



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003
Phone (212) 533-5300
www.cb3manhattan.org - mn03@cb.nyc.gov

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

Community Board 3 Board Meeting Agenda

Tuesday, February 23, 2021 - 6:30pm
<https://zoom.us/j/98255418099>

Those wishing to speak should fill out a speaker's form. Each speaker may speak for 2 minutes.

- A. Public Session 6:30pm - 7:30pm

- B. Elected Officials Reports:
 - Mayor Bill de Blasio Andrew Kunkes
 - Public Advocate Jumaane Williams Phillip Ellison
 - Comptroller Scott Stringer Luke Wolf
 - Borough President Gale Brewer Brian Lewis
 - Congressmember Nydia Velazquez Lingxia Ye
 - Congressmember Carolyn Maloney Victor Montesinos
 - Assemblymember Yuh-Line Niou Shivani Gonzalez
 - Assemblymember Deborah J. Glick Charlie Anderson
 - Assemblymember Harvey Epstein Aura Olavarria
 - State Senator Brian Kavanagh Greer Mayhew
 - State Senator Brad M. Hoylman Caroline Wekselbaum
 - Councilmember Margaret Chin Kana Ervin
 - Councilmember Carlina Rivera Isabelle Chandler

- C. Roll call and approval of minutes for December 2020

- D. Special Election for Secretary Alysha Lewis-Coleman

- E. Board Reports:
 - Board Chair's Report Alysha Lewis-Coleman
 - District Manager's Report Susan Stetzer

- F. Committee Reports:
 - Executive Alysha Lewis-Coleman
 - SLA & DCA Licensing Michelle KupperSmith
 - Landmarks Linda Jones
 - Land Use, Zoning, Public & Private Housing Jacky Wong
 - Transportation, Public Safety, & Environment Paul Rangel
 - Economic Development Anisha Steephen
 - Parks, Recreation, Waterfront, & Resiliency Trevor Holland
 - Health, Seniors, & Human Services / Mae Lee
Youth, Education, & Human Rights

- G. Adjournment

Next Community Board 3 Meeting
Tuesday, March 23, 2021 - 6:30pm
<https://zoom.us/j/98255418099>



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January 2021 Vote Sheet

Executive Committee

no votes necessary

SLA & DCA Licensing Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee

Alterations

2. The Cock (575 Pub on Second Inc), 93 2nd Ave (op/change method of operation/to add karaoke, live music, patron and employee dancing, comedy, spoken word, cabaret)

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

WHEREAS, 575 Pub on Second Inc. dba The Cock is seeking an alteration to its currently allowed method of operation of its full on-premises liquor license, in the premises located at 93 Second Avenue between East Fifth Street and East Sixth Street, New York, New York to add scheduled live music and entertainment including but not limited to gay chorus, karaoke, variety shows, DJs, drag bingo, jazz trios, cabaret, barber shop quartets, burlesque, dance performance, drag performances, spoken word, comedy, theater, performance art, acoustic and live music, gong shows, a cappella singing, harmonica bands, piano concerts, contortionists, and puppeteers;

WHEREAS, there has been no commercial complaints to 311 at this location since The Cock has been operating at 93 2nd Avenue;

WHEREAS, the applicant has met with the East 5th Street Block Association, which approves the application so long as all live entertainment and performances are held on the cellar level of the premises;

WHEREAS, The Cock has been operating in this manner without commercial 311 complaints, and we are now adding these uses to the allowed method of operation of its on-premises liquor license;

WHEREAS, the premises' Certificate of Occupancy must first be altered with the Department of Buildings from Use Group 6A to Use Group 6C before having scheduled live music and entertainment;

WHEREAS, the licensee cannot operate a UG-12 cabaret in this zone; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the proposed alteration to the existing method of operation for 575 Pub on Second Inc. dba The Cock, for the premises located at 93 2nd Avenue, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a bar performance venue with light snack fare served during all hours of operation,
- 2) its hours of operation will be 4:00 PM to 4:00 AM all days,
- 3) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows ensure that sound from the premises is not audible in any of the surrounding apartments,
- 4) it will not use third-party promoters,
- 5) it will only have allowed live music and entertainment in the premises' cellar level,
- 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 will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,
- 9) it may have "happy hours" until 8:00 P.M. each night,

- 10) it will ensure that there will be a staff person responsible for ensuring no loitering, noise or crowds outside or any other sidewalk blockages,
- 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.

3. Time Cafe (Time Cafe LLC), 105 Canal St (upgrade to op/extend hours to 2am)

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

WHEREAS, Time Café LLC, is seeking an upgrade to a full on-premises liquor license, in the premises located at 105 Canal Street between Forsyth Street and Eldridge Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, one booth with five seats and seven tables with 14 seats and one bar with three stools, hours of operation of 8:00 A.M to 12:00 A.M Sunday to Wednesday and 8:00 A.M. to 2:00 A.M. Thursday to Saturday, casual café food, serving food during all hours of operation; and

WHEREAS, there are no full on-premises liquor licenses within 500 feet per the applicant; and

WHEREAS, the applicant has been operating at this location since 2019 with a beer wine license; and

WHEREAS, there was one commercial 311 complaint at this location with a warning issued since 2018; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Time Café LLC for the premises located at 105 Canal Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a casual café eatery with food served at all hours of operation,
- 2) its hours of operation will be 8:00 A.M to 12:00 A.M Sunday to Wednesday and 8:00 A.M. to 2:00 A.M. Thursday to Saturday,
- 3) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, 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 will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it may have "happy hours" until 7:00 P.M. each night
- 9) it will ensure that there are no wait lines outside,
- 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.

New Liquor License Applications

4. Dulce Ranger LLC, 14A Orchard St (op)

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

WHEREAS, Dulce Ranger LLC dba Carlotta, is seeking a wine, beer and cider license, in the premises located at 14A Orchard Street, between Canal Street and Hester Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 74 people, nine tables and 34 seats with one bar with ten seats, hours of operation of 10:00 A.M. to 12:00 A.M. Sunday to Wednesday and 10:00 A.M. to 1:00 A.M. Thursdays to Saturday, a

prep area serving Spanish tapas, serving food during all hours of operation, ambient background music, and

WHEREAS, there are 13 full on-premises liquor licenses within 500 feet per the applicant; and

WHEREAS, this is a currently vacant space that was previously licensed as Gohan-Ya with a restaurant wine license; and

WHEREAS, this applicant has operated The Barbelly at 14B Orchard Street since 2012, a premise that has had 296 commercial noise 311 complaints since 2018 of which 98 showed problem fixed; and

WHEREAS, Orchard Street Block Association opposes this application; and

WHEREAS, four residents from 14 Orchard Street spoke in opposition to the application and one other submitted a statement in opposition and 58 residents from 14 Orchard Street signed a petition in opposition to the application; and

WHEREAS, SPaCE Block Association which operates in this area supports this application; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a wine, beer and cider license for Dulce Ranger LLC dba Carlotta, for the premises located at 14A Orchard Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a Spanish tapas restaurant, with a food preparation area that will serve food at all hours of operation,
 - 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Sunday to Wednesday and 10:00 A.M. to 1:00 A.M. Thursday to Saturday,
 - 3) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
 - 4) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged, and ensure that sound from the premises is not audible in any of the surrounding apartments which will be arranged with a sound engineer
 - 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 will not host pub crawls or party buses,
 - 7) it will not have unlimited drink specials with food,
 - 8) it may have "happy hours" until 7:00 P.M. each night
 - 9) it will ensure 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.
5. CC's Cafe (Craft Cooking Inc), 41 Monroe St (op)
withdrawn
6. Les LLC, 144 Orchard St (upgrade to op - all other stipulations same as current)

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

WHEREAS, Trapizzino LES LLC dba Trapizzino, is seeking an upgrade to a full on-premises liquor license, in the premises located at 144 Orchard Street, between Rivington Street and Stanton Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 50 people, 14 tables and five seats, hours of operation of Sunday to Wednesday 11:00 A.M. to 12:00 A.M and Thursday to Saturday 11:00 A.M. to 1:00 A.M., a full kitchen serving pizza-like sandwiches serving food during all hours of operation, and ambient music; and

WHEREAS, there are 16 full on-premises liquor licenses within 500 feet per the applicant; and

WHEREAS, the applicant has operated in this premise with a beer wine license since 2016 with no commercial 311 complaints since at least 2018; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Trapizzino LES LLC dba Trapizzino for the premises located at 144 Orchard Street, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a pizza type restaurant with a full kitchen serving food during all hours of operation,
- 2) its hours of operation will be Sunday to Wednesday 11:00 A.M. to 12:00 A.M and Thursday to Saturday 11:00 A.M. to 1:00 A.M,
- 3) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,
- 4) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, 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 will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it will not have "happy hours,"
- 9) it will ensure that there are no wait lines outside,
- 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.

7. Entity to be formed by Allen Bontempo, Mario Riva and Sergio Riva, 199 Bowery (op)

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

WHEREAS, Ainslie (corporation name TBD), is seeking a full on-premises liquor license, in the premises located at 199 Bowery, between Spring Street and Rivington Street, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 431 on the first floor and 247 in the cellar, with 18 outdoor tables seating 72 people, 140 indoor tables seating 525 people, with three bars seating 60 people - one 39' craft beer bar, one 25' wine bar, and one 30' cocktail bar, with hours of operation of Sunday to Thursday 11:00 A.M. to 3:00 A.M and Friday to Saturday 11:00 A.M. to 4:00 A.M. indoors and 11:00 A.M. to 10:00 P.M. outdoors all days, a full kitchen serving Italian osteria cuisine all hours, and a curator will play ambient background music without subwoofers inside during Saturday and Sunday brunch from 11:00 A.M. to 4:00 P.M and Friday and Saturday night from 8:00 P.M. to 4:00 A.M., two televisions; and

WHEREAS, there are 22 full on-premises liquor licenses within 500 feet per the applicant; and

WHEREAS, prior licensees at this location had long histories of resident complaints of noise emanating from the business in the apartments above and resident complaints of loud music and traffic congestion caused by customer pickup and drop off, including eighteen commercial noise 311 complaints since 2019 of which nine showed problems fixed;

WHEREAS, since 1995 the applicants have operated seven other licensed businesses, including four currently licensed businesses; and

WHEREAS, an owner of one condo at 199 Bowery sent a letter in opposition to the application and owners of nine condos at 199 Bowery signed letters of support for the application and one condo owner agreed to the application with certain stipulations; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Ainslie or the premises located at 199 Bowery, New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a full service restaurant in the style of an Italian osteria serving food all hours of operation
 - 2) its hours of operation will be Sunday to Thursday 11:00 A.M. to 3:00 A.M and Friday to Saturday 11:00 A.M. to 4:00 A.M. indoors and 11:00 A.M. to 10:00 P.M. outdoors all days,
 - 3) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows
 - 4) it will play ambient background music only, consisting of recorded music without subwoofers, and will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged and ensure that sound from the premises is not audible in any of the surrounding apartments which will be arranged with a sound engineer,
 - 5) House equipment will be used for all amplification except for speaking voices
 - 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 will not host pub crawls or party buses,
 - 8) it will not have unlimited drink specials with food,
 - 9) it may have "happy hours" until 6:00 P.M. each night
 - 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
 - 13) it will cure any existing Department of Buildings violations causing mechanical noise and vibrations at 199 Bowery
 - 14) it will install soundproofing in the basement level and anywhere else that deficiencies are detected and forward the soundproofing plan to the CB3 office
 - 15) it will work with the NYPD 5th Precinct to develop a traffic mitigation plan.
8. Koya Omakase LLC, 241 E 10th St (op)

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

WHEREAS, Koya Omakase LLC, is seeking a full on-premises liquor license, in the premises located at 241 East 10th Street between First Avenue and Second Avenue, New York, New York; and

WHEREAS, this is an application for an establishment with a certificate of occupancy of 12 people, zero tables and one U-shaped sushi counter bar with 12 seats, hours of operation of 12:00 PM to 12:00 AM all days, serving omakase sushi during all hours of operation, and ambient background music, and

WHEREAS, there are 9 full on-premises liquor licenses within 500 feet per the applicant; and

WHEREAS, this applicant has never previously been a license holder but was a consultant to Ume Sushi in Williamsburg, which operated with a wine and beer license; and

WHEREAS, one community member spoke in support of the application and a representative of the East Village Community Coalition questioned the public benefit; and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the application for a full on-premises liquor license for Koya Omakase LLC for the premises located at 241 East 10th Street New York, New York, unless the applicant agrees to the following signed notarized stipulations that

- 1) it will operate as a sushi omakase restaurant with a cooktop and preparation table serving food at all hours of operation,
- 2) its hours of operation will be 12:00 PM to 12:00 AM all days,
- 3) it will close any front or rear façade entrance doors 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 or during unamplified live performances or televised sports, and will otherwise have a closed fixed facade with no open doors or windows,

- 4) it will play ambient background music only, consisting of recorded music, and will not have live music, DJs, 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 will not host pub crawls or party buses,
- 7) it will not have unlimited drink specials with food,
- 8) it will not have "happy hours,"
- 9) it will ensure 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.

Items not heard at Committee

9. Ronin Stones (Ronin Stones Inc), 69A Clinton St (wb/alt/reconfigure seating, +2 seats, install service bar)
administratively approved
10. El Sombrero (Two Almontes Corp), 108 Stanton St (op/corp change)
administratively approved
11. Brasserie Saint Marc (UKI Freedom LLC), 136 2nd Ave (op/corp change)
administratively approved
12. Wo Hop Next Door Inc, 15 Mott St (wb)
administratively approved
13. Jufu Garden Inc, 68 E Broadway (wb)
administratively approved
14. Emilia by NAI (Avoa LLC), 174 1st Ave (wb)
administratively approved
15. Meat and Bread (Ghostgrub Inc), 201 Allen St (wb)
administratively approved

Alterations

16. The Parkside Lounge (Sterling Parkside Corp), 317 E Houston St (op/alt/adding rooftop deck) - referred back to committee from January

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

WHEREAS, Sterling Parkside Corp. dba Parkside Lounge has been operating the premises located at 317 East Houston Street between Suffolk Street and Attorney Street, New York, New York, since 1997 and there have been four commercial noise complaints to 311 since 2018 and no record of complaints to the community board in the last two years;

WHEREAS, the applicant proposes to convert the existing roof of the one-story building located at 317 East Houston Street to a roof deck to use for patrons;

WHEREAS, the tenants from two apartments of the adjacent building at 315 East Houston Street spoke to the committee or sent emails in opposition to the application;

WHEREAS, the manager of 309-311 East Houston Street, which abuts the Parkside Lounge, sent an email in support of the application and four other members of the community sent emails of support, the tenants from the ground floor apartment at 315 East Houston Street spoke to the committee in support of the application, and at least eleven other members of the community attended in support of the application, including a community member whose windows are directly across from the Parkside Lounge on Attorney Street;

WHEREAS, the NYC Department of Buildings informed CB3 that Parkside Lounge is not permitted to use the roof as an extension of the restaurant as the Certificate of Occupancy does not allow it. The Department of Buildings has additionally informed CB3 that the business would need to hire a licensed design professional to submit a job to the Department for review requesting a change of use. This is required for both use of the roof as permanent alteration and also for immediate use under Executive Order 202.38 issued June 6, 2020 by Governor Andrew Cuomo which allows for establishments licensed by the State Liquor Authority to expand premises to otherwise unlicensed contiguous private space under the control of the establishment and Executive Order 126 issued June 18, 2020 by Mayor Bill

DeBlasio which directed the Department of Transportation to administer an "Open Restaurants Program," and

THEREFORE, BE IT RESOLVED that Community Board 3 recommends the denial of the proposed alternation to the existing method of operation to add a roof deck for Sterling Parkside Corp. dba Parkside Lounge for the premises located at 317 East Houston 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 its roof deck:

- 1) will have no more than 16 tables with 40 seats for outdoor seating and no area or bar for congregation or standing,
- 2) will have hours of operation of Monday to Friday 5:00 P.M. to 10:00 P.M and Saturday to Sunday 12:00 P.M. to 10:00 P.M. at which time all patrons must be cleared from the roof deck,
- 3) will play ambient background music only, consisting of recorded music, and will not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee will be charged and music will not be audible in the surrounding apartments,
- 4) will not have patrons alight directly from Attorney Street, but must first enter the Parkside Lounge on East Houston Street and walk to the outdoor stairs through the interior before exiting onto the enclosure on Attorney Street;
- 5) will have at least two employees during all hours of operation, including one security employee; and
- 6) will be constructed with an enclosure that will prevent any sightlines into 315 East Houston Street.

17. Vote to adjourn
approved by committee

Landmarks Committee

meeting canceled

Land Use, Zoning, Public & Private Housing

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)
approved by committee
2. DCAS: 70 Mulberry Street update
no votes necessary
3. City Council Informational Presentation on Planning Together: A New Comprehensive Planning Framework for NYC
no votes necessary
4. Vote to adjourn
approved by committee

Transportation, Public Safety, & Environment

Joint Transportation & Human Services Committees

- Support for an exhibit in Central Park to commemorate the Exonerated 5 and social justice
VOTE: TITLE: Resolution to Support Exhibit in Central Park to Commemorate the Exonerated Five and Social Justice

WHEREAS, The Exonerated Five, formerly known as The Central Park Five, are five Black and Latino teenagers from Harlem who were wrongfully convicted and prosecuted for the brutal and vicious raping of a white woman in Central Park in 1989. The five teenagers; Antron McCray (15), Kevin Richardson (15), Raymond Santana (14), Korey Wise (16), and Yusef Salaam (15) were subjected to life devastating consequences because of this miscarriage of justice. The minors were detained for hours before their parents were called. They were coerced into making confessions to the rape and beating of the female jogger Trisha Meili, after many hours of aggressive interrogation at the hands of seasoned homicide detectives. The youth later recanted, plead not guilty and insisted on their innocence. The four were then tried as youth, while the eldest as an adult under New York laws of the day and convicted, despite inconsistent and inaccurate confessions, DNA evidence that excluded them, and no eyewitness accounts that connected them to the victim. The five youth served their complete sentences; between 6 and 13 years, before another man, serial rapist Matias Reyes, admitted to the crime. DNA testing substantiated Reyes' confession. The experience not only impacted the lives of the youth and their families but had resounding ramifications throughout the Harlem community which are still being felt today; and

WHEREAS, In May 1989, real estate developer (who was sworn in as U.S. President in January 2017), Donald Trump took out full-page ads in The New York Times, the New York Daily News, the New York Post and New York Newsday with the headline, "Bring Back The Death Penalty. Bring Back Our Police!"; calling for the execution of the innocent youth; and

WHEREAS, The brutal beating and rape of a white woman in New York City's Central Park provoked public outrage and sensational headlines during the prosecution and conviction of the five youth defendants, promoting a proliferation of racial stereotyping and stigma to the youth of the Harlem community as well as nation-wide; and

WHEREAS, On December 19th, 2002, New York State Supreme Court Justice Charles J. Tejada vacated the convictions of the five previously accused youth. He vacated the convictions based on new evidence: a shocking confession from a serial rapist, Matias Reyes, and a positive DNA substantiating match to evidence found at the crime scene. The young men, who had survived a horrific injustice and violation of their young lives, were exonerated. A year later, the men filed civil lawsuits against the City of New York, police officers, and prosecutors who had worked toward their conviction. On June 19th, 2014, NYC agreed to a settlement; and

WHEREAS, When the five former teens convicted in the case were finally exonerated, many community leaders decried the miscarriage of justice that sent the Central Park Five to prison. The case became a flashpoint for illustrating racial disparities in sentencing and the inequities at the heart of the criminal justice system; and

WHEREAS, the experience of the Exonerated Five and their families was not exceptional. It fits a historical pattern of unjust arrests and wrongful convictions of Black and Latino young men in the United States. We must understand this pattern to be able to channel the recently newfound interest in the case into the necessary systemic reforms; and

WHEREAS, The Manhattan Community Board 3 supports Community Board 10's advocacy for the installation of an educational exhibit based on social justice and a commemoration to the resiliency of the Exonerated Five to be located in Central Park; and

THEREFORE BE IT RESOLVED, that Manhattan Community Board 3 supports Community Board 10 in establishing a permanent exhibit to commemorate the Exonerated Five to be located in NYC Central Park.

Transportation Committee

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections) approved by committee
2. Info re: NYS role in traffic camera regulations & new camera placements
no votes necessary
3. Open Streets: Restaurants Town Hall Follow-up: Addressing various issues including Enforcement, Agency Coordination, Community Input

VOTE: TITLE: OPEN STREETS RESTAURANT

WHEREAS, the NYC Open Streets: Restaurants and Open Restaurant programs were created in Spring 2020 to allow for expanded seating for restaurants in selected streets and additional seating on sidewalks to both help restaurants survive and continue to provide jobs and to allow for safer, socially distanced seating, and

WHEREAS, currently Community District 3 (CD 3) has 869 open restaurants total and 580 with roadway seating, which is the 2nd highest total of open restaurants in Manhattan¹, and

WHEREAS, in November 2020 City Council passed local law 114 to the establish a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program. The law provides that by September 30, 2021, the department of transportation and any other agency designated by the mayor shall establish a permanent open restaurants program to succeed the temporary program established by local law number 77 for the year 2020, provided that any additional legislation necessary to authorize such program has been enacted, and

¹ NYC Open Restaurants, accessed 2/8/2021.

<<https://experience.arcgis.com/experience/ba953db7d541423a8e67ae1cf52bc698>>

WHEREAS, such program shall include but not be limited to the following elements:

1. The use of roadway seating for outdoor dining;
2. The use of a pedestrian plaza, or other public outdoor location for outdoor dining; and
3. Accessibility for people with disabilities in compliance with applicable federal, state, and local law, and

WHEREAS, nine months after the programs began, they the programs have proven to be a benefit to many eating and drinking establishments and for residents who seek to dine out in a safe manner. They The programs have also exposed many problems that need to be remedied, as the Community Board 3 (CB 3) office has been inundated with complaints from both residents and businesses; and

WHEREAS, CB 3 along with Community Board 6 and our councilmembers co-sponsored a town hall in January 2021 attended by over 100 people to hear the impacts of Open Restaurants on the community and the difficulties in operating businesses under these programs, and

WHEREAS, CB 3 believes it is necessary for City agencies to immediately work with community boards, elected officials, and businesses to remedy these problems and create a program to better serve the community and our local businesses, and

WHEREAS, the following have been identified as egregious issues to be resolved immediately:

1. Jurisdiction

There is great confusion among the agencies, and therefore also the businesses and communities, regarding the jurisdiction over inspection and enforcement. For example:

- A freestanding out-of-guidelines structure on the sidewalk next to a business is DOT jurisdiction but if it is attached to the building it is DOB jurisdiction.
- No agency seems to have jurisdiction over lack of social distancing or the executive order of no indoor dining in the fully enclosed structures on the sidewalk and roadway.
- There is an unacknowledged difference between what is permitted to an eating/drinking establishment by the City and by the SLA.
- There are conflicting regulations from different agencies.

There needs to be an accountable point person for all the issues under outdoor dining. There should be a lead person at DOT with a staff to implement and follow up with agencies, elected officials, and community boards. The natural home for this should be under DOT Deputy Commissioner of Operations.

2. Rules, regulations, and guidelines

Rules, regulations and guidelines are also often unclear for businesses, community members, and agencies. For example:

1. DOT guidelines for Adjacent Properties state that businesses may expand to adjacent properties, but the properties may not be used prior to instructions. For months, DOT staff has admitted they do not know what this means and will clarify the language –but have not.
2. Businesses are also often unclear regarding regulations and restrictions under SLA, and various City agencies. A business may be told that it can serve at a location that is "legal" for City guidelines but not understand that the State liquor license does extend to that area. There is a lack of coordination among various City and State agencies and executive orders.

3. Community Input

There has been complete lack of community input from residents and community boards. Community Boards should be partners as they work directly with residents and businesses to resolve issues and have knowledge of the needs of their communities. Community engagement will strengthen the program and make it win/win by having better buy-in from the community and businesses together.

4. Complaint Process

311 has effectively been dismantled for Open Restaurants. Complaints by residents are answered with a thank you for the information. There is no number assigned for follow up or to know if a complaint has been investigated. Complaints appear to "fall through the cracks" between NYPD and the Sheriff's Office. 311 should start operating in the standard manner with a complaint number for follow up and clearly stated agency jurisdiction and resolution. This will also allow data to be used to analyze the program's problem areas.

5. Enforcement

There is a lack of enforcement for violations and non-compliance with program guidelines and regulations. The City has determined that small businesses cannot be burdened with fines during these trying economic times. CB 3 agrees that we need to support small businesses and not burden them with unnecessary penalties, however, lack of enforcement has created a situation where serious safety and quality of life concerns are widespread and go unaddressed. In addition, the lack of consistent guidelines and regulations that are not uniformly enforced can itself be a burden for small businesses, where good actors complying with regulations suffer from limited business compared to neighboring businesses that do not comply with guidelines for capacity, distancing, noise, etc. This creates an unfair competitive advantage for the businesses that do not obey the regulations in the absence of enforcement. This ultimately results in divisiveness between community members and between small businesses. CB 3 does not believe enforcement should consist of fines or shutdowns that will ultimately harm small businesses. The first step should be a notice of violation that clearly states the violation and how to cure it, with agency follow-up. If the problem is not cured, the agency must have the ability to cure the problem and charge back to the violator.

6. Social Distancing

There is a widespread lack of social distancing enforcement. Many businesses have created fully enclosed outdoor structures and seat customers as if they were outdoors—but this is less safe than indoor dining. It is much riskier for COVID transmission because they do not limit to 25% capacity, do not check temperature, and do not keep trace records for contact tracing. This is of great concern to residents fearful of COVID spread and should be of great concern regarding the safety of restaurant staff. The City is fully aware of these violations and does nothing to enforce.

7. Outdoor & Amplified Music

One of the biggest complaints from residents is loud outdoor music. This can go on for hours every day and destroy quality of life and ability for quiet enjoyment of home. Currently, regulations do not allow outdoor amplified sound, so many businesses have put speakers in the windows and doorways of their establishments faced outwards toward outdoor seating areas. There are many documented complaints about this, but the City has done nothing to rectify. City agency staff will say this is under DEP's jurisdiction, but there is no way for DEP to enforce. This should clearly be enforced by NYPD as they previously enforced loud music emanating from an indoor business. NYPD currently seems to feel they should not be enforcing as this will be burdensome to the business. CB 3 fully supports a warning as a first step—but enforcement must follow.

8. Roving entertainment

Entertainers are attracted to certain areas because of the types of outdoor dining. This can cause noise problems for people living in the area as well as the businesses in the area who may be blamed for the crowds and noise caused by entertainers that they did not solicit. Since performances are unpermitted, no business can be held accountable. The Open Culture program may resolve this issue—but quality of life and business concerns must be addressed regarding public entertainment must be resolved either way. T

9. Flexibility of use of space

Some restaurants lose the ability to compete on a fair plain level playing field with their neighbors because of a bike lane, bus stop, or loading zone that limits the size and use of their outdoor spaces for dining. Public transportation and public safety must always be the first priority, but there should be flexibility of use of space with sufficient community input and flexibility by the SLA. Currently there is no process to deal with these inequities, but the permanent plan must provide options so that exceptions to guidelines can be made where necessary for businesses to compete fairly.

10. Private use of public space

Public space is being privatized, temporarily but perhaps permanently, without public input. The original intention was to temporarily support businesses in time of extreme hardship. We are now looking at the City permanently taking public space and converting it for private for-profit use by a narrow category of commercial businesses. There must be clear answers from the City on the questions around equity and public participation in this decision making, including:

- Is there a long-term plan to return these spaces to public use?

- Is there a clearly articulated policy around the rights of individuals to enter and exit spaces that are located on public property but have been given over to de facto private management?
- Are there considerations to make the use of these public spaces' revenue generating for the City? (e.g. leasing the spaces to business operators as a revenue generator for the City)
- Are there plans for regular public review of proposed outdoor dining structures and expanded uses of sidewalks and roadbeds? In the past, the Community Board has reviewed far less intrusive private uses of these public spaces as part of the standard revocable consent procedure.

11. Abandoned structures

Restaurants "on pause" often leave unused street and sidewalk dining structures in place, taking up public sidewalk and public roadbed parking spaces with no apparent benefit for small businesses. This has also proven to be a safety problem as these structures are often damaged, destroyed, or become unsecured by weather events, and it can be difficult to reach the owner to stabilize or dismantle. Abandoned structures should be reported by regular DOT inspectors, and not become the burden of residents and community boards to report. They should be dismantled if abandoned for two or more weeks.

12. Unpermitted Permanent Structures

Some restaurants have built unpermitted permanent structures on the sidewalks adjoining their buildings. Some of these have received Class 1 hazardous violations from DOB, especially because of uninspected and unpermitted electrical wiring. This is frequently done in violation of DOB construction and alteration procedure and statutory land use review processes, and presents an immediate public safety threat for fires, structural collapses, and ADA accessibility. DOB inspects and issues violations in a timely manner, but the scheduled hearings at OATH may take a few months and then may be rescheduled at the violator's request subjecting the community to hazardous conditions for months. The scheduling timeline for OATH hearings must be reviewed, as currently it is in the business owners' financial interest to ignore violations and operate in noncompliance for several months, bringing in enough revenue from unpermitted activity to pay for the fines.

13. Severe Weather

Safety protocols for severe weather events must be clearer and there must be an enforcement mechanism for violations, particularly for the securing of outdoor dining structures against wind, snow, etc., which can become a public safety hazard.

14. Electrical Work and Flammable Heating Elements

Regulations around heating elements, propane tanks, and electrical hookups must have an improved enforcement mechanism. Additionally, small businesses must be proactively educated about what they can and cannot do.

15. Sidewalk Obstructions and Accessibility

Tent enclosures and support posts on sidewalks often make the sidewalk less accessible, especially for people with disabilities. The required foot clearance is not enforced with tent posts. Regulations need to be standardized as they seem to change often. The 8-foot clearance needs to be clarified regarding sidewalk obstructions and must be enforced. We must ensure accessibility for the most vulnerable—and we must take into consideration needs of people who are blind or have mobility disabilities.

16. Consolidation & Ease of Access to Guidelines

Guidance for outdoor dining must be organized in one place—including both City and State agencies. Currently it is expected that businesses, community members, and community boards must constantly check the websites of various City agencies and the SLA. It is not always clear when new regulations are added and old regulations have been replaced.

17. Sanitation

The City cannot expect restaurants to be successful or for people to have positive dining experiences with bags of garbage piled up next to the restaurants. In turn, this is creating new rat dining opportunities in areas where we have worked hard to mitigate the rat problem, with millions of dollars spent targeting rats in CD 3 alone, as one of the 3 targeted areas in the Neighborhood Rat Reduction program.

18. Emergency Vehicle Access & Safety for First Responders

Safety concerns and access for first responders must be maintained, with clear guidelines and a mechanism for enforcement of violations;

THEREFORE BE IT RESOLVED, that the above 18 problem areas must be considered for immediate mitigation in consultation with the Community Board and greater community and business partners with a program to educate and meaningfully enforce regulations and guidelines; and

THEREFORE BE IT FURTHER RESOLVED, that the process to create legislative guidelines for permanent outdoor dining to be in effect at the end of September 2021 when the current temporary regulations expire must allow for evaluation of current problems and serious input from Community Boards as a program partner to create new guidelines, including mitigation and enforcement for the above 18 problem areas; and

THEREFORE BE IT FURTHER RESOLVED, while self-certification may have been appropriate in an emergency, there must be opportunity for formal review of the program, and the permanent program should be permitted under SAPO (Street Activity Permit Office) with comment from community boards and local first responders;

THEREFORE BE IT FURTHER RESOLVED, that the City needs to clarify the proposed permitting process for sidewalk cafes, enclosed sidewalk cafes that normally require ULURP, and other permits and review processes for the private use of public space.

- 4. Vote to adjourn
approved by committee

Economic Development Committee

- 1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)
approved by committee
- 2. NYC Comptroller: Save Main Street initiative to support small businesses
no votes necessary
- 3. Special District Update
no votes necessary
- 4. BID/CAB Reports
no votes necessary
- 5. Vote to adjourn
approved by committee

Parks, Recreation, Waterfront, & Resiliency Committee

- 1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)
approved by committee
- 2. Parks Manager Update
no votes necessary
- 3. ESCR update

VOTE: TITLE: Support for the East Side Coastal Resiliency Interpretive Signage

To Support the East Side Coastal Resiliency Interpretive Signage

WHEREAS, CB3 had previously requested interpretive signage as part of the overall East Side Coastal Resiliency (ESCR) design package; and

WHEREAS, the community has expressed a need for this interpretive signage throughout the ESCR project to help gain an understanding of the complexities of the ESCR components; and

WHEREAS, the signs will be placed at strategic entry points and will be maintained for the lifetime of the project; and

WHEREAS, the signs have been designed to be more readable with large graphics and fonts, contrasting colors and easier to read language;

THEREFORE BE IT RESOLVED, that CB3 supports the design and installation of the ESCR Interpretive signage.

- 4. Committee goals for the year
no votes necessary

5. Vote to adjourn
approved by committee

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

1. Approval of previous month's minutes and roll call (minutes are deemed approved if no objections)
approved by committee
2. DHS & Not On My Watch: Presentation re: Safe Haven planned at 100 Orchard Street
no votes necessary
3. Planning for Resource Fair with CEC 1
no votes necessary
4. CAB/CEC reports
no votes necessary
5. Vote to adjourn
approved by committee