, and Chung Pak LDC

¹ McKinley, Jesse and Vivian Wang. "New York State Budget deal Brings Congestion Pricing, Plastic Bag Ban and Mansion Tax." March 31, 2019. <<https://www.nytimes.com/2019/03/31/nyregion/budget-new-york-congestion-pricing.html>>

² Rayman, Graham. "City Council poised to pass bill barring drug tests for people on probation." April 8, 2019. <<https://www.nydailynews.com/new-york/nyc-crime/ny-city-council-poised-to-bar-marijuana-drug-tests-for-probationers-20190408-rqlyeohrvzbi3n7rxyknuhwo6a-story.html>>

³ Blau, Reuven and Rosa Goldensohn. "City Scrambles to Open Special Units for Mentally Ill Inmates." April 10, 2019. <<https://thecity.nyc/2019/04/new-special-jail-units-for-mentally-ill-are-off-pace.html>>

Chung Pak LDC has 50-year ground lease at 96 Baxter Street (the lot adjacent to 124-125 White), a concession from the City that emerged out of the 1982 MDC North Tower development. Chung Pak LDC constructed and maintains (through Everlasting Pine HDFC) an 88-unit low-income senior housing residential building on this site at 96 Baxter Street, which includes one of the highest concentrations of centenarians in any HUD complex in the nation. This includes 105 residents ranging in age from 62 to 105 years old, with a current waiting list of nearly 4,600 applicants at a time when the City has failed to fund new senior housing units in the most recent budget.⁴ The long-term viability of this community asset must be maintained in any proposal for a Manhattan detention facility at 124-125 White Street, with the current low-income senior residents' safety and quality of life insured to the highest extent possible.

During the construction phase, this must include air quality and dust monitoring and full mitigation of sound and vibration impacts for all residents and staff.

Further, the building itself must be protected from any potential compromising of its structural integrity or acceleration of infrastructural wear during the proposed Manhattan detention facility construction phase.

During the construction phase, adjacent sidewalks must be safe and accessible for senior residents getting to commercial businesses on Baxter Street, and access to heavily used Columbus Park, as well as a route to greater Chinatown, must be maintained.

The financial viability of the Chung Pak LDC commercial operation at 125 Walker Street must also be guaranteed in order to protect much needed affordable senior housing in perpetuity. Chung Pak LDC is the leaseholder of 6,300 square feet of retail space in MDC North at 124 White Street, which is proposed for acquisition by DCAS in order to facilitate demolition and new construction on the current MDC North site. In this proposal, Chung Pak would be permanently losing 6,300 square feet of revenue generating commercial space.

To mitigate these impacts, the City must begin by immediately reassessing PILOT fees for the retail businesses at MDC North, as the speculation around redevelopment and commercial displacement is impacting the ability for Chung Pak to collect the pass-through fee and collect monthly base rents from existing tenants, and making it challenging retain commercial tenants at all.

Further, the current 50-year land lease for the 96 Baxter Street site should be bought out and the property sold back to Chung Pak LDC so that the senior residences, as well as the existing CPC Early Childhood Center at Chung Pak, Charles B. Wang Community Health Care facility, and other non-profit office spaces at 125 Walker Street, with deed restrictions to guarantee current uses including senior housing, remain affordable community assets in perpetuity.

Impacts on Small Businesses

The demolition and redevelopment of the existing MDC North tower would result in the direct displacement of 5 ground floor retail businesses, all of which provide significant revenue to Chung Pak LDC, and would result in the loss of employment of an estimated 28 workers. There has been no plan disclosed for the relocation of the displaced businesses, and there must be a guarantee for either appropriate compensation or a relocation plan that mitigates all undue burden carried by the displaced businesses during relocation. This should include, but not be limited to, relocation within a ¼ mile area to a space of comparable size, with any relocation expenses paid for by the City, and an option for a right of first return for displaced businesses in the new MDC retail space, with the rent per square foot at the time of displacement honored in the new lease terms.

As current leaseholders of 6,300 square feet of revenue generating retail space at 124 White Street that will that will be lost in the current proposal, Chung Pak LDC should be appropriately compensated, including but not limited to, the provision by the City of an equivalent amount of leasable commercial space, and/or direct financial compensation at an equivalent value to the amount of revenue that would be generated by the 6,300 square feet of retail space in the remaining years of the current lease term.

⁴ Smith, Greg B. "De Blasio Slammed for Leaving Senior Housing Funds Out of Budget." The City. April 10, 2019. <<https://thecity.nyc/2019/04/mayor-left-usd500-million-in-senior-housing-out-of-city-budget.html>>

In addition, there are approximately 15 small businesses on Baxter Street that will not be directly displaced as part of the proposed Manhattan detention facility construction, but which will face significant adverse impacts as the street is closed for construction staging, and while scaffolding and sidewalk obstructions inhibit access and visibility, and the customer base of existing MDC staff temporarily disappears. During construction, they must be provided with appropriate wayfinding and advertising signs, with costs borne by the City, and grant funding should be made available to assist any businesses suffering undue hardship as a result of the proposed facility's construction.

Residents in Impacted Area

In addition to the 15 small businesses on Baxter Street, there are 8 tenement buildings with over 180 residential units, many of which are rent stabilized and are home to senior citizens who may have significant language barriers. There must be direct, trilingual outreach to residents before and during the construction phase, with at minimum, quarterly community meetings to update residents on construction progress and provide a forum to address any issues and unanticipated impacts.

Community Facility Space and/or Retail Space

The proposed Manhattan detention facility would generate 20,000 square feet of community facility and/or retail space along the north and south sides of White Street, and while it has been suggested that a community-led process will determine the uses and possible tenants at these location, there are practical limitations on the use and establishment type that could be sited here due to the size and layout of the ground floor spaces. Much of the proposed space along White Street is very narrow and likely can only be used for certain types of limited retail uses. There must be an exploration of different ground floor layouts than what is currently proposed to offer a wider range of options for the community space.

Off-site Community Benefits

The original Draft Scope of Work for the proposed Manhattan site projected that the facility would be located at 80 Centre Street. In that scenario, in addition to the anticipated 20,000 square of community facility and/or retail space, there was exploration of a future reuse or redevelopment of the MDC North tower, potentially with a significant amount of community-serving resources located there. With this option now off the table, there must be an immediate discussion of additional off-site community benefits to compensate for this loss, whether that is through investing in existing but underfunded community resources, and/or directly providing additional community facility space, and/or affordable housing.

Community Role in Long-term Advisory Boards and Taskforces

There must be a memorialized process for an ongoing Manhattan Detention Center taskforce, which must include Community Board representation, that would both monitor plans and represent community for input for:

- Determining appropriate design and future tenants for the 20,000 square feet of community facility and/or retail space
- Determining how the pedestrianized White Street arcade between Centre Street and Baxter Street will be used, including the design, programming, and long-term management of the space
- Participating in the design-build process itself, including feedback and vetting of future design and construction plans that are otherwise unknown at the time of public review through ULURP

The SPURA/Essex Crossing Task Force⁵ is a successful model to base this off of. In addition to elected officials and the community board representatives, given the number of Baxter Street small businesses (15) and residential buildings (8) directly impacted by the proposed project, they should be appropriately represented on such a Task Force.

Design-Build Process

⁵ The Essex Crossing Task Force included 5 community board members, 2 local stakeholder representatives, representatives from the local City Councilmember's offices, a representative from the Borough President's office, and 1 former site tenant.

Given the criminal justice reform initiatives at work on the State- and City-level, there may be reductions in projected inmate population compared to what is being assumed today. There must be regular benchmarks during the Design-Build process to re-evaluate the necessary capacity of the facility and consider options for a reduced bulk, height, and capacity. Design-Build RFP responses are anticipated to be chosen in Summer/Fall 2020, and there may be significant legislative action and other criminal justice reforms and programming alternatives conceived in the interim that could present an opportunity for significant bulk, height, and capacity reduction.

In addition, the City has committed to forming a Design Advisory Group to monitor the Design-Build process following certification through to final RFP selections in Fall 2020. As currently conceived, this group would include representatives from the Department of Design and Construction, the Mayor's Office of Criminal Justice, the Department of Corrections, the Department of City Planning, the Public Design Commission, the four Borough Presidents of the impacted boroughs, and the City Council Speaker's office. In addition, there must be Community Board representation on this Design Advisory Group to ensure that local input and a community perspective on the progress of the Design-Build process is represented.

The building masterplan developed by Perkins Eastman is very detailed and restrains the design process in such a way that it is unlikely this process would result in a new landmark for our community that follows the Design and Construction Excellence (DCE) approach. The layout of the proposed building scheme and the diagrams for circulation and programming do not leave real opportunity for a meaningful DCE process. All this is further aggravated by the fast-paced timeframe for planning, design, and construction and by the untested Design-Build process. It is conceivable that the architectural firm hired for the jail will only have freedom to design the façade and tweak the building envelope.

Urban Design, Neighborhood Character, and Historic and Cultural Resources

The proposed project would be disproportionately large and non-contextual when compared to the adjacent buildings, where views would be blocked, and street character irreparably changed.

The proposed jail would be 146-foot taller than the tallest structure currently present in the primary study area (the tower section of the Manhattan Criminal Courts Building). The DEIS references other Civic Center buildings with comparable height, however, the majority of those buildings were planned with open space surrounding them and/or are not adjacent to small residential streets. Bridging over White Street will add to the non-contextual massing, resulting an exceptionally long building, 2 city blocks in length, which would create a significant and imposing street wall.

The Art Deco/Art Moderne-styled South Tower of the current Manhattan Detention Center is NYC Landmark eligible, and the Manhattan Criminal Courts Building and Prison at 100 Centre Street have previously been determined to be New York State State National Registry-eligible. These eligibilities suggest that the proposed demolition and redevelopment would be an inappropriate and significant loss of historic and architectural resources. The 100 Centre Street building, which retains some Egyptian Revival architectural details from the original "Tombs" building, as well as 80 Centre Street and 125 Worth Street constitute a coherent architectural group in Civic Center. The demolition of "the Tombs" would undermine the value of a visible piece of the criminal justice history and the historical development of NYC. Therefore, there is a further responsibility to preserve the remaining buildings if the Manhattan facility is realized as currently proposed.

Part of the proposed Manhattan detention facility would also include the creation of a car-free, pedestrianized arcade on White Street. There are few details at this time of how this space will be designed, maintained, and managed, include significant questions of programming, use, accessibility, potential of revenue generation, and long-term management and maintenance of this space. These questions must be addressed and resolved through a process that includes community representation and appropriate stakeholder involvement.

Construction Period

One of the most disruptive conditions in construction can be caused by staging. This is clearly a difficult area to stage trucks—the current plan of staging on both the east and west sides of the project site along Baxter and Centre Streets does not appear to be adequate for the

anticipated scale of the project, which at peak would include nearly 30 trucks daily in the most conservative estimate.

The DEIS describes the highest impact hours at 6:00 am to 7:00 am but in reality staging may start much earlier than 6:00 am (such as a cement pouring for many hours that must be completed in one day), and staging with a high volume of trips may and does often last until much after 7:00 am. The streets and intersections adjacent to the construction site are already congested and this will be exacerbated by the necessary street closures. At peak times there will be over 1,000 workers in the area. To mitigate traffic and congestion impacts, it is imperative that workers not just be prohibited from parking on site, but not be allowed to bring personal vehicles into the area at all.

We know there will be constant construction issues that must be dealt with, and we have an excellent working model to address this in the Lower Manhattan Construction Command Center (LMCCC). Although the area of work is not as large as Lower Manhattan after 9/11, this will nonetheless this will be very intensive work in much more crowded area and have higher impact on traffic, seniors, children, businesses and all other daily activities. Therefore, there must be an interagency construction working group based on the model of LMCCC. Community Boards must participate in the working group and represent resident complaints and issues. Additionally, there should be a quarterly community meeting to update and hear issues. There should be weekly e-mail blasts that anyone can sign up for that will give schedule and describe work for the upcoming week.

The proposed construction would impact some of our most vulnerable, low-income seniors at the adjacent Chung Pak facility, several of whom are more than 100 years old. Construction noise alone will have a daily negative impact and will outlast some of the seniors. To mitigate this, there must be a commitment to not having any noisy work on weekends or during overnight hours. In addition, trucks should use "white noise" back up alerts—not traditional beeping. Given the vulnerable senior population and nearby childcare facility, monitoring of dust must be for fine particulates (2.5 micrometer Particulate Matter) as this is proven to have serious impacts on pulmonary and cardiac health.

All of this must be memorialized in a detailed construction mitigation plan, including a detailed timeline and phased mitigation plan for the entire construction period, including traffic, noise, and monitoring and mitigating for dust and other particulate matter at each phase, with regular oversight through the LMCCC-model interagency group. Additionally, the RFP for construction should require the contractor to work with the City and local organizations to hire locally with prevailing wages.

Public Health

No significant adverse impacts were identified in the public health analysis in the DEIS. However, air quality is likely to be impacted during the construction phase, as fine particulate matter (at the 2.5 micrometers level) can come from vehicles using diesel fuel such as construction vehicles and buses, which can aggravate asthma and contribute to coughing, lung irritation, chronic bronchitis and cardiovascular hospital admissions. According to the NYC Department of Health and Mental Hygiene "NYC Community Air Survey" report from April 2017, the concentration of P.M. 2.5 in lower Manhattan was already high. Therefore, there must be regular and robust air quality monitoring during all construction phases of the proposed facility, and idling vehicles must not be allowed during operational phase of proposed project.

In addition, exposure to hazardous materials must be fully mitigated. MDC South was built in 1941 but the federal government did not ban the use of lead paint for consumer use and for residential housing until 1978. Before demolition, the presence of lead and lead paint must be studied, disclosed, and if necessary, fully mitigated to protect residents and workers. There is a similar concern for asbestos in the older MDC South building, which also must be studied, disclosed, and fully mitigated.

Transportation

In the DEIS, uniformed DOC staff are projected to generate the most significant number of vehicle trips to the proposed Detention Facility site. Because proximity to public transportation and the reduction of transportation burdens was part of the land use and policy rationale for this proposal, and because it is consistent with the City's OneNYC climate change and carbon reduction goals, no personal vehicles should be used by staff during the

construction or operations phase except those which are essential to facility operation. Traffic congestion is a concern of residents and an identified significant adverse impact, therefore staff and workers should be required to use the robust public transportation that is in close proximity to 124-125 White Street which was part of the site selection rationale.

Furthermore, with the anticipated increased traffic impacts, appropriate signal timing changes and an improved and robust traffic enforcement plan must be developed to reduce congestion, guarantee timely and reliable bus service to the proposed facility and in the area in general, and to ensure emergency vehicles have 24/7 unobstructed access to residential buildings on Baxter Street where a large number of potentially vulnerable senior citizens live, as well as the low-income senior residential building at 96 Baxter Street.

Placard Parking Enforcement Plan

There are currently 140,000 official parking placards in circulation, with 42,000 placard violation fines issued in 2017.⁶ Given that placard abuse is largely concentrated in Lower Manhattan and the Civic Center area where off-street parking costs are high and there is a large number of City employees, the expanded staffing needs at the proposed Manhattan detention facility is a situation primed for placard abuse. There must be a commitment to a multi-agency plan for placard parking enforcement on the surrounding streets and pedestrianized plazas surrounding the proposed facility. Given the ongoing issue of placard abuse and its impact in the area today, this is a mitigation that must begin immediately, rather than at the start of construction or beginning of operations.

Noise – During Operations

The DEIS does not require the disclosure of noise generated by the mechanical systems such as elevator, water and sewage, heating, ventilation, and air conditioning systems during normal facility operations. Because of the proximity to low-income senior residences at the Chung Pak LDC building at 96 Baxter Street, as well as residential tenement buildings across Baxter Street, there must be study, disclosure, and mitigation of any significant noise levels that could impact nearby residents during normal facility operations.

Alternatives

The alternatives disclosed in the DEIS as required by CEQR did not present the full range of options that could reasonably meet stated project goals. To begin, there was no alternative considered that included a Staten Island facility, despite opportunities to provide a humane facility in that borough that would offer improved conditions for those who work and are detained there, while also being assets to the neighborhood and borough, as well as having proximity to court facilities and local transit infrastructure that exist in that area. A 5-borough scenario with Staten Island included should be considered as an alternative scenario.

The "No Unmitigated Significant Adverse Impact Alternative" only considers project goals that include the current projected capacity for a Manhattan facility, and therefore is not considered feasible as this facility would be forced to decrease capacity were it to be built with no significant adverse impacts. However, this in and of itself may be a viable and quite realistic alternative. Criminal justice reform advocates and City and State legislators have been making significant gains in reducing the incarcerated population in New York City, and there is a legislative and policing pathway for further reductions. Therefore, an alternative scenario should be considered with no adverse impacts that meets all project goals and includes a significantly smaller number of beds than is currently being projected.

Additional Mitigations and Off-site Community Benefits

There has been discussion of additional plans for mitigation and the identification of off-site community benefits. Per the DEIS, Columbus Park will be impacted by noise, with noise levels potentially elevated to the "marginally unacceptable" range. This is already a very densely used park, especially by seniors at nearby facilities, and is the major park in the area, and will experience increased use during construction. Mitigations for this park should include the priorities that have been pending for years, beginning with addressing long-standing capital budget. The capital priorities at Columbus Park identified in Community Board 3's most recent budget priorities include:

⁶ Meyer, David. "De Blasio's Placard 'Crackdown' is Actually More Parking Perks for Cops!" February, 21, 2019. <<https://nyc.streetsblog.org/2019/02/21/de-blasios-placard-crackdown-is-actually-more-parking-perks-for-cops/>>

- Upgrading of heating system at Columbus Park pavilion, with flooring that needs replacement and air conditioning installed to make the lower level of the pavilion useable for programming.
- Repair and upgrade of bathrooms and lighting which have dilapidated fixtures and require better lighting
- Upgrade of Columbus Park multi-purpose field to replace the synthetic turf multi-purpose field, a popular location for multiple sports and general recreation and relaxation.
- Installation of new permanent fencing on Baxter Street between Hogan Place near children's playground

These upgrades must occur before the construction period begins to allow for additional and well-served senior and youth programming while the area experiences significant disruption.

Ensuring All Mitigations Are Realized

All proposals and mitigations presented here must be formally memorialized in order to ensure they are acted on as a condition of any project approvals and permitting. Were the project to be approved, this should begin by including all relevant recommendations as conditions in the City Planning Commission report and the City Council ULURP resolution, as well as in restrictive declarations that run with the land to bind the owner to particular commitments to mitigating actions and to control future uses and alterations.

3. Report from Two Bridges Community Rezoning Co-Application
no vote necessary
4. Report from NYCHA & Section 8 Housing Subcommittee
no vote necessary
5. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 2)
27 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Land Use item 2)

Landmarks Committee

meeting canceled

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

1. Approval of previous month's minutes
approved by committee
2. Updates and proposed legislation for criminal justice reform

VOTE: TITLE: Support for Criminal Justice Reform

WHEREAS, according to 2016 Department of Corrections statistics, the incarceration rate in Community District 3 is 449 per 100,000 adult residents, higher than the Manhattan rate of 407 per 100,000 residents and the New York City rate of 425 per 100,000 residents; and

WHEREAS, most of this population is housed on Rikers Island, which primarily consists of pretrial detainees being held on bail and who have not yet been convicted of a crime, as well as some who have been convicted and are serving short sentences of one year or less; and

WHEREAS, the current population detained at Rikers Island is 53.3% Black, 33.9% Latino, 7.5% white, and 5.3% other is evidence that the current criminal justice system and any problem conditions at Rikers Island facilities are disproportionately impacting communities of color, primarily Black and Latino New Yorkers; and

WHEREAS, conditions at the Rikers Island facility are inhumane and often quite violent, with significant isolation and travel times making it exceedingly difficult for loved ones to visit, as well as lawyers to meet with clients they are preparing defenses for; and

WHEREAS, the length of time a person is detained at Riker Island is severely impacted by flaws in the criminal justice system, including discovery practices in which evidence is made available to defendants and their lawyers at the last minute and inhibits the possibility of much earlier pleas and better defense preparedness; and

WHEREAS, additionally, current parole revocation practices frequently result in parolees incurring significant and disproportionate penalties and spending significant time detained on Rikers Island awaiting a hearing; and

WHEREAS, insufficient investments in neighborhood-based crime prevention strategies have also contributed to the disparities seen in the Rikers Island population; and

WHEREAS, in 2016, the New York City Council Speaker appointed former State Chief Judge Jonathan Lippman to lead the Independent Commission on New York City Criminal Justice and Incarceration Reform (commonly known as the Lippman Commission) to look at the possibility of closing Rikers Island, reforming the City's justice system and make recommendations for a path forward to achieve these goals; and

WHEREAS, the Lippman Commission, observing the aforementioned conditions in the New York City criminal justice system broadly and the Rikers Island facilities specifically, recommended the following:

- The jail complex on Rikers Island must be closed and the New York City criminal justice system requires dramatic change
- Jail should be used only as a last resort to ensure public safety
- Those detained should be closer to courthouses, their attorneys, and their family members
- To close Rikers Island, the City should transition to a system of smaller, borough-based jails
- The jail population could be reduced by 50% to less than 5,000 detainees by taking on criminal justice reform initiatives and rethinking incarceration practices
- Cash bail should be eliminated in order to end detention based on wealth and income
- Evidence discovery and speedy trial reform is necessary
- The way parole revocation is handled should be reformed
- The District Attorney and courts should improve charging and discovery practices so that cases can move more quickly
- New York City should increase supervised release programs, mental health and substance abuse programs, and anti-violence initiatives
- New York City should invest in communities affected by the criminal justice system with other educational and community programs; and

WHEREAS, as a result of these initial reforms, since 2016 the population at Rikers Island has been reduced by more than 15% through City-level policy changes and is currently at its lowest level in three decades; and

WHEREAS, the following criminal justice reform measures were included in the FY 2019-2020 New York State budget:

- **Bail and pretrial detention reforms**, eliminating cash bail requirements and pre-trial detention for nearly all cases except some violent felonies;
- **Discovery process reforms**, which now will require a defendant facing felony charges be given access to a range of evidence and information 15 days after an indictment;
- **Speedy trial provision reforms**, which will allow judges to determine when prosecutors are ready to bring a case to trial, avoiding potentially lengthy workarounds; and

WHEREAS, despite these necessary reforms producing significant reductions in the New York City jail population so far, with more expected in the future, there is still a need to make further changes to the City and State criminal justice systems in order to realize a more just and humane system for CD 3 and New York City residents, chief among them being the permanent closure of the Rikers Island facilities;

THEREFORE, BE IT RESOLVED, Community Board 3 commends much of the criminal justice system reform achieved so far; and

THEREFORE, BE IT FURTHER RESOLVED, Community Board 3 supports additional criminal justice reform measures as described in this resolution that would further decrease the incarcerated population in New York City; and

THEREFORE, BE IT FURTHER RESOLVED, Community Board 3 supports the closure of Rikers Island as a necessary element of criminal justice and incarceration reform.

3. Neighbors to Save Rivington House: presentation on state of nursing home care and impact on care for senior population
no vote necessary
4. CAB updates
no vote necessary
5. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Human Services item 2)

25 YES 0 NO 4 ABS 0 PNV MOTION PASSED (Human Services item 2)

SLA & DCA Licensing Committee

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

New Liquor License Applications

2. Paint N Pour (Ttbel Holdings Inc), 112 Rivington St btwn Ludlow & Essex Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Ttbel Holdings Inc., with a proposed business name of Paint N Pour, 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 is an application for a "paint and sip" studio and lounge offering painting classes with food and alcohol service, a certificate of occupancy of two hundred seventy-two (272) people with one hundred twenty-eight (128) people on the ground floor, one hundred (100) people in the basement and forty-four (44) people in the mezzanine, eighteen (18) tables and seventy-two (72) on the ground floor, twenty (20) tables and eighty (80) seats in the basement and eleven (11) tables and forty-four (44) seats on the mezzanine, a nine (9) foot or twelve (12) foot service bar, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays, 2:00 P.M. to 11:00 P.M. Mondays through Thursdays and 11:00 A.M. to 1:00 A.M. Fridays and Saturdays, a kitchen open during all hours of operation serving a limited menu of appetizers, no answer about the façade and recorded background music; and

WHEREAS, this is a currently unlicensed location; and

WHEREAS, there are thirty-one (31) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but forty-three (43) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has stated that the public benefit of its proposed venue is that it will provide art classes to its patrons, as well as having the potential to "collaborate with community-based organizations and locals schools" to provide art classes; and

WHEREAS, the applicant submitted petition signatures, eighty-one (81) of which were from area residents, and two (2) letters from area business owners in support of its application; and

WHEREAS, the applicant has operated the same type of business at 2080 Frederick Douglas Boulevard, New York, New York, since August of 2018, that was issued a full on-premises liquor license by the SLA on July 6, 2018; 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 of late night noise from live performances, patrons on the sidewalk and an air horn from residents of surrounding buildings; 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, a local residents organization, submitted a letter in opposition to a full on-premises liquor license for this applicant at this location and a representative, as well as two (2) residents of the area and one (1) building resident appeared in opposition to the granting of a full on-premises liquor license at this location given that are 1) forty-three (43) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location, 2) there are five (5) large-scale venues with full on-premises liquor licenses within one block of this location, excluding the multiple hotels with hotel on-premises liquor licenses and their multiple public venues, 3) this is a currently unlicensed location and established business operators in the neighborhood have first applied for a wine beer license in this area at unlicensed locations and then a full on-premises liquor license, if appropriate, and 4) this location is near the worst intersection in the 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, Community Board 3 is unpersuaded by the stated public benefit of providing art classes to justify the approval of a full on-premises liquor license for this applicant given that the applicant is proposing to operate a business with limited food service 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

WHEREAS, Community Board 3 further believes that this location surrounded by numerous licensed businesses and the deleterious conditions as a result of those businesses is not an appropriate location for this proposed method of operation with a full on-premises liquor license given that the applicant also conceded that other similar "paint and sip" businesses operate with wine and beer licenses or allow patrons to bring their own beer or wine; and

WHEREAS, Community Board 3 cannot support this application given the limited experience of less than one (1) year of the applicant in operating a similar licensed business in another area of the city and given the proposed size and method of operation of the proposed 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 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 tavern with a full on-premises liquor license that also provides art classes in an area well-served with businesses with full on-premises liquor licenses; now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Ttbel Holdings Inc., with a proposed business name of Paint N Pour, for the premises located at 112 Rivington Street, between Ludlow Street and Essex Street, New York, New York.

3. Zheli Shanghai Inc, 19 St Marks Pl btwn 2nd & 3rd Aves (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Zheli Shanghai Inc. is seeking a full on-premises liquor license to operate a restaurant in the premises located at 19 Saint Marks Place, between Second Avenue and Third Avenue, New York, New York; and

WHEREAS, this applicant is proposing to operate a Chinese restaurant with a certificate of occupancy of seventy-four (74) people, fourteen (14) tables and thirty-eight (38) seats, a service bar, a kitchen open during all hours of operation, hours of operation of 11:00 A.M. to 11:00 P.M. Sundays through Thursdays and 11:00 A.M. to 12:00 A.M. Fridays and Saturdays, windows and recorded background music; and

WHEREAS, this is a previously unlicensed location located on a residential street, zoned R8B; and

WHEREAS, there are thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are thirty-four (34) 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 eleven (11) full on-premises liquor licenses, including one belonging to the applicant, three (3) pending full on-premises liquor licenses, thirteen (13) wine beer licenses, including one belong to the applicant, and two (2) retail licenses on this block; and

WHEREAS, the applicant has stated that the public interest in the approval of this full on-premises liquor license is that it will serve Chinese food that is different from the other Chinese restaurants; and

WHEREAS, the applicant has operated a restaurant located at 19-23 Saint Marks Place since August of 2017 with a wine beer license that was first issued by the SLA on November 19, 2013, a restaurant located at 31 Saint Marks Place with a full on-premises liquor license issued by the SLA on June 1, 2018, and an unidentified restaurant in Flushing, New York, which the applicant states has been issued a full on-premises liquor license by the SLA but about which the applicant provided no other information to Community Board 3; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, fifty-two (52) of which appeared to be from area residents, in support of its application but the applicant conceded that the signatures were comprised of both residents and commercial tenants; and

WHEREAS, there are numerous Chinese restaurants offering some variation of Chinese food on this block and on the streets immediately surrounding this block that operate with no liquor licenses or wine beer licenses; and

WHEREAS, notwithstanding the experience of the applicant operating businesses on this block for more than one (1) year, Community Board 3 would not approve this application for a full on-premises liquor license for this previously unlicensed location on a block with so many existing licensed businesses and given its lack of public benefit; now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Zheli Shanghai Inc, for the premises located at 19 Saint Marks Place, between Second Avenue and Third Avenue, New York, New York.

4. New Territories (PG Themes LLC), 190 Orchard St btwn E Houston & Stanton Sts (op) withdrawn
5. Rabbit Box (Rabbit Box Hospitality LLC), 41 Essex St btwn Grand & Hester Sts (op)

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

WHEREAS, Rabbit Box Hospitality LLC has applied for a full on-premises liquor license to operate a restaurant in the premises located at 41 Essex Street, between Grand Street and Hester Street, New York, New York; and

WHEREAS, this applicant is seeking to operate an Asian fusion restaurant with a certificate of occupancy of seventy-four (74) people, nine (9) tables and eighteen (18) seats, a nineteen (19)

foot bar with nine (9) stools, hours of operation of 5:00 P.M. to 2:00 A.M. all days, a kitchen open during all hours of operation, recorded background music and happy hours to 7:00 P.M.; and

WHEREAS, this is a previously unlicensed location; and

WHEREAS, the applicant has conceded that there are five (5) full on-premises liquor licenses within five hundred (500) feet of this location and there are two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, this applicant has operated a restaurant at 76 Forsyth Street, New York, New York, which was issued a wine beer license by the SLA on March 16, 2016; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, forty-six (46) of which are from area residents, and one (1) area resident submitted a written statement in support of its application; and

WHEREAS, two (2) residents of the area and the Orchard Street Block Association submitted written statements that they would support this application with closing hours of 12:00 A.M. Mondays through Wednesdays and 1:00 A.M. Thursdays through Saturdays because there are already too many licensed businesses on the street with late night hours; and

WHEREAS, 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, including earlier closing times; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full-liquor license for Rabbit Box Hospitality LLC, with a proposed business name of Rabbit Box, for the premises located 41 Essex Street, between Grand Street and Hester 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 Asian fusion restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 12:00 A.M. Sundays through Wednesdays and 5:00 P.M. to 1:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, but will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 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 7:00 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 not have wait lines outside and will designate an employee to oversee patrons and noise outside of its business,
- 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.

6. Friendship Foods One Inc, 103 Bowery (wb)

withdrawn

7. Da Yu Manhattan LLC, 81 Bowery(op)

withdrawn

8. Helen's Kitchen LLC, 172 Orchard St @ Stanton St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Helen's Kitchen LLC is seeking a full on-premises liquor license to operate a restaurant in the premises located at 172 Orchard Street, at the corner of Stanton Street and Orchard Street, New York, New York; and

WHEREAS, this applicant is proposing to operate a Vietnamese restaurant with a certificate of occupancy of seventy-four (74) people, fourteen (14) tables and thirty (30) seats, an eleven (11) foot bar with six (6) stools, a kitchen open during all hours of operation, hours of operation of 8:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 1:00 A.M. Thursdays through Saturdays, French doors and recorded background music; and

WHEREAS, this is a currently unlicensed location that was previously operated as a full-service restaurant with a full on-premises liquor license, doing business as Mission Cantina, that closed in December of 2016; and

WHEREAS, the previous applicant for this location was denied a full-on premises liquor license by Community Board 3 in June of 2013 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Chinese Mexican restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 2:00 A.M. all days, 3) close any façade doors and windows at 10:00 P.M. every night, 4) locate pick up for takeout food inside of the location and text waiting patrons when tables are available to minimize pedestrian congestion in front of the business, 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 would be charged, and 6) designate an employee to oversee patron congestion and noise on the sidewalk; and

WHEREAS, the previous applicant was then denied a change in class of its wine beer license to a full on-premises liquor license in November of 2014 unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Chinese Mexican restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 12:00 A.M. all days, 3) close any façade doors and windows at 10:00 P.M. every night, 4) locate pick up for takeout food inside of the location and text waiting patrons when tables are available to minimize pedestrian congestion in front of the business, 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 would be charged, and 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) insure that there are no wait lines outside and designate an employee to oversee patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, there are forty-one (41) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are forty-three (43) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant has stated that the public interest in the approval of this full on-premises liquor license is that it will serve Vietnamese food in an area without many Vietnamese restaurants, and it will have an experienced chef and an unnamed partner who is an experienced restaurant owner who has been operating businesses in New York and Las Vegas since 1993; and

WHEREAS, this applicant has no experience operating a licensed or similar business but notes experience as a chef and experience operating a periodic pop-up restaurant within 22 Orchard Street, New York, New York, in the past one and a half (1½) years; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, thirty-nine (39) of which are from area residents, in support of its application and submitted reference letters from the owner of the business at 22 Orchard Street, a representative of the Institute of Culinary Education and the chef Daniel Boulud; and

WHEREAS, three (3) residents of the area and the LES Dwellers, a local residents organization, submitted statements and a representative of the LES Dwellers appeared in opposition to the granting of a full on-premises liquor license at this location given that 1) there are forty-three (43) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location, 2) this is a currently unlicensed location and the previous licensee, although having an established business in the neighborhood, first applied

for a wine beer license and then a full on-premises liquor license after operating for one (1) year, and 3) this location is in the worst intersection in the 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, Community Board 3 will not approve this application for a full on-premises liquor license for this currently unlicensed location surrounded by so many existing licensed businesses and given its insufficient public benefit; now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Helen's Kitchen LLC, with a proposed business name of Saigon Social, for the premises located at 172 Orchard Street, at the corner of Stanton Street and Orchard Street, New York, New York.

9. Vida Buena (Vida Buena LLC), 245 Bowery @ Stanton St (op)

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

WHEREAS, Vida Buena LLC has applied for a full on-premises liquor license to operate a restaurant 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 Caribbean Latin American restaurant with a certificate of occupancy of one hundred twenty (120) people, twenty-three (23) tables and ninety-three (93) seats, a thirty (30) foot bar with sixteen (16) stools, a kitchen open during all hours of operation, hours of operation of 8:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 3:00 Thursdays through Saturdays, accordion doors and windows, no televisions, recorded and live acoustic music at background levels, four (4) private parties per month and happy hours to 7:00 P.M.; and

WHEREAS, this location was previously operated as a restaurant, doing business as Cata, with full on-premises liquor license that was issued by the SLA on April 12, 2012; and

WHEREAS, the applicant has conceded that there are twenty (20) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, this applicant has no experience operating a licensed business but notes a history of similar experience; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, thirty-nine (39) of which are from area residents, in support of its application; and

WHEREAS, two (2) residents of the area appeared and stated that they were opposed to this application because its proposal seemed unclear and included late-night hours of operation; and

WHEREAS, notwithstanding the concerns voiced by residents who appeared, 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, including earlier closing times, given that this location was a previously licensed full-service restaurant and given that the applicant is seeking to operate a full-service restaurant with daytime hours of operation and serving breakfast, lunch and dinner; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full-liquor license for Vida Buena LLC, with a proposed business name of Vida Buena, for the premises located 245 Bowery, at the corner of Stanton Street and Bowery, 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 Caribbean restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 8:00 A.M. to 11:00 P.M. Sundays, 8:00 A.M. to 12:00 A.M. Mondays through Wednesdays, 8:00 A.M. to 1:00 A.M. Thursdays and 8:00 A.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,

- 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, and when live acoustic musicians are playing,
- 5) it will play ambient recorded background music and may have live acoustic music, played at ambient background level and consisting of no more than three (3) players or instruments excluding percussion or horn instruments, playing during weekend brunch from 12:00 P.M. to 4:00 P.M., and will not have DJs, promoted events, scheduled performances or events at which cover fees are charged, and will have no more than four (4) private parties per year,
- 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 7:00 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 not have wait lines outside and will designate an employee to oversee patrons and noise outside of its business,
- 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.

10. East Village Hospitality Group LLC, 118 St Marks Pl (op)
withdrawn

Sidewalk Cafe Applications

11. Momofuku Ssam Bar (Daimyo Group LLC), 207 2nd Ave @ E 13th St

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

WHEREAS, Daimyo Group LLC, doing business as Momofuku Ssam Bar, is applying for a sidewalk café permit for its restaurant for the premises located at 207 Second Avenue, at the corner of East 13th Street and Second Avenue, New York, New York; and

WHEREAS, this is an application for a sidewalk café consisting of four (4) tables and eight (8) seats located on Second Avenue with hours of operation of 11:30 A.M. to 10:00 P.M. Sundays through Thursdays and 11:30 A.M. to 11:00 P.M. Fridays and Saturdays; and

WHEREAS, this applicant is also seeking to add four (4) tables and eight (8) seats within its building line on Second Avenue which would not require a sidewalk café permit; and

WHEREAS, this applicant has operated a restaurant at this location since 2006; and

WHEREAS, Community Board 3 supports this application for outdoor seating comprised of tables and seats within the building line of and a sidewalk café for this business; now

THEREFORE BE IT RESOLVED that Community Board 3 recommends the approval of the application for an unenclosed sidewalk café permit for four (4) tables and eight (8) seats for Daimyo Group LLC, doing business as Momofuku Ssam Bar, for the premises located at 207 Second Avenue, at the corner of East 13th Street and Second Avenue, New York, New York, because the applicant has signed a change agreement which will become part of its DCA license that

- 1) its café will consist of four (4) tables and eight (8) seats, and
- 2) its hours of operation will be 11:30 A.M. to 10:00 P.M. Sundays through Thursdays and 11:30 A.M. to 11:00 P.M. Fridays and Saturdays.

Alterations

12. Las' Lap (Normans Cay Group LLC), 74 Orchard St (op/alt/license adjacent store)
withdrawn

13. Pulqueria (HTCT LLC), 11-13 Doyers St (op/alt/add live music, add DJ, add lunch service)
withdrawn

14. L'Estudio (Hester Collective LLC), 61 Hester St (wb/alt/extend license to adjacent space and basement)
withdrawn

New Liquor License Applications

15. Dr Clark, 61-63 Hester St (wb)
withdrawn

16. Williamsburg Pizza (Williamsburg Pizza 14th Street LLC), 226 E 14th St (wb)

withdrawn

17. La Contenta Clandestina, 106 Norfolk St btwn Rivington & Delancey Sts (op)

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

WHEREAS, an entity to be formed by principal Luis Arce Mota has applied for a full on-premises liquor license to operate a restaurant, with a proposed business name of La Contenta Clandestina, in the premises located at 106 Norfolk Street, between Rivington Street and Delancey Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a Mexican restaurant with a certificate of occupancy of seventy-four (74) people, seven (7) tables and fourteen (14) seats, a nine (9) foot bar with eight (8) stools, hours of operation of 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a kitchen open to within one (1) hour of closing, French doors, recorded background music and happy hours to 7:00 P.M.; and

WHEREAS, this location was previously operated as a tavern, doing business as Sunita Bar, with a full on-premises liquor license that was issued by the SLA on December 2, 2003; and

WHEREAS, there are fifteen (15) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are twenty-eight (28) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location per the SLA LAMP map; and

WHEREAS, the applicant operates a restaurant located at 102 Norfolk Street, New York, New York, that was issued a full on-premises liquor license by the SLA on January 29, 2015 and a restaurant located at 78 West 11th Street, New York, New York, that was issued a full on-premises liquor license by the SLA on April 1, 1992; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, sixty-six (66) of which are from area residents, including residents of the building and adjacent buildings, in support of its application; and

WHEREAS, given the prior experience of the applicant operating another licensed business on the same street and given the proposed method of operation as a full-service restaurant with daytime hours of operation in a location which was previously operated as a tavern, Community Board 3 would support this application 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 an entity to be formed by principal Luis Arce Mota, with a proposed business name of La Contenta Clandestina, for the premises located at 106 Norfolk, between Rivington Street and Delancey 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 Mexican restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) 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,
- 4) 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,
- 5) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 6) it may have "happy hours" until 7:00 PM. each night,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,

- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

18. Dizzy's (Saica LLC), 165 Allen St btwn Stanton & Rivington Sts (op)

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

WHEREAS, Saica LLC is seeking a full on-premises liquor license to operate a restaurant lounge in the premises located at 165 Allen Street, between Stanton Street and Rivington Street, New York, New York; and

WHEREAS, this was originally an application for an American restaurant and lounge with no listed certificate of occupancy, eighteen (18) tables and forty-two (42) seats on the ground floor and twenty (20) tables and sixty-eight (68) seats on the second floor, a twenty-four (24) foot bar with twenty-five (25) stools on the ground floor and a sixteen (16) foot bar with thirteen (13) stools on the second floor, a sidewalk café, hours of operation of 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 3:00 A.M. Thursdays through Saturdays, a kitchen open during all hours of operation, an open façade, recorded and live music and DJs at background and entertainment levels, scheduled performances and events with cover fees, patron dancing, security and happy hours; and

WHEREAS, Community Board 3 informed the applicant that it would have to separately apply to DCA for a sidewalk café permit because a sidewalk café would not be considered as part of this application given that there is no preexisting sidewalk café at this location; and

WHEREAS, this location has been unoccupied for approximately four (4) years but was previously operated as a full-service restaurant with recorded background music; and

WHEREAS, this location was last approved an alteration to the existing restaurant by Community Board 3 in September of 2006, to wit adding an additional upstairs bar, provided the applicant agreed to make as conditions of its license the stipulations that it would 1) maintain its method of operation on both floors as a full-service restaurant, serving food until one (1) hour of closing, 2) operate the upstairs as a full-service sit-down restaurant, 3) close at 12:00 A.M. weeknights and 1:00 A.M. weekends, 4) not have live music or DJs, and 5) close any facade doors or windows at 10:00 P.M.; and

WHEREAS, although unoccupied by any full-time business in the past several years, the location was being subleased as an event space for an approximate two (2) year period, in which sub-lessees were being issued temporary permits by the SLA to serve alcohol during events; and

WHEREAS, the events included loud music and people which caused numerous complaints from adjacent residents and resulted in the district manager of Community Board 3 asking the SLA curtail the issuance of the temporary permits; and

WHEREAS, there are nineteen (19) full on-premises liquor licenses within five hundred (500) feet of this location per the applicant but there are twenty-four (24) 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; and

WHEREAS, this applicant has no experience operating a licensed business and has never held a liquor license but notes that its chef and manager have had experience working in licensed businesses; and

WHEREAS, the applicant has furnished evidence of community support, in that it provided petition signatures, one hundred twelve (112) of which are from area residents, and two (2) people appeared in support of its application; and

WHEREAS, three (3) residents of the adjacent building located at 167 Allen Street, New York, New York, appeared to express concerns about noise and vibrations from music travelling through the walls of this unsound-proofed space, as well as from a ventilation system; and

WHEREAS, Community Board 3 is concerned about granting a full on-premises liquor license to this applicant given that this applicant is proposing to operate a performance venue without having any experience operating a licensed business; and

WHEREAS, given these concerns and the concerns of residents of the adjacent buildings, this applicant obtained the recommendation of a sound engineer in collaboration with neighboring residents to soundproof the interior and ventilation system and has reduced its hours of operation, eliminated DJs as part of its general operations, its stage and events with cover fees and will have live music only as an accompaniment to drinking and dining; and

WHEREAS, recognizing the efforts made by the applicant to modify its proposed method of operation to address community concerns, Community Board 3 will only support this application with stipulations governing the method of operation of the proposed business; now

THEREFORE, BE IT FURTHER RESOLVED THAT Community Board 3 recommends the denial of the application for a full on-premises liquor license for Saica LLC, with a proposed business name of Dizzy's, for the premises located at 165 Allen Street, between Stanton Street and Rivington Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that

- 1) it will operate as a full-service American restaurant with a kitchen open and serving food during all hours of operation and with both the ground and second floors being used for sit-down dining consistent with its operation as a full-service restaurant,
- 2) its hours of operation will be 11:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 2:00 A.M. Thursdays through Saturdays,
- 3) it will not commercially operate the second-floor terrace which will only be used as a garden not accessible to patrons and the façade to the terrace will be closed at all times,
- 4) it will install soundproofing consistent with the plans of an acoustical engineer, including
 - 1) installing soundproofing to ensure that sound is inaudible to and vibrations are not felt by residents in adjacent buildings and conducting a sound assessment with neighboring residents after the business is open to evaluate whether mitigation efforts are successful,
 - 2) encasing a new HVAC system in its own rooms on the roof at the front and back of the building to mitigate the impact of sound and vibrations on neighboring residents, and
 - 3) installing a set limiter,
- 5) it will close any ground floor 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, will have a closed fixed front façade with no open doors or windows on the second floor and will have a closed fixed skylight,
- 6) it will play ambient recorded background music as part of its regular business operations and may have live music, played at ambient background level and consisting of no more than three (3) players or instruments, playing no more than four (4) days per week, from 7:30 P.M. to 10:00 P.M. and during weekend brunch from 12:00 P.M. to 2:00 P.M., and players or instruments will be positioned on the second floor in the front of the business and limited by a set limiter,
- 7) it may have DJs played at ambient background level at private events no more than twelve (12) times per year but will not have DJs as part of its regular business operations and will not have promoted events, scheduled performances or events at which cover fees are charged,
- 8) it will not apply for any alteration in its method of operation or for any physical alterations without first appearing before Community Board 3,
- 9) it may have "happy hours" to 7:00 P.M. each night,
- 10) it will not host pub crawls or party buses,
- 11) it will not have unlimited drink specials with food,
- 12) it will insure that there are no wait lines outside and will designate an employee responsible to oversee patrons and noise on the sidewalk,
- 13) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 14) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

19. Entity to be formed by Derek O'Connor, 503 E 6th St (op)
withdrawn

Items not heard at Committee

20. Paul's Da Burger Joint (JHDHA Inc), 131 2nd Ave (b)
no vote necessary

- 21. Tramezzini NYC (Silver Lion Management LLC), 309 E Houston St (wb)
no vote necessary
- 22. Dim Sum Go Go Inc, 5 E Broadway (wb)
no vote necessary
- 23. Afandi Grill (Kanss Group Inc), 149 1st Ave (wb)
no vote necessary
- 24. Sarita's Macaroni & Cheese EV LLC, 197 1st Ave (wb)
no vote necessary
- 25. Entity to be formed by Robert Ceraso, 121-123 St Marks Pl (wb)
no vote necessary

Alterations

- 26. Hotel 50 Bowery, 50 Bowery btwn Canal & Bayard Sts (op/alt/extend hours for 2nd Fl terrace from 9pm to 11pm all days)

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

WHEREAS, Bridgeview Hotel LLC, doing business as Hotel 50 Bowery, and DJD Bowery LLC are seeking an alteration of the full on-premises liquor license for the premises located at 50 Bowery, between Canal Street and Bayard Street, New York, New York, to wit extending the hours of operation of the second floor exterior event and gathering space to 11:00 P.M. all days; and

WHEREAS, this applicant has now stated that it is seeking to extend the hours of operation of the second floor to 11:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays and also add recorded and live music and DJs at background levels; and

WHEREAS, Bridgeview Hotel LLC was denied a full-on premises 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 second floor exterior event and gathering space would 1) operate as a daily casual gathering space for patrons and the public and as an occasional event space, 2) have no music at any time, 3) have no dancing at any time, 4) have no fixed stand up bar but have moveable bars during events, 5) have no promoted events, scheduled performances or any event at which a cover fee would be charged, 6) have hours of operation of 8:00 A.M. to 9:00 P.M. Sundays through Thursdays and 8:00 A.M. to 10:00 P.M. Fridays and Saturdays, and 7) have a soundproofed barrier and planters, consistent with the recommendations of a sound engineer, to baffle noise travelling to the adjacent residential building located at 26 Elizabeth Street; and

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

WHEREAS, this hotel is located on a major avenue, the applicant has soundproofed the area abutting the only residential building located at 26 Elizabeth Street, New York, New York, including soundproofing the windows of the adjacent apartments, and the eight (8) residents of the building signed letters in support of these proposed alterations; and

WHEREAS, the Chinatown Core Block Association submitted a statement expressing concerns about the proposed alteration, understanding that it would be to close at 11:00 P.M. Sundays through Thursdays and 12:00 A.M. Fridays and Saturdays and have DJs, live music, special events, happy hours and a barbeque, because the applicant had violated its stipulations by having happy hours and unlimited drink specials in its restaurant; and

WHEREAS, notwithstanding the expressed concerns, given that this location has been operating since 2017, is located on a major avenue and has provided letters of support from the residents of the only adjacent apartment building, Community Board 3 would support this alteration, with modification to the type and volume of music, with amended stipulations governing use of the area for which the alteration is sought; now

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for the alteration of the full on-premises liquor license for Bridgeview Hotel LLC, doing business as Hotel 50 Bowery, and DJD Bowery LLC, for the premises located at 50 Bowery, between Canal Street and Bayard Street, New York, New York, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized amended stipulations for the second floor exterior event and gathering space that

- 1) it will operate this area as a daily casual gathering space for patrons and the public and as an occasional event space,
- 2) it will have hours of operation of 8:00 A.M. to 11:00 P.M. Sundays through Wednesdays and 8:00 A.M. to 12:00 A.M. Thursdays through Saturdays,
- 3) it will play ambient recorded background music as part of its regular business operations and may have DJs and live acoustic music, consisting of no more than five (5) players, played at ambient background levels no more than three (3) times per week and only during special events,
- 4) it will not have dancing in this area at any time,
- 5) it will not have a fixed stand up bar in this area but may have moveable bars during events,
- 6) it will not have promoted events, scheduled performances or events at which cover fees will be charged,
- 7) it will install a soundproofed barrier and planters, consistent with the recommendations of a sound engineer, to baffle noise travelling to the adjacent residential building located at 26 Elizabeth Street.

27. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding SLA items 5, 17, 26)

28 YES 1 NO 0 ABS 0 PNV MOTION PASSED (SLA item 5)

27 YES 1 NO 0 ABS 1 PNV MOTION PASSED (SLA item 17)

27 YES 1 NO 0 ABS 1 PNV MOTION PASSED (SLA item 26)

Economic Development Committee

1. Approval of previous month's minutes
approved by committee
2. Cooper Square Committee: Immigrant-owned Small Business Report
no vote necessary
3. Special District Update: George Janes & Associates presentation on Special Enhanced Commercial District regulations
no vote necessary
4. Report from Arts & Cultural Affairs Subcommittee
no vote necessary
5. Vote to adjourn
approved by committee

Transportation, Public Safety, & Environment Committee

1. Approval of previous month's minutes
approved by committee
2. DOT: Seasonal Streets: Doyers and Mott Street between Bayard Street and Pell Street
VOTE: TITLE: Support for 2019 Seasonal Closure of Doyers Street and Mott Street between Bayard Street and Pell Street

WHEREAS, the Department of Transportation/DOT is proposing a seasonal street closure of Doyers Street and Mott Street between Bayard Street and Pell Street in Chinatown from July 15, 2019 to October 31, 2019 from 10am to 9pm daily; and

WHEREAS, this year's 2019 street closure will be larger than 2018 with the inclusion of Mott Street between Bayard Street and Pell Street; there will be no street-side parking on Mott Street between 10AM and 9PM during the months of the street closure; and

WHEREAS, the Chinatown BID will be the maintenance partner. Survey of businesses and pedestrians for the 2018 street closure indicated that the closure was very popular; and pedestrian activity more than doubled; during the seasonal closure nine parking spaces will be removed when Mott Street is closed; and

WHEREAS, the 2019 street closure will include street art installations; so

THEREFORE, BE IT RESOLVED, that CB 3 approves the 2019 seasonal street closure of Doyers Street, and Mott Street between Bayard Street and Pell Street.

3. DOT: Northbound M103 bus stop change from Bowery/3rd-4th Sts to Bowery 4th-5th Sts
VOTE: TITLE: Relocate Northbound M103 Bus Stop on the Bowery From 3rd-4th St to 4th-5th St Block

WHEREAS, JASA is a 100- unit residence for seniors and mobility disabled located at 200 E 5th Street (corner of Bowery), and

WHEREAS, many JASA residents depend on the M103 bus, and

WHEREAS, the closest north-bound M103 bus stop is on Bowery between 3rd and 4th Streets, and

WHEREAS, the block between 3rd and 4th Streets is lined with retail shops and there are very often trucks using the bus stops for unloading, and

WHEREAS, there is no enforcement to keep bus stops clear even though people with disabilities need the ramp to the curb or easy access from bus to curb to board and disembark, and

WHEREAS, during bad weather the corner ramps at 4th Street and Bowery have severe ponding conditions and have limited accessibility during rain and snow, and

WHEREAS, the block between 4th and 5th Streets has only JASA residence and is not used for loading/unloading, and

WHEREAS, the first curb-side space at Bowery and 5th Street is an Access-a-Ride stop facilitated by CB 3 at JASA request, and

WHEREAS, JASA management have been consulted regarding moving the bus stop one block north and voiced concerns only that that Access-a-Ride stop remain and that JASA does not have maintenance responsibilities for the stop nor any liability at the stop,

THEREFORE, BE IT RESOLVED, that CB 3 recommends the northbound M103 bus stop be moved off from the block of 3-4th Streets to 4-5th Streets to improve accessibility for the seniors and people with disabilities, and not have interference with unloading, and

THEREFOR, BE IT FURTHER RESOLVED, that CB 3 recommends the Access-a-Ride remain at the corner of 5th Street and Bowery and the M103 bus stop be located south of the Access-a Ride stop.

4. DOT: Enhanced Crossing on Columbia St between and Stanton St and East Houston St

VOTE: Refer back to committee in June.

5. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Waterfront, & Resiliency Committee

1. Approval of previous month's minutes
approved by committee
2. East Side Coastal Resiliency progress report
no vote necessary
3. Parks Manager report
no vote necessary
4. Vote to adjourn
approved by committee

29 YES 0 NO 0 ABS 0 PNV MOTION PASSED