

The Quality of Life in Community District 3: Nightlife Impacts

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Executive Summary

As Community Board 3 offers its recommendations to the State Liquor Authority on the matter of approval for liquor licenses, it does so in a context complicated by disruption of life for area residents, the desire of proprietors to operate businesses (some longstanding), and an increase in City pursuit of better public health and increased tourism.

This report will examine some of the data collected by the NYPD and 311 call centers to determine trends in misdemeanors and noise complaints. The results are limited in their utility due to limitations: no data on length of response time to complaints or results of interventions over time was examined. The trends support the community activists who assert that there are extensive quality of life issues in Community District 3 which relate to the tremendous concentration of bars and nightlife in the area.

Simultaneously, there is a local development problem reflected in the lack of retail diversity available for residents. Since bars or restaurants are considered in the same use group as these types of businesses, it is difficult to quantify the needs of this community. Further study and possible amendments to zoning could help to better regulate the placement of establishments in accordance with SLA policy.

Three other aspects of nightlife in the district are also relevant and briefly discussed: a) SLA policy and revenue generation, b) tourism and the City's encouragement to sample New York nightlife by visiting the Lower East Side; and c) the marked increase in underage and binge drinking by young patrons. Each are related policy issues and possible avenues for investigation to help change management of local nightlife culture.

Best practices from other cities are presented, which include a) a limit upon the number of liquor licenses which can be issued in a geographic area; b) the pursuit of the award of Special District status which could also limit the number of allowable licenses; and c) development of best management practices and recognition for "good neighbor" bars to foster better community relations.

It is advised as a next step to examine the role of proactive economic development for the benefit of the neighborhoods affected by this concentration of nightlife. It is possible that more robust retail options could preclude the continued spread of more bars; community development specialists could advise on appropriate possibilities and strategies.

Background

Residents of Manhattan's Community Board 3 (CB3) continue to experience disruptions in quality of life owing to the high concentration of establishments with liquor licenses in the area. This report serves to supplement previous policy conversations and recommendations considered by Community Board 3. Among other recommendations, previous consultants suggested analyzing any available data which could quantify the experience of residents whose quality of life has been affected in order to establish and use criteria in CB3's licensing recommendations to the SLA. The data analyzed to produce this report was obtained from the NYPD, 311 Complaint line, and other agencies of the City of New York. In addition, research yielded possible points of intervention or criteria to think about which have been or are being used in other cities with concentrated residences amidst nightlife districts.

In recent years, urban planners and scholars have noted the preponderance of "destination nightlife", "nightscape" or "no-go" zones.ⁱ Within these "no-go" entertainment zones, it is assumed that the police have an increasing challenge in maintaining order and protecting residential interests in terms of quality of life or property protection (owing to inappropriate behavior, vandalism, public urination, etc.) While seemingly an abstract concept, the combined impact of underutilized private space and gentrification has been shown to trigger a more robust community response to noise, which in a sense describes some of the evolution of Community District 3 (under CB3's purview).ⁱⁱ

It benefits CB3 to acknowledge this pattern of urban development as it further clarifies the scope of possible interventions by the Board. In a sense, owing to the complex interaction of factors: real estate development, an increase in underused retail corridors owing to rising commercial rents, and the cultural capital created by re-envisioning the Lower East Side and East Village as "entertainment zones" it is not likely practical to suggest--or conceive of—measures that inherently restrict or prohibit the issuance of liquor licenses to any proprietors to operate in the areas. Note that the City indirectly promotes the LES/EV as a nightlife area via their tourism website: see "30 Bars in the Lower East Side" in Appendix I.

However, CB3, particularly through the attentive approach taken by its SLA Committee in considering applicants for liquor licenses, can within the auspices of that committee work to protect and improve upon some of the more extreme or egregious effects upon local quality of life owing to the nightlife destination which CB3 has become.

Quality of Life: What Data Reveal

Data collected from 311 complaint calls, NYPD misdemeanor summonses issued and general noise complaints illustrate facets of the quality of life problem. As will be shown the effects upon the community are quantifiable.

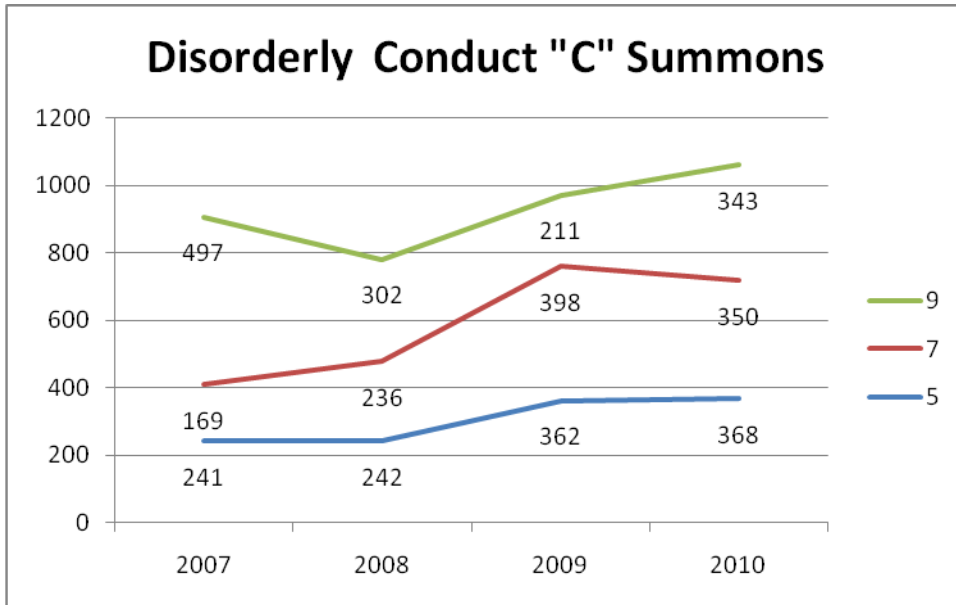
I. 311 Data:

Data evaluated included the complaints logged from 2007-2010 via telephone calls to 311. They include quality of life issues focused on commercial noise. After initial statistical analysis of all complaints registered during 2007 it was apparent that no statistically relevant relationships between residents' complaints and agencies meant to helpfully intervene (police, etc.) could be correlated as there was not data indicating the response time between complaint and response time from the precincts. In other words: there is not data which demonstrates or documents the response to the noise complaints in a way which allows for action or intervention. No conclusions can be drawn definitively from this data set; the analysis demonstrated that there were more noise complaints made on weekends and in the middle of the night.

II. NYPD data:

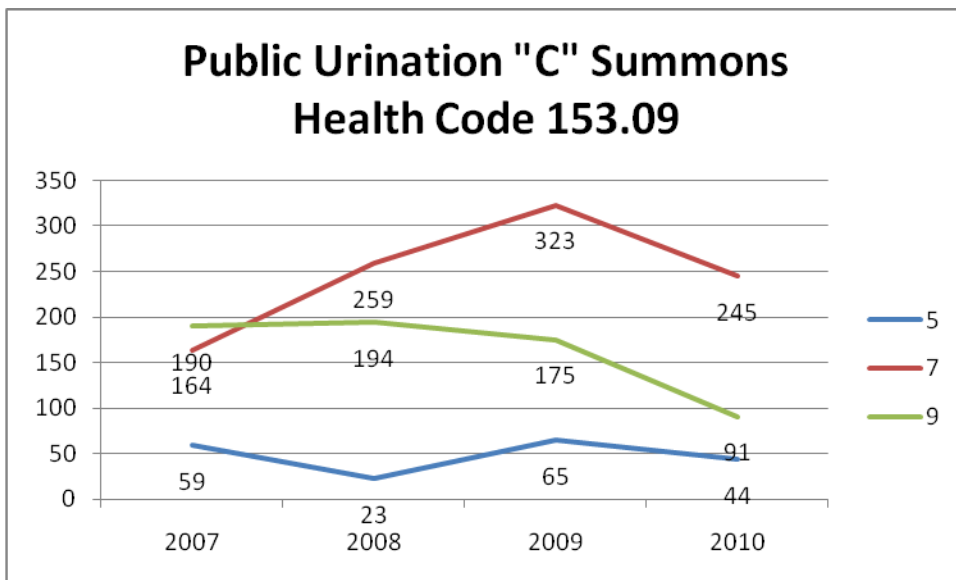
NYPD misdemeanor-level data generated from 2007-2010 demonstrates certain patterns emergent from the three police precincts within Community District 3: the 5th, 7th, and 9th precincts. Each misdemeanor category bore data which has been presented with figures to follow.

a. **Disorderly Conduct** is a violation beneath the level of a criminal misdemeanor. Generally, there is a nominal fine which is assessed as the only penalty of \$20 or two hours of time spent (i.e., in processing). The number of summonses issued in this category between 2007 and 2010 has increased by 52.7% over the past four years in District 5, 107% in District 7, and decreased by 30% in District 9.



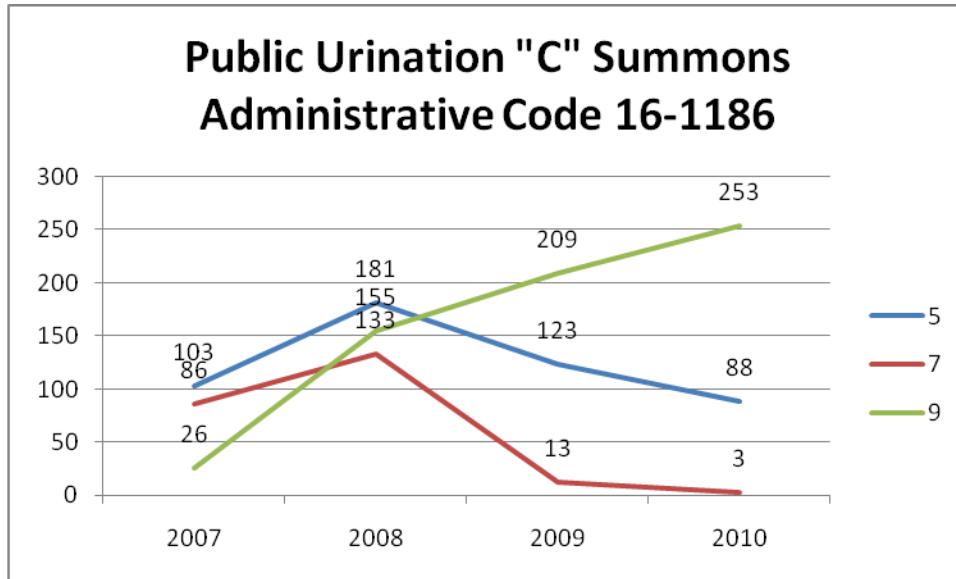
b. Public Urination "C" Summonses

The number of summonses in this category between 2007 and 2010 increased by 25.42% in District 5, 49.39% in District 7, and decreased by 52.1% in District 9.



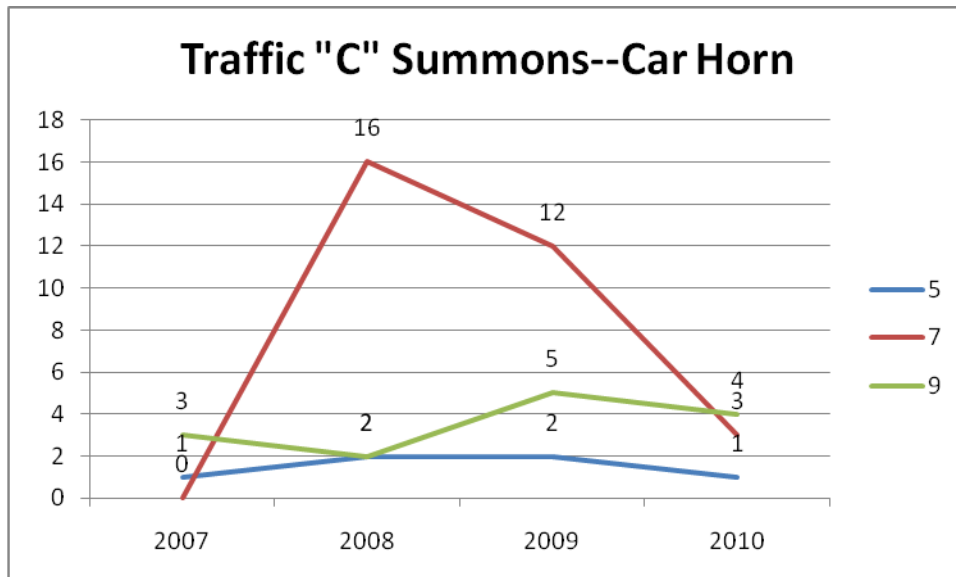
c. Administrative Code Public Urination:

Between 2007 and 2010, District 5 had a 14.56% decrease, District 7 had a 96.5% decrease, and District 9 had an 873% increase in summonses. This is a category showing particularly dramatic changes; causes could range from a difference in enforcement or behaviors of patrons.



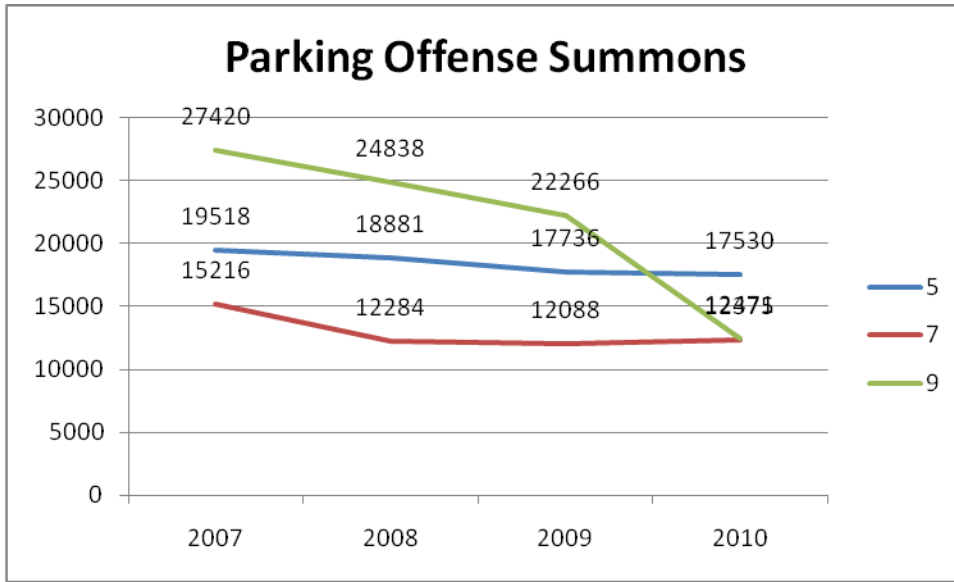
d. Traffic "C" Summons—Car Horn

Data does not include enough summonses to render statistically significant data or analysis; there are few complaints issued for this particular offense. 311 call complaint data is numerous, but does not indicate a specific likely culprit or actionable information.



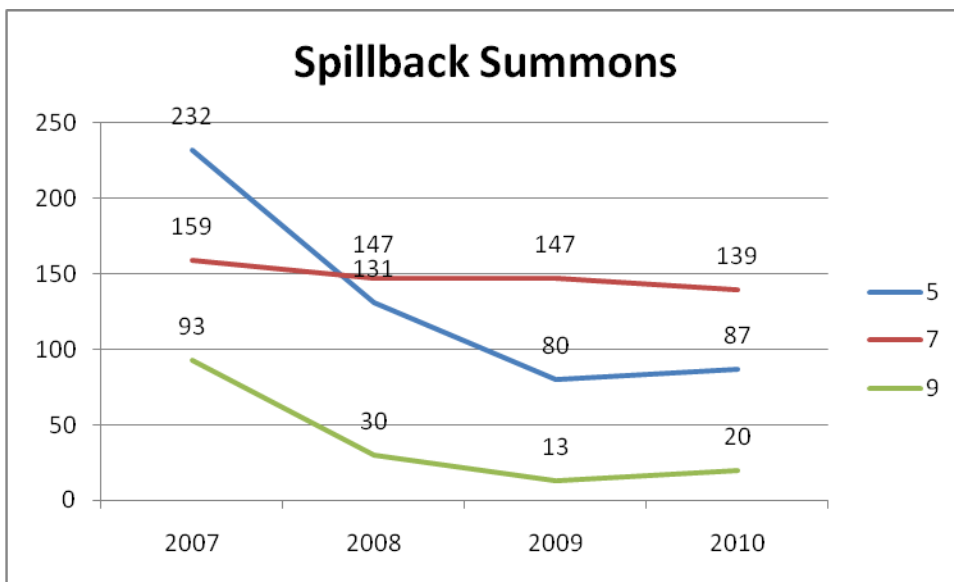
e. Parking Offense Summons:

Overall, every district recorded a drop in summonses for parking violations. From 2007 to 2010, District 5 had a 10.19% decrease, District 7 had an 18.67% decrease, and District 9 had a 54.52% decrease. Since this category is arguably not as pertinent when considering quality of life issues owing to nightlife, it is of interest but does not illuminate other actionable information.



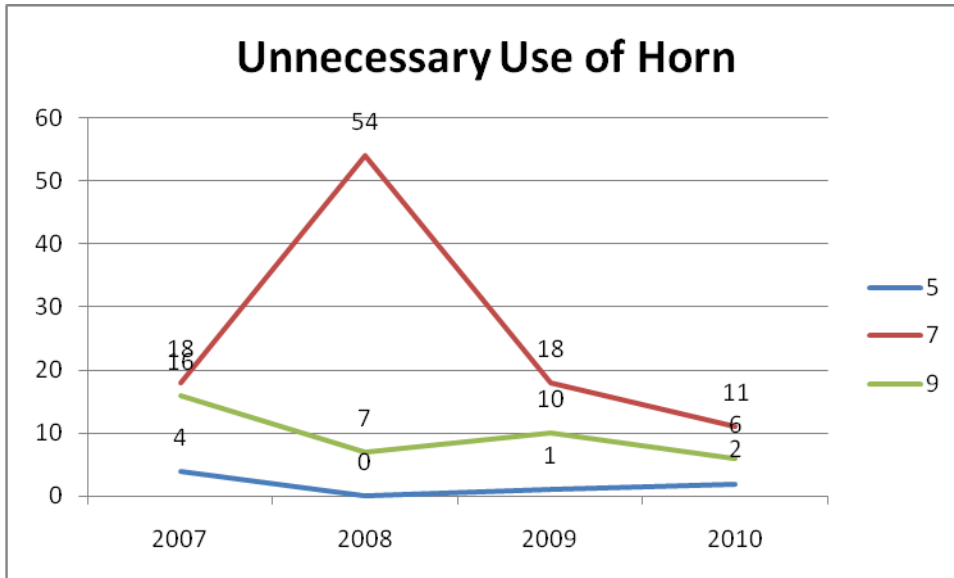
f. Spillback Summons, (a summons for obstructing traffic in an intersection)

Showed decreases in all districts over four years as well. District 5 had a 62.5% decrease, District 7 had a 12.58% decrease, and District 9 had a 78.49% decrease.



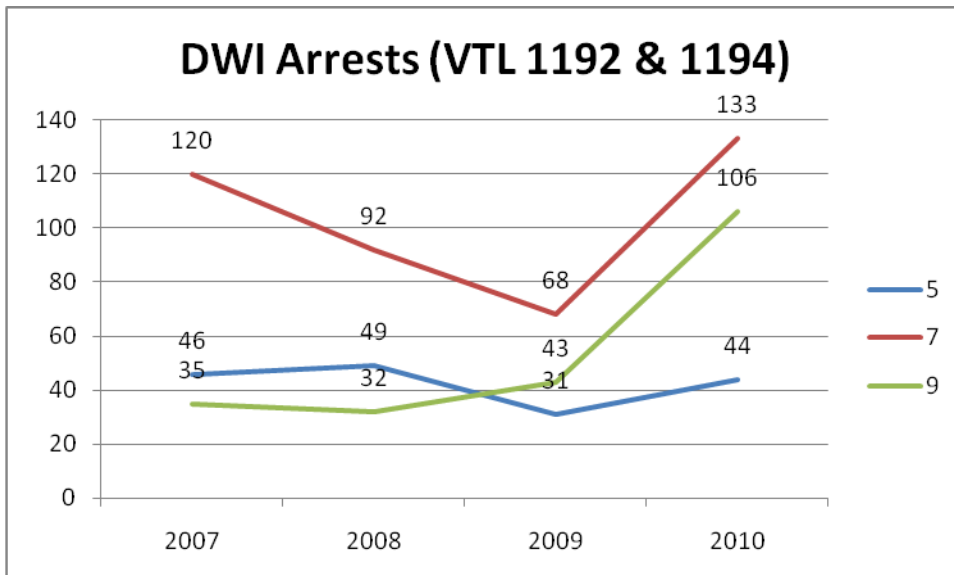
g. Unnecessary Use of Horn

Showed decreases in all districts. District 5 had a 50% decrease—while only issuing the summons 7 times in 4 years, District 7 had a 38.89% decrease, and District 9 had a 62.5% decrease. This is another category yielding insufficient data to draw definitive conclusions.



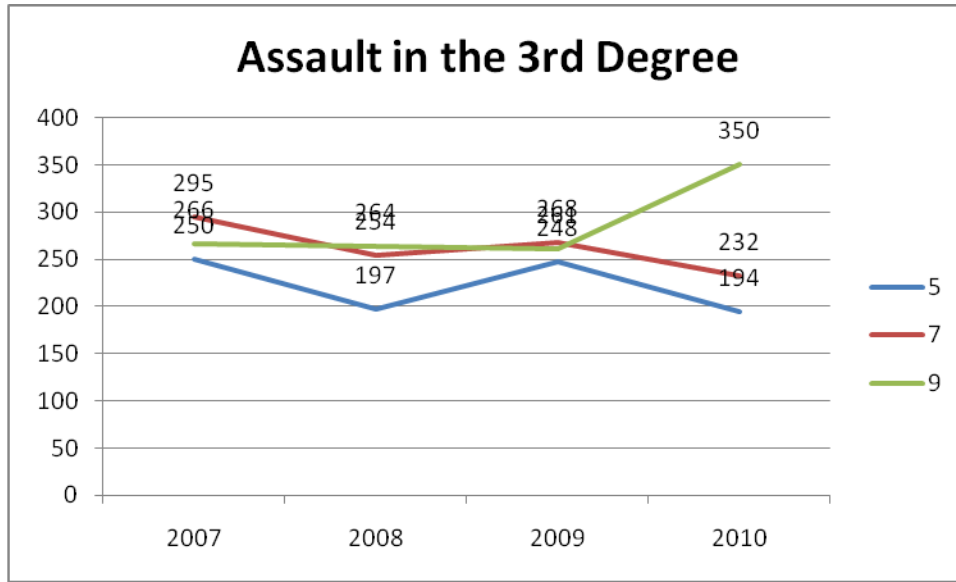
h. DWI Arrests

Decreased by 4% from 2007-2010 in District 5, but increased in the other two districts. District 7 increased by 10.83% and District 9 by 202.86%. This could be of particular import if it can be determined where many of the arrests tend to take place (to set up a checkpoint?) or implement other interventions as is done on the west side for drivers leaving the nightlife district.



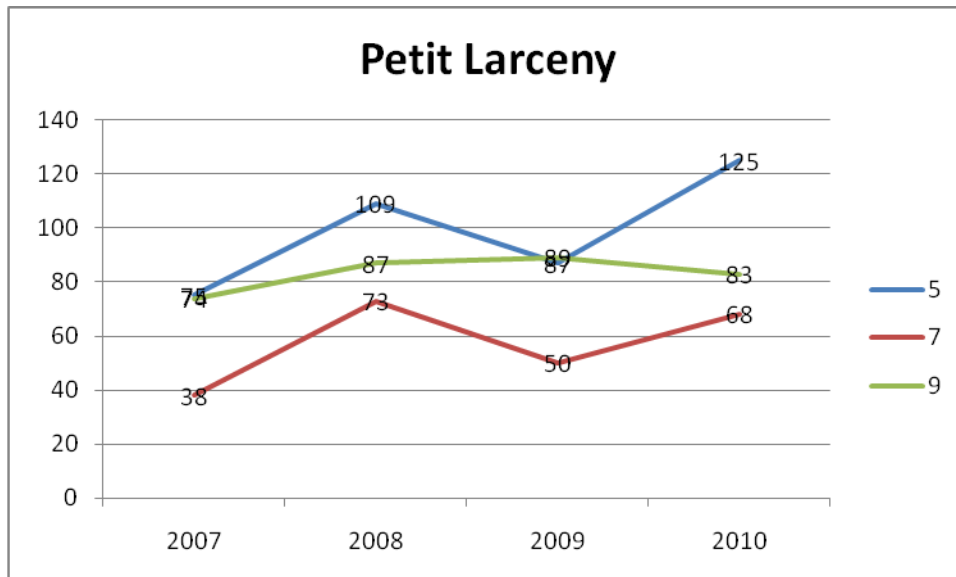
i. Assault in the 3rd Degree

There was a 22.4% decrease in District 5 for the number of summonses; a 21.36% decrease for District 7, and a 31.58% increase in District 9. These levels have held comparatively steady, and are likely also responsible for noise and other sorts of disruptions by patrons leaving nightlife establishments.



j. Petit Larceny (theft of items valued at less than \$1,000)

Increased in all three precincts from 2007-2010. In District 5, there was a 66.67% increase, in District 7 it rose 78.95%, and in District 9, there was a 12.16% increase. This suggests that pickpocketing is on the increase, but does not necessarily disrupt daily life for CB3 residents.



Overall Trends

In the 9th precinct, the number of summons issued for misdemeanors has increased to a large or small extent across the board through 2010. This does not necessarily indicate the levels of offensive behavior have increased; enforcement changes could also bolster numbers. This study in no way considers the question of incidence vs. enforcement or causation/correlation in that regard. As CB3 continues to work with the NYPD to consider solutions, a working relationship that could involve more of the community through forums and public meetings (as have been held monthly) could be a valuable resource for communicating about the nature of these increases.

Retail Diversity: Complementary Challenge to Nightlife Saturation

Data as to retail diversity through December 2010 according to a Center for an Urban Future report provides a breakdown of national retailers (i.e., Dunkin Donuts, Ann Taylor, the Gap, etc.) in each zip code.ⁱⁱⁱ By compiling those for the neighborhoods in Community Boards 1 and 3 and contrasting those figures with the numbers of active liquor licenses (full) in each district, the following breakdown appears:

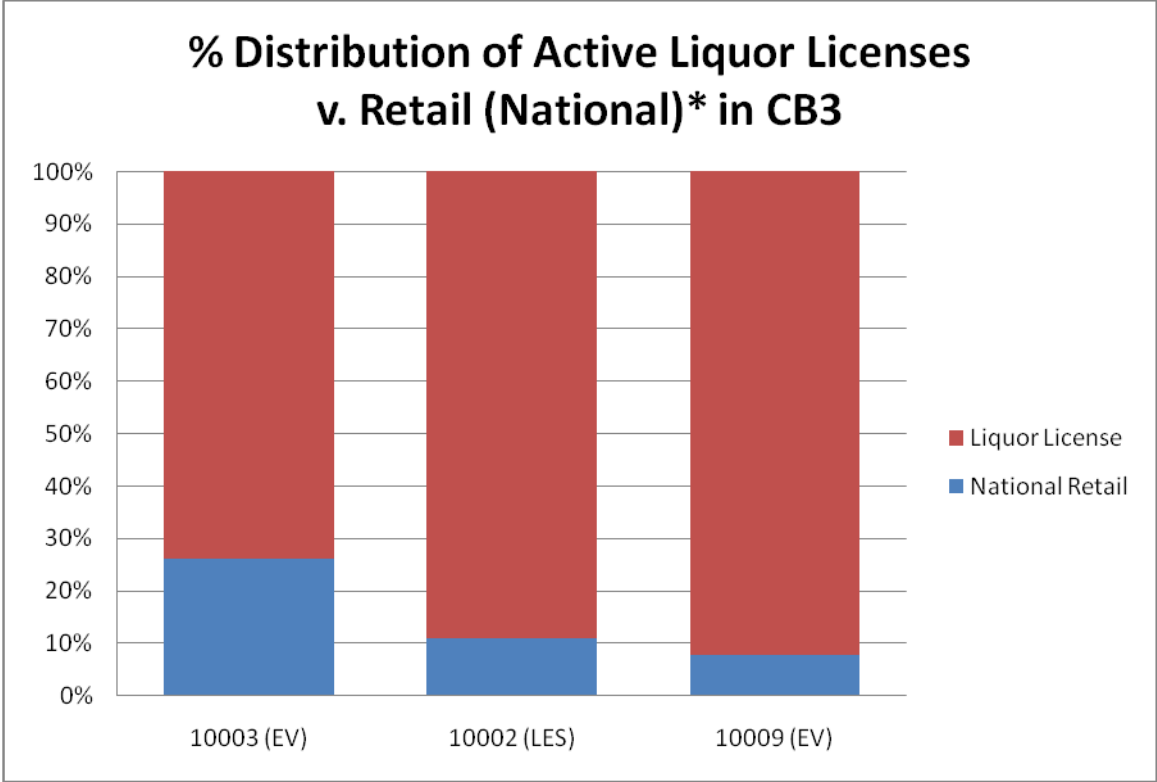


Figure 1: Data from Center for an Urban Future, “New York by the Numbers” report, 12/10

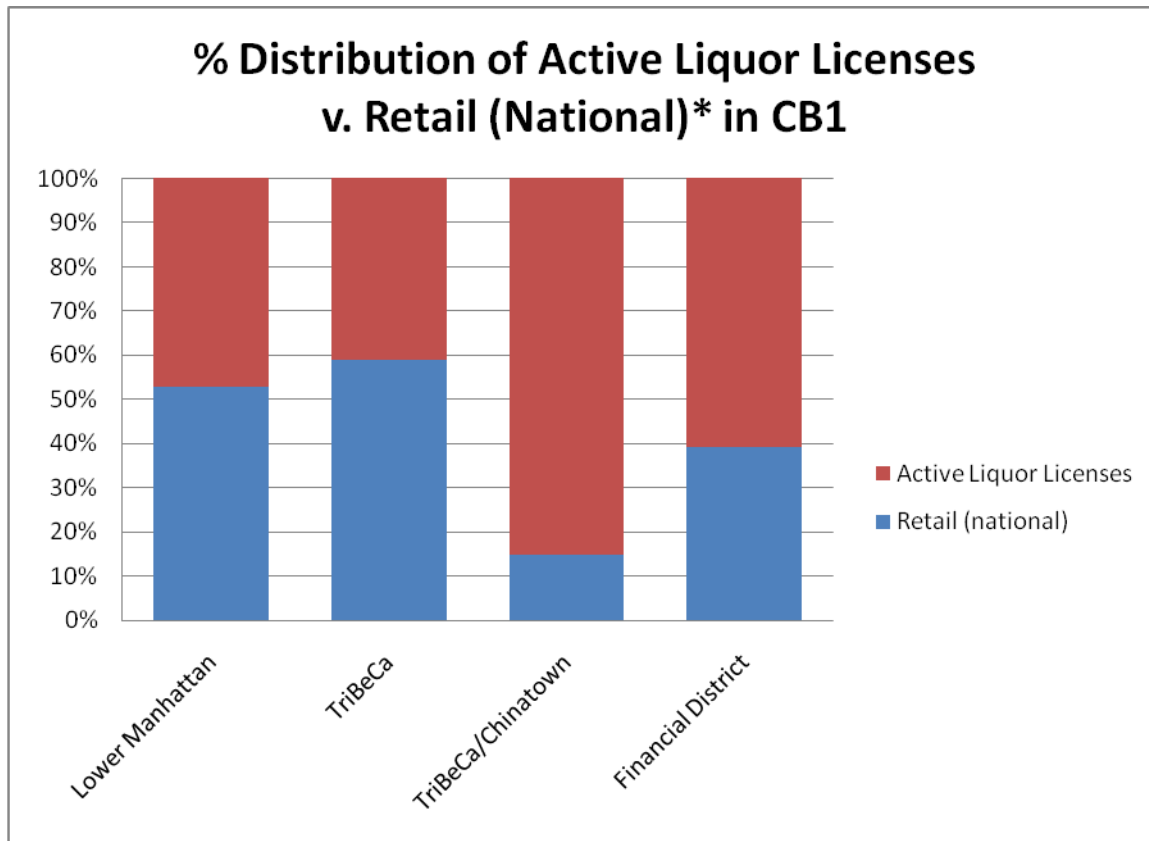


Figure 2: Data from Center for an Urban Future, “New York by the Numbers” report, 12/10

CB3’s lack of retail diversity has been documented by previous community planning fellows’ work. This report recommends a return to this issue for future investigation to determine methods of economic development which could combat this problem, thereby indirectly addressing the nightlife saturation issue.

Policy Issues

There are at least three factors or policy areas whose influence greatly affects the nightlife industry and the resultant quality of life problem for CB3.

I. SLA (“State Liquor Authority”) Policy:

Alcohol is big business for SLA and New York State: “The SLA has an annual budget of approximately \$18,000,000 and annual revenues of approximately \$54,000,000, making it the third largest revenue generator amongst state agencies.”^{iv} Given present budget constraints and the ongoing revenue crisis, common sense suggests that SLA will be compelled to collect any

revenue owed, likely increasing the enforcement of regulations and requirements for business owners to comply in order to obtain a liquor license.

II. Tourism:

Just as the State of New York garners revenue through SLA, the tourism business and City of New York also benefit from the nightlife zone in the Lower East Side. Advertising for both general tourism as well as targeted advertisements clearly identify the drinking/nightlife culture of the Lower East Side and East Village as attractions for visitors to the City—as well as residents.

“From the Bowery to the East River between Houston and Canal Streets, nearly door-to-door watering holes constitute what could be deemed NYC's late-night playground. A little gritty and very spirited, the Lower East Side plays host to imbibers of various types—including been-there-done-that locals, plaid-loving hipsters, ready-to-party business types and visiting glamazons.”^v

This is a typical description of the neighborhood for tourists—as a destination where “diverse” groups can enjoy spirited nightlife. (In this case “diverse” refers to the social characterizations presented in this piece.) The site does implore visitors to “tipple responsibly”, and largely features the themed aspects of many downtown establishments. Generally speaking, the advertising and tourism issue reflects the reality: if one is looking for the greatest density of drinking establishments or to experience what is advertised as “New York nightlife”, then going to the neighborhood with such a large concentration of bars makes sense. (If one were going to investigate New York museum culture, for example, being directed to visit Museum Mile is quite analogous.)

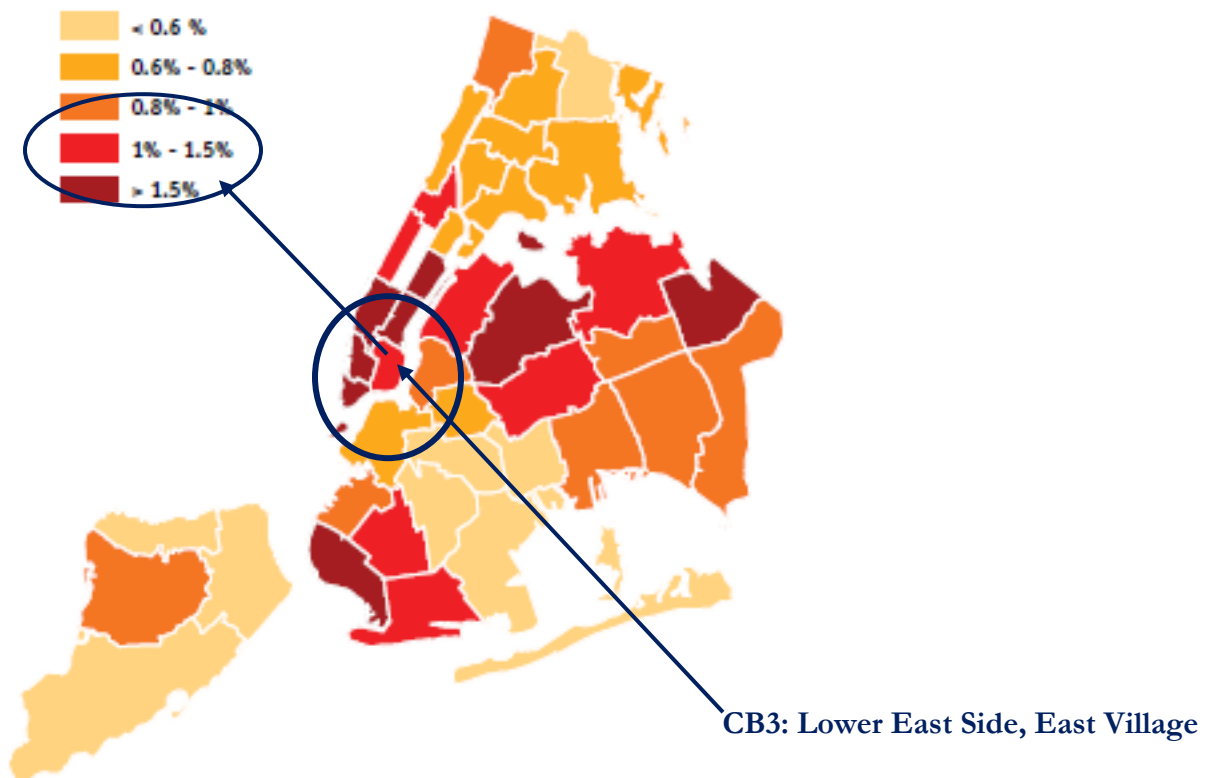
However, there is an odd conflict set up between visitors to the City—even counting patrons who come to the Lower East Side from Long Island or New Jersey—and area residents whereby the City is encouraging the success of the nightlife industry. It does send a subtle signal to CB3 that perhaps the City is more eager to capitalize on the revenue and reputation of the neighborhood without any involvement in the practical burden this places upon the area. The secondary effects of concentrated nightlife are inevitable; the City could be more involved in managing this issue given the economic benefits received from so many visitors, particularly on the weekend. Perhaps restoring a cabaret unit to manage crowds and encourage disorderly patrons to behave more safely upon departure could assist the relationship with the community as well.

III. Increase in Overall Binge Drinking; Alcohol Policy Issue

New York's Department of Health has also taken up a campaign to combat binge drinking, particularly amongst underage patrons. In a piece concerning the "roots" of binge drinking, the media looked at specials offered by bars such as The Continental (5 shots for \$10) as encouraging risky behavior. At the least, this encourages unhealthy personal behavior, and possibly some of the levels of disturbances and quality of life offenses CB3 is attempting to combat.^{vi} Binge drinking is defined as five drinks in one outing for men and four for women (some studies cite five for women as well). Binge drinking also contributes to more noise, unruly behavior, and violence among patrons.^{vii}

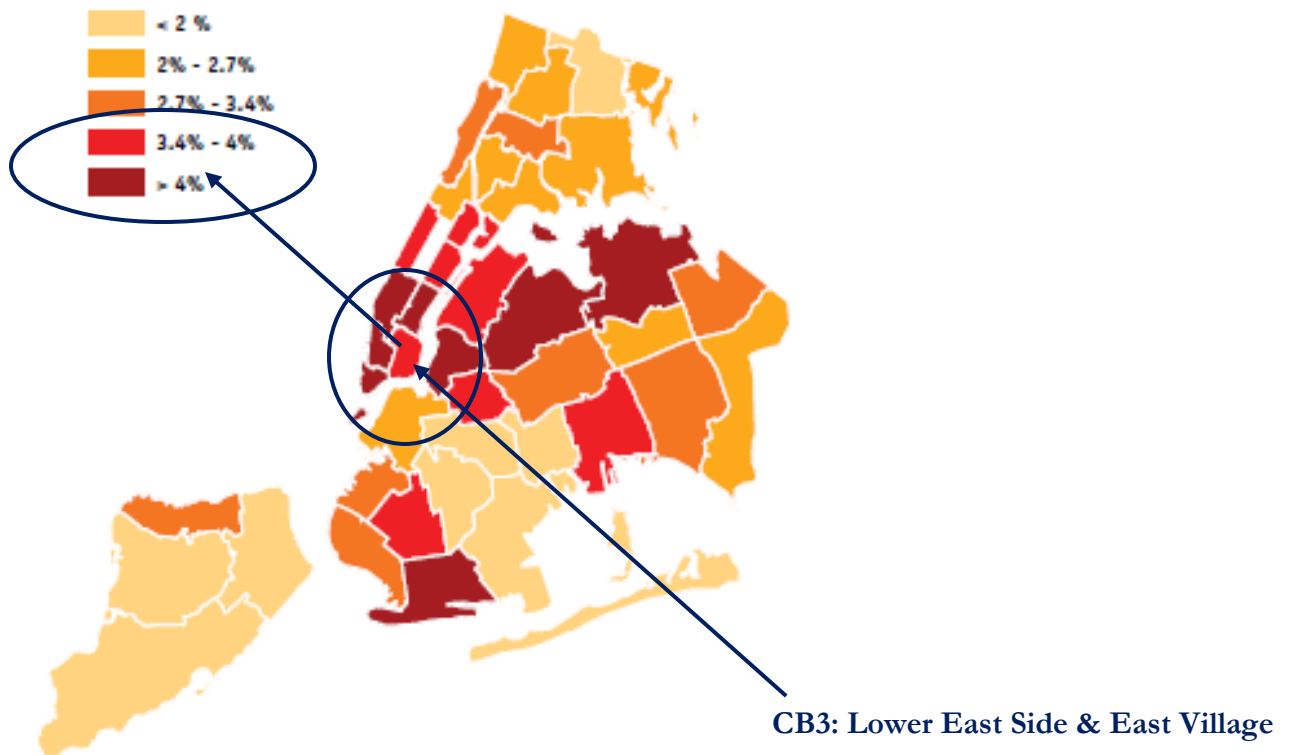
In New York, a November 2010 study by the DOH illustrated that hospitalizations owing to alcohol break down as follows:^{viii}

Percent of ED visits that are alcohol-related, aged 12–20



Sources: NYC DOHMH Syndromic Surveillance ED Visits 2007-2008

Percent of ED visits that are alcohol-related, aged 21-64



The Lower East Side and East Village do not have the highest level of hospitalizations owing to drinking (the West Village and Midtown East/Murray Hill have more) but this data could also be further investigated. It is also not clear what impact this information would have upon CB3's possible avenues for action. As the City continues to combat the problem of underage drinking and other boards take up the issue of quality of life management, there are possibilities for alliances to bring this issue to the forefront.

Best Practices from Other Cities

I. Firm restrictions upon the number of all licenses by location

Boston

In Massachusetts, the State Liquor Authority limits the number of liquor licenses which can be issued in every municipality. In many, the number of licenses is provided to increase to keep pace with population growth—but not in Boston. Boston has a total of 1,030 liquor

licenses, with 675 full and 355 for beer, wine or cordials. As reported in Boston Magazine, “Today, in most parts of Boston, a restaurant or bar owner can sell a full liquor license for \$175,000 to \$200,000. In the tony Back Bay, where licenses are at a premium, it can run as high as \$450,000. Even the "cheap" licenses, for wine and beer, can cost \$25,000 to \$35,000—prohibitively expensive for many independent restaurant owners.”^{ix} Presumably there was not the same transitory issue of selling properties/companies etc. with or without liquor licenses attached. There are three members of the Boston Licensing Board who issue recommendations along the lines of the City’s Community Boards. Given the extremely limited number of licenses available, the workload can be managed by the sole board. On the other hand, the lack of growth in the number of licenses available in Boston is seen as a liability to dining and nightlife, while by every indication there are still quality of life issues present around bars.

For CB3, this notion of a set number could take the form of a long-term advocacy goal. Given the amount of time it could hypothetically take to build a coalition, advocate in Albany, and have the SLA assume such a policy, to say nothing of implementing the new rule, CB3 could consider this as a point to collaborate with other boards taking up nightlife management issues.

Chicago

In Chicago, moratorium areas are off-limits for the issue of new liquor licenses, and transfers can be obtained through meeting more stringent application criteria and paying an additional application fee. For all applicants, there is a 45-day window during which neighbors of the applicant can protest or comment upon a license application. Also, communities can choose to vote themselves "dry". Within 100 feet of a church, library, school or day care center, NO licenses are permitted in those cases. Chicago also uses “CAPS”, or the Chicago Alternative Policing Strategy, which offers opportunities for the community to meet with police and business owners to discuss any problems which occur.

CB3 can encourage community members to continue participating in monthly precinct meetings with the NYPD during which a forum to discuss quality of life concerns can be fostered. This is another form of community building.

II. Special District Designation

While the 2008 Bowery rezoning accomplished the physical protection of buildings in the area presently undergoing extensive redevelopment, other cities have used special districting and zoning to reduce the density of liquor stores or bars in their cities (San Francisco and Los Angeles having done so in the 1990s and since).

Given the widespread use of zoning as a planning and policy tool, and serving the goal of protecting the neighborhoods' interests in the long run, undertaking a new process with the Department of City Planning to achieve Special District status for the Lower East Side and East Village could incorporate strict guidelines as to liquor license issuance and approval. Separating the use codes to distinguish between bars/restaurants and other types of businesses could also assist. Use group C1 considers bars with stores that sell clothes, bodegas, or laundries under the same rubric of "serving the local community's needs".

CB3 could pursue this option by initiating a Special District amendment, recognizing both the import of its neighborhood's history and current reputation as a nightlife destination while protecting the area from further saturation.

III. Recognition of Establishments by Community for "Best Practices" in Operations

As previously recommended to the SLA Committee by consultant Paul Costa's report, other areas have implemented an awards program for bars who meet criteria decided upon locally amongst police, government, and community groups which are appropriate for the neighborhoods (i.e., hours of operation during the week, nature of drink specials, etc.). This could foster more of an ongoing partnership and oversight mechanism for the community and has been effective elsewhere.

An example of such an initiative is the UK's "Best Bar None" program which began in 2003 in Manchester and now includes boroughs (cities and townships) across the UK, including many in the City of London. In order to be awarded a minimum performance score, bars must meet 100% of the agreed "essential" elements in terms of public safety, crime prevention and capacity prevention. There are further "desired" and "bonus" elements ranging from monitoring the temperature and crowding of bars to avoid cultivating groups of increasingly agitated patrons to avoiding drink specials inherently promoting binge drinking.^x

Also, the UK has a "Safer Socialising Award" offered by the Association of Business Crime Partnerships created to “encourage members to achieve higher levels of management and operation as a demonstration of their ability to help reduce crime and disorder and anti-social behavior in pubs, clubs and licensed premises. It rewards those licensed premises who can achieve the standards.”^{xi}

While New York City’s Nightlife Association has developed a best practices manual, this awards program could provide another opportunity for community, business, and law enforcement to collaborate on management that addresses the specific needs of CB3’s residents in response to the typical nightlife offered in this district. Rather than large dance clubs, the contained and limited space within which bars operate create different types of noise issues, and community-based best practices can advise to that end.

Suggested Next Steps

Combining this research with that of previous planning fellows' detailing the problem of retail diversity in CD3, it is proposed that a project devoted solely to the matter of economic development be undertaken. This could capitalize well on a broad array of likely skill sets for future public policy/planning fellows; there is a viable population of possible consultants to assist CB3 in completing subsequent phases of the work.

Appendix I: NYC Tourism Web Site (example of tourism marketing)

The image shows a screenshot of the NYC Official Guide website (nycgo.com). At the top left is the NYC logo with the text "The Official Guide nycgo.com". To the right is a banner for the "EMPIRE STATE BUILDING OBSERVATORY" with a "BUY TICKETS NOW" button. Below the banner is a navigation bar with a search box, "all categories" dropdown, and "search" button. Further right are links for "Travel Trade Meeting Planners", "Membership Press", social media icons for Twitter, Facebook, and Email, a temperature display of "46°/8°C", and a "Translate" dropdown menu. A secondary navigation bar contains links for "top attractions", "what to do", "where to stay", "plan your trip", "deals", "broadway", "nyc restaurant week", and "free". The main content area is titled "nightlife" and features a large image of a bar interior. Below this image are several article teasers: "Straight-Up Old-Fashioned: 10 Hotel Bars" (highlighted in yellow), "10 NYC Tiki Bars", "30 Bars on the LES", "Sub Zero Repair NYC", "New York Spa Deals", "Upper East Side Gym", and "NYC 1-Day Coupons". A "view all." link is visible at the bottom right of the article teasers. A "book now" button is highlighted in a green box at the bottom right of the page. A black circle highlights the "10 NYC Tiki Bars" article, and a black arrow points from the caption below to this circle.

Figure 3: See nycgo.com. Accessed 2-16-11

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ⁱ Roberts, 487

ⁱⁱ Campo, p 309

ⁱⁱⁱ Center for an Urban Future, p. 3

^{iv} NYS Law Revision Commission, p. I-16

^v NYCgo.com

^{vi} McCormack

^{vii} Gassman, et al

^{viii} NYC Department of Health and Mental Hygiene

^{ix} Schwartz, p. 2

^x Best Bar None

^{xi} Association of Business Crime Partnerships