

December 20, 2011

Hon. Dennis Rosen  
Chair  
New York State Liquor Authority  
317 Lenox Avenue  
New York, NY 10027

**Re: 2728 Broadway  
Papasito Midtown Corp., Inc. d/b/a Papasito Mexican Grill and Agave Bar  
Eusebio Chavez, President and Applicant  
Pending Serial #1259523**

Dear Chair Rosen:

On behalf of Community Board 7/Manhattan (“CB7”), I enclose our resolution disapproving the applicant's request for an on-premises liquor license.

CB7 does not take this action lightly. As the introduction to the resolution makes clear, the members of our committee work tirelessly to seek agreements that balance the interests of small businesses and the concerns of neighbors and the community. Despite repeated efforts, no such agreement could be forged in this instance.

The facts relating to this application are unique. The record reveals that there are serious issues as to whether the applicant has ever had an appropriate license to serve alcohol on premises, and has other troubling open violations, yet it has been operating continuously since August 2011. The nature and intensity of complaints from neighbors and the community about noise both from music inside the premises and from patrons departing in the wee hours of the morning continue unabated, as do issues with odors and exhaust, notwithstanding certain modifications to its facilities undertaken by the applicant. Perhaps most troubling is the applicant’s refusal to address or assume responsibility for controlling or peacefully dispersing the crowds it attracts.

This is *not* a “not-in-my-back-yard” situation. Our Board, the neighbors and the community have embraced many restaurants in the immediate vicinity of the premises, including at least eight with on-premises liquor licenses within 500 feet of the applicant. Each of these establishments is able to operate responsibly and, presumably, profitably without the enormous on-going disruptions that attend the applicant’s method of operation.

CB7 respectfully requests that the State Liquor Authority recognize these unusual circumstances, and deny the instant application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark N. Diller", with a horizontal line extending to the right from the end of the signature.

Mark N. Diller  
Chair, Community Board 7

Cc: Hon. Melissa Mark-Viverito, New York City Council, 8<sup>th</sup> District  
Hon. Scott M. Stringer, Manhattan Borough President  
Hon. Daniel J. O'Donnell, New York State Assembly, 69<sup>th</sup> District  
Hon. Bill Perkins, New York State Senate, 30<sup>th</sup> District  
Hon. Adriano Espaillat, New York State Senate, 31<sup>st</sup> District  
Ms. Sandra Williams, New York State Liquor Authority  
Ms. Rebecca Godlewicz, Office of the Manhattan Borough President  
Mr. Eusebio Chavez, President, Papisito Midtown Corp, Inc.

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Business and Consumer Issues**

**Re: 2728 Broadway, Pending Serial #1259523**

**Full Board Vote: 35 in favor of disapproval, 4 against, 3 abstentions, 1 voting "present"**

This resolution concerns the application to the State Liquor Authority of Papisito Midtown Corp., Inc. d/b/a Papisito Mexican Grill and Agave Bar, Eusebio Chavez, president and applicant, for a two-year on-premises liquor license.

Introduction

Community Board 7/Manhattan ("CB7") and its members have devoted many hours to this application. The Business and Consumer Issues Committee ("BCI") of CB7 devoted more than 4 hours to the consideration of this application, including over three and one-half hours at its regularly scheduled meeting on November 9, 2011, and over one-half hour at a special meeting on December 6, 2011, immediately prior to the CB7 December full Board meeting. At both the November 9 and December 6 meetings, this application was the only item on the agenda. The full CB7 Board also devoted an extended period to the discussion and consideration of this application at its December 6 meeting. In all, CB7 heard from more than 40 neighbors and members of the community.

In addition, members of CB7 and BCI made visits to the site to the applicant's location to better understand the conditions and the numerous concerns raised by neighbors and members of the community, and to evaluate certain work being performed by the applicant in response to these concerns.

While the purpose of the meetings and site visits was to seek an agreement that properly balanced the concerns raised by the neighbors and the community with the interests of the applicant, no such agreement was reached.

**RECITALS**

This resolution is based on the following facts:

Service of Alcohol in the Premises since August 2011

The applicant has been serving liquor on the premises since August 2011.

The applicant has claimed the right to serve liquor on premises since August 2011 under SLA License 1172342, which CB7 understands was issued to the prior tenant in operation of the premises, doing business as "Tokyo Pop." CB7 has questioned the basis on which the applicant has conducted business on this basis.

The applicant was not an owner of the prior tenant in operation of the premises, although it appears that certain shareholders or parties with an interest in the applicant also had some form of ownership or other interest in the predecessor tenant in operation of the premises.

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The applicant has received a summons to answer for "availing" the liquor license issued to a different licensee at the premises.

The manner in which the applicant has operated the premises since August 2011 includes serving alcohol until 4 am on Friday and Saturday evenings (Saturday and Sunday mornings).

An affiliate of the applicant, owned at least in part by one or more owners of the applicant, operating under a similar name (Papasito's Mexican Grill) and business model at 223 Dyckman Street, is the subject of SLA Proceeding Case No. 77324 to cancel or revoke an alcoholic beverage license for violation of section 65 of the Alcoholic Beverage Control Law for alleged sale or giving away of alcoholic beverages to a person under the age of twenty-one years.

#### Music and Noise from Within the Premises

The applicant's operation of its business on the premises since August 2011 has resulted in numerous complaints from neighbors and members of the community. Among the complaints lodged by neighbors and the community are concerns relating to excessive noise within the premises, largely due to the playing of recorded or live music; noise by patrons leaving the premises; and odors emanating from kitchen exhaust.

The applicant has failed since August 2011 to operate a quiet establishment that respects the needs and concerns of neighbors and the community.

While the applicant has installed certain insulation intended to dampen the sound of music played on the premises, appears to have made adjustments to the direction of speakers within the premises and to have disabled others, has installed a protected device to regulate speaker sound levels, and has agreed to install limiters on amplifiers and isolators on speakers and provide a contact number for late-night complaints, these efforts have not succeeded in reducing the noise generated within the premises to a level consistent with the quiet enjoyment of its immediate neighbors of their homes in apartments above and adjacent to the premises.

Complaints from these neighbors and the community have continued unabated past the installation of the measures taken by the applicant, and appear not to be isolated or sporadic but continuous and material.

In addition, the applicant has refused to agree to exclude live music from its premises, seeking instead to limit live music to only two nights per week at designated hours. The applicant has not applied for a cabaret license to the best of CB7's understanding.

#### Noise Outside the Premises

The applicant has also failed to manage the noise outside its premises as patrons leave its establishment, especially at and around closing time on Friday and Saturday evenings. Patrons continually congregate in the area fenced for an unenclosed outdoor café, and beyond into the sidewalk and roadbed on Broadway.

These disturbances have included loud shouting and arguments, violent behavior, and noise from departing patrons, as well as noise from double-parked cars awaiting or interacting with patrons and others on the street. Neighbors report that these disturbances have occurred on Fridays and Saturdays between the hours of 3:30 to 5 am virtually without exception since the applicant began operating in August 2011. Similar occurrences have been reported at earlier hours at times on other days of operation.

During one Saturday late night/early morning disturbance in October 2011, a patron of the applicant assaulted a police officer from the 24 precinct responding to the premises.

The security personnel hired by the applicant, who until the November 2011 BCI committee meeting were routinely frisking patrons entering the premises for weapons, seem unwilling or unable to undertake crowd management to ensure that patrons depart from the premises in a quiet and orderly manner respectful of the neighbors and the community.

There are at least eight restaurant establishments with on-premises liquor licenses within two blocks of the applicant on Broadway or nearby on side streets. None has been the subject of any similar complaints to CB7 during the time period since the applicant began operating at the premises, let alone the subject of the repeated and significantly troubling complaints lodged against the applicant.

#### Hours of Operation -- Impasse

As an attempt to address at least some of the neighbors' and community's concerns regarding noise both within and outside the premises, CB7's BCI committee sought an agreement from the applicant, to be recorded as a stipulation incorporated into its license, to limit the hours of operation, especially on weekends, so that it would be obligated to stop serving alcohol to patrons at hours earlier than the 4 am closing time.

The applicant refused to agree to any limitations of its hours, maintaining that the type of establishment it was seeking to operate required that it serve right up to the 4 am hour on weekends.

#### Odors Emanating from the Premises

In addition to noise complaints, neighbors in the immediately adjacent buildings have lodged complaints with CB7 and others concerning exhaust fumes and strong and pungent odors emanating from the premises during its operation. Prior to the applicant's operation, the premises housed other restaurants, and the operation of these other predecessor establishments did not result in complaints about odors.

The applicant has been cited for violations concerning its cooking exhaust system, requiring the installation of an electronic precipitator. While the applicant has agreed to install such a device, and has begun certain other exhaust-related work, it continued to operate in the interim, and the violation was outstanding as of the date of this resolution.

#### Other Violations

The applicant has also been cited for the following violations:

- NYPD Midtown Task Force issued ECB violation no. 34924178Z on November 10, 2011, for "operation of a place of assembly without a current certificate of operation. Noted: one floor equipped and arranged for approximately 120 person. Hearing date December 29, 2011.
- NYPD Midtown Task Force issued an ECB violation no. 34924177RR on November 10, 2011, for "occupancy contrary to that allowed by Buildings Department records. Illegal occupancy noted: one floor occupied as an eating and drinking establishment for approximately 120 persons. Hearing date December 29, 2011.

Interim License

As of the date of this resolution, CB7 understands that the applicant has been granted an interim license to operate until on or about February 29, 2012.

[Note: After CB7's December 6, 2011 full Board meeting, CB7 learned that the applicant's interim license has been rescinded and denied. To the best of CB7's knowledge, the applicant is continuing to operate the premises and serve alcohol.]

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan:

1. **Disapproves** the application to the State Liquor Authority by Papisito Midtown Corp., Inc. d/b/a Papisito Mexican Grill and Agave Bar for an on-premises license to serve alcoholic beverages.
2. Requires that, in advance of any subsequent application made during or after the term of its interim license, but in no event later than January 31, 2012, as a condition of any such future application, the applicant satisfactorily demonstrate that it has actually and completely addressed the substantial and on-going complaints of the neighbors and the community identified above, including without limitation taking the form of the applicant's binding agreement to perform, and actually successfully having performed, the following stipulations as a condition of and material element incorporated into any license:
  - a. applicant to cease serving alcohol at or before 1:00 am on Sunday-Thursday evenings (i.e. Monday-Friday mornings), and at or before 2:00 am Friday and Saturday evenings (i.e. Saturday and Sunday mornings);
  - b. applicant to completely and adequately address the complaints and concerns about music and noise from within the premises on a consistent and on-going basis, including without limitation (1) installing limiters on all amplifiers, (2) installing isolators on all speakers, (3) installing sufficient and appropriate sound insulation on or within its ceiling and elsewhere as needed, (4) removing or redirecting speakers in the restaurant so as not to direct sound or music in the direction of the door or the street, and (5) taking all other measures needed to ensure the quiet enjoyment of homes and residences by neighbors and the community;
  - c. applicant shall not allow live music more frequently than twice per week, and any live music must cease before 10 pm, provided that applicant abide in all other respects conforms with other applicable regulations, and that applicant obtain and remain in good standing with all other relevant licenses;
  - d. applicant must provide the neighbors in adjacent and neighboring buildings the cell phone or other contact numbers for immediate access to the management on duty in the premises during all hours of operation, and update such contact numbers promptly with all changes in staffing;
  - e. applicant must take all necessary and appropriate action to prevent employees from congregating or making noise in the rear yard of the premises after 9 pm, and discourage such activity at any other times;
  - f. applicant will not apply for a cabaret license, or permit any activity that would require such a license (including allowing dancing or performances of live music by more than three musicians);
  - g. applicant to ensure that its unenclosed outdoor café is used solely for serving patrons, and not to store tables, chairs or other furniture or items, and to strictly observe the permitted perimeters of the café, including keeping sandwich boards, menu displays within the permitted café footprint;
  - h. applicant to provide to CB7, and to keep in good standing, its Department of Consumer Affairs letter of assignment, filed under the applicant's name, concerning its unenclosed outdoor café;

- i. applicant to replace and maintain an awning over the front of the premises that does not block emergency access/egress via the fire escape, angled to further reduce the possibility that music and noise can escape from the premises;
- j. applicant to instruct its security, management and staff not to block or reserve parking spaces proximate to the premises, including with cones, other cars or otherwise;
- k. applicant will not permit valet parking at or in connection with the premises;
- l. applicant to instruct and continuously require that its security, management and staff take all actions necessary to cause departing patrons to leave the premises quietly and in a manner respectful of neighbors and the community at all hours but especially after 11 pm, to prevent and disperse crowds congregating in front of the premises (regardless of whether the crowd includes patrons), to ensure that no fewer than two (2) security staff are outside the premises and responsible for crowd control and dispersal at all times after 10 pm, and to seek early police assistance as needed to accomplish these requirements;
- m. applicant to install electronic precipitators and any other device required by any City or State Agency, and to take all other actions necessary to address on-going or new complaints about cooking odors or other smells received from neighbors at any adjoining or adjacent building in the bordering the premises in the same rear yard area, including venting the exhaust properly above the ambit of the neighbors' windows;
- n. applicant to install and maintain in good repair all condensers, fans and other HVAC equipment on the roof and elsewhere to ensure that it exceeds current standards for quiet operation.

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Business & Consumer Issues**

**Re: 2735 Broadway (West 104<sup>th</sup> Street)**

**Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application to the State Liquor Authority for a two-year liquor license by 2735 Indus Inc, d/b/a To be Determined.  
*Committee: 7-0-0-0. Non-Committee Board Members: 1-0-0-1.*



**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Preservation**

**Re: 151 West 72<sup>nd</sup> Street, dba Variazioni (Amsterdam – Columbus Avenues.) Application #11-4281 to the Landmarks Preservation Commission for legalization of a violation for a 2-story storefront.**

**Full Board Vote: 40 In favor 0 Against 0 Abstentions 0 Present**

The following facts and concerns were taken into account in arriving at our conclusions:

The Preservation Committee of Community Board 7/ Manhattan believes that the façade renovation plan to legalize a 2-story storefront restoration, consisting of:

- Removal of the existing decorative wood molding bordering the two-story frame perimeter
- Removal of the applied decorative wood ornaments at the top horizontal band of the frame
- Repainting the green wood frame a limestone color
- Retaining the green paint color at the intermediate horizontal wood band
- Re-installing two of the existing four light fixtures is reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the façade renovation proposal to legalize a 2-story storefront restoration.

*Committee: 4-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Preservation**

**Re: 291 Central Park West, aka 18 West 89<sup>th</sup> Street, The Dwight School (West 89<sup>th</sup>-90<sup>th</sup> Streets.)**

**Application #124458 to the Landmarks Preservation Commission to revise entrance at 17 West 88<sup>th</sup> Street, including installing steps from basement to sidewalk to improve emergency egress; installing awning above existing ramp and proposed steps; installing distinctive sidewalk; installing new basement windows at the West 88<sup>th</sup> Street façade and lot-line windows on the west exterior wall.**

**Full Board Vote: 40 In favor 0 Against 0 Abstentions 0 Present**

The following facts and concerns were taken into account in arriving at our conclusions:

The Preservation Committee of Community Board 7/ Manhattan believes that the revisions to the 88<sup>th</sup> Street entrance, consisting of:

- Installation of a closed-end, gray colored, fire-retardant fabric awning covering the entire length and width of the depressed entry court.
- Replacement of an existing planter with a new set of bluestone steps leading down to the entry court from the east.
- Replacement of the existing concrete sidewalk across the entire width of the building with new ochre color brick pavers, installed in a herringbone pattern.
- Installation of two new one-over-one double-hung natural-finish aluminum window pairs at the Cellar (entry) level, to the right and left of the door, approximately aligning with similar window pairs above are reasonably appropriate to the historic character of the building and of the Historic District.

FURTHERMORE, the Preservation Committee of Community Board 7/ Manhattan believes that the installation of new lot-line windows in the west-facing façade, consisting of:

- Installation at the Cellar level of three new one-over-one black steel windows
- Installation at the First Floor of two new tall, multi-paned black steel windows with operable transoms, ceramic glass, similar in design to previously approved windows installed elsewhere in the building (at 22 West 89<sup>th</sup> Street) is reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the West 88<sup>th</sup> Street entrance renovation plans and the installation of new lot-line windows on the west-facing façade.

*Committee: 4-0-0-0. Non-Committee Board Member: 0-1-0-0.*

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Preservation**

**Re: 214 West 72<sup>nd</sup> Street (Broadway.) Request to exclude existing building from the proposed West End Avenue Historic District and proposal to develop a new 12-story residential building with ground floor commercial use. The proposal would include demolition of an existing building with significant structural damage.**

**Full Board Vote: 36 In favor 0 Against 2 Abstentions 0 Present**

The following facts and concerns were taken into account in arriving at our conclusions:

- When Community Board 7 passed its resolution supporting the creation of a West End Avenue Historic District in October 2010, the boundaries of the District as proposed by the West End Preservation Society and as endorsed by CB7 did not extend east along 72<sup>nd</sup> street, so this building was not part of the original District boundaries.
- The 214 West 72<sup>nd</sup> Street building ("214") has suffered significant structural damage as a result of the construction of the new high-rise building to the east (the "Corner Building"), including the undermining of the east wall of the building (which had previously been a party wall with a twin building removed in the construction of the Corner Building), the puncture of the east wall by construction equipment, and related damage.
- While 214 is not currently uninhabitable, the structure is listing to the east, gaps are appearing between its internal stairs and structural walls, and its condition continues to deteriorate.
- The costs to repair the existing structure are prohibitive, and the owners do not appear to have any access to redress from the owners or developers of the Corner Building.
- 214 is the last building on the east end of West 72<sup>nd</sup> Street included in the West End Avenue Historic District as proposed by the Landmarks Preservation Commission.
- But for its inclusion in the proposed West End Avenue Historic District, zoning appears to permit as-of-right a 12-story building with the same approximate footprint of 214 at that site.
- The owners have represented that they do not anticipate being able to secure construction financing for, or to be able to defray and repay the costs associated with, a substitute building of less than the as-of-right floor area and dimensions.
- Preliminary structural engineering recommendations have been proposed for both demolition and new construction in order to minimize the potential risk of damaging the neighboring building at 216 West 72<sup>nd</sup> Street (immediately to the west). These recommendations include:
  - Careful demolition of the existing building using only hand demolition methods.
  - Retaining the lowest floor of the existing lot line wall at 214 West 72<sup>nd</sup> Street. There are two separate lot line walls between 214 and 216 West 72<sup>nd</sup> street, not a single shared party wall.
  - No underpinning of the lot-line wall at 216 West 72<sup>nd</sup> Street or of any columns used in construction of the new building.

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*Date: December 6, 2011*  
*Committee of Origin: Preservation*  
*Re: 214 West 72<sup>nd</sup> Street (Broadway.)*

*Resolution*  
*Page 2 of 2*

- Structuring the new 12-story building using a rigid steel frame set on 3' x 4' concrete strap footings spanning east-west at 12 foot intervals, bearing on new concrete foundation walls.
- The owners have agreed to file and record a restrictive declaration tying the proposed demolition and construction methods to the property, subject only to the exclusion of the 214 property from the final designated West End Avenue Historic District.
- No affordable housing units would be lost by demolishing the existing 214 structure and constructing a new 12-story residential building, as the current tenants of the residential units are the owners themselves, and friends of the owners who rent on a month-to-month basis.
- Because the 214 property is situated at the end of the row of existing rowhouses along the south side of West 72<sup>nd</sup> Street, and because the Corner Building is 20 stories tall, a new 12-story building erected in place of the existing 5-story building will help mediate between the heights and scales of the Corner Building and the rowhouses included in the proposed Historic District.

Community Board 7/ Manhattan believes that these unique factors and conditions support the decision to exclude the existing damaged building from the proposed Historic District, permitting its demolition and the construction of a new 12-story building on the site.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan, provided that the owners file and record a restrictive declaration binding the current and all future owners of the property to the demolition and construction methods outlined above, **approves** the exclusion of the building at 214 West 72nd Street from the proposed West End Avenue Historic District.

*Committee: 5-1-0 0. Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Land Use**

**Full Board Vote: 39 In favor 0 Against 0 Abstentions 0 Present**

**Re: (E) Designation Text Amendment (N 1200090 ZRY). Department of City Planning proposed city-wide text amendment to streamline and improve the zoning regulations governing Environmental (“E”) designations. E designations are environmental controls placed on potential development sites by the lead agency for the City Environmental Quality Review (CEQR) of a zoning map amendment.**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the Department of City Planning proposed city-wide text amendment (N 1200090 ZRY) to streamline and improve zoning regulations governing Environmental (“E”) designations.

*Committee: 7-0-0-0.*

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Parks & Environment**

**Re: Request For Proposals (RFP) For The Operation And Maintenance Of A Casual Restaurant, Outdoor Café And Bar At Tavern On The Green.**

**Full Board Vote: 26 In favor 9 Against 4 Abstentions 1 Present**

The following facts and concerns were taken into account in arriving at our conclusion:

**Background:**

1. The Parks and Environment Committee of Community Board 7/Manhattan held two lengthy meetings concerning this soon to be issued request for proposals (in February, 2011 and November, 2011), at which many immediate neighbors of the Tavern site and other community members addressed the issues created by the Tavern under the former concession, as well as their concerns and opinions with regard to the new concession to be awarded pursuant to this RFP. A very substantial majority of those who expressed opinions were comfortable with the new concession for the Tavern location being a restaurant facility of some sort, but those opinions were almost universally in favor of a very different restaurant facility from the prior concession. Many community members expressed the opinion that the new concession should relate directly to, and be an amenity for, users of Central Park, and should also be an amenity for the neighborhood. The Parks and Environment Committee shares that view.

2. The Tavern building was designed by Jacob Wrey Mould, the principal architect of the original structures in Central Park. It was intended to enhance the Central Park experience for users of the Park, and for many years it was used in ways that accomplished that goal. However, the most recent Tavern concession had over the years increasingly become a venue for catered events, and otherwise become a relatively expensive restaurant patronized largely by tourists, many of whom were transported to the site by tour buses. This former Tavern concession had little or no functional connection to its location in Central Park, or to its Upper West Side neighborhood.

3. Rights to the parking lot adjacent to the former Tavern were included in the prior concession. The parking lot was used by the concessionaire for tented private events, many of which included amplified sound and created noise that disturbed the neighbors late into the night on frequent occasions.

4. The menu prices at the former concession, and the appearance of high-end exclusivity, contributed to its not being perceived as, or enjoyed as, an amenity for users of Central Park, but rather as a venue for a relatively limited population of wealthier patrons, including those who rented it for special events. For instance, although the restrooms were required to be open to the public, most members of the park-using public either did not know that, or did not feel comfortable using them.

5. Under the former concession a historically inappropriate addition (the Crystal Room) was added to the historic Tavern building. That addition has recently been removed by the Department of Parks and Recreation, creating a large and pleasant outdoor dining area. The now-existing building still has certain non-historic additions that the DPR and the Central Park Conservancy want to remove in order to restore the building most closely to its historic appearance. While the cost of restoration of the structure is not yet known with certainty, it is likely to be very substantial, and to exceed by many times the cost of interior renovations. DPR plans to use public funds to restore the building, and to deliver a

completed “core and shell” to the new concessionaire, with the concessionaire to pay for fitting out the interior of the building for restaurant use.

### **Current And Future Considerations Regarding This Concession Site**

6. In the decades since the prior concession commenced, the use of Central Park has substantially changed. The Park has become much safer, including after dark. There has been a radical increase in use of the Park for active recreation by joggers, runners, cyclists, etc. – local residents and tourists alike. There is an increasing and substantial need for varied and affordable sit-down dining options for users of the Park.

7. Additionally, the neighborhood has changed since the prior concession commenced. There are now numerous, successful high-end restaurants in the neighborhood and numerous locations suitable for private, catered events.

8. Further, our notions of the proper uses of public park space, particularly space in a park so heavily used and with such relatively limited “real estate” as Central Park, have changed. We have become increasingly skeptical of the “privatization” of park space, and deeply concerned that any private concession in any of our parks be designed to serve the broadest possible group of users, including users of limited economic resources.

9. Our notions of the appropriate use of private motor vehicles, particularly in Manhattan, have also evolved. Many initiatives are now appropriately in place in New York City to encourage the use of public transportation, as well as walking, to reduce pollution, to encourage healthful habits and generally to improve the quality of life of our citizens. The hours when motor vehicles are permitted on the Central Park drives have gradually been reduced, and this Community Board, and the Community Boards of Manhattan collectively, are on record as advocating the total elimination of private motor vehicle traffic on all of the Park drives.

10. The practical reality today is that the City of New York, acting through the Police Department and the Department of Environmental Protection, does not have the financial resources to enforce the law with regard to quality of life violations, such as excessive noise at events at the Tavern parking lot. That is likely to be the reality going forward in the foreseeable future as well.

11. For these reasons, we believe that certain bright-line rules for the new concessionaire are necessary in order for the new Tavern to be the amenity envisioned by CB7 and the community, and not devolve again into an upscale venue that would by its nature exclude most ordinary park users and disturb the surrounding neighbors with excessive noise and traffic.

12. We believe that, even with these environmental and social policy considerations having been appropriately and effectively recognized through this RFP and the resultant concession, given the spectacular location and anticipated first-class historic restoration, and the value of the “Tavern” name, a new concessionaire can successfully offer a special, memorable “Tavern” experience without the public being saddled with any of the substantial disadvantages of the prior concession, none of which has a place in our current public policy with regard to Central Park.

### **Community Board 7/Manhattan’s Criteria For The New Tavern**

13. Community Board 7/Manhattan thanks DPR and the Conservancy for soliciting community input into the RFP process relatively early (in February, 2011), and for presenting the parameters of its current draft of the RFP to the Parks and Environment Committee at its November, 2011 meeting. In

general, DPR and the Conservancy appear to have taken into account the comments by members of the public and of the Parks and Environment Committee.

14. We commend DPR and the Conservancy for the plan to restore the historic structure and to grant a concession for a casual dining operation. We question whether the proposed 20-year term is justified by the capital investment of the concessionaire in the interior only, but we are not in a position to second-guess DPR on that issue with our limited information. We do strongly believe that the interior (and improvements to the courtyard for outside dining) should truly facilitate “casual” dining by a variety of customers (including, for instance, those in exercise clothing), and that no new dining (or other) space should be added to the building’s footprint.

15. Also, as stated above, Community Board 7/Manhattan believes that certain bright-line restrictions on the concession to be granted are necessary for a variety of policy and practical reasons in order to make the Tavern achieve its potential as a true public amenity.

a. **First, no portion of the parking lot should be included in the concession.** The entire parking lot should remain in the sole control of DPR and the Conservancy. The parking of private vehicles in Central Park for the convenience of dining patrons – most especially at this location, which is readily accessible by foot from the perimeter of the Park – is a practice whose time has expired as a matter of public policy. We do not at this time address limited access by private vehicle for customer drop-offs, although an appropriate renovation that restores public access to the building from Central Park West, which we understand is being contemplated, would argue against permitting such drop-offs within the Park itself.

Eliminating the parking lot space from the concession will substantially address the concern of the neighbors about excessive noise, because much of that noise came from tented events in the parking lot, which will no longer be possible if the parking lot is not included in the concession. Further, there are many other uses of the parking lot that serve park purposes far better than allocating space for private parking. For instance, recently (since the prior concession ended) some of the parking lot space has been used for bicycle rentals. While we take no position at this time as to whether the parking lot surface should be replaced with something more “green”, having it remain exclusively public space is the first step toward devoting it fully to appropriate park-related activities going forward.

b. **The entirety of the dining facilities should be open to the public at all times. Private “catered” events should be prohibited.** There is no longer a viable rationale for devoting this signature Central Park space to private catered events at any time, particularly in light of the many alternative spaces that have become available for such uses, and also in light of the strong need for dining options that are an amenity for park users. Additionally, discos should not be permitted at the new concession. We also encourage DPR to favor a concession that offers dining throughout the day, including breakfast.

Further, by signage and other information, it should be made clear that the Tavern restrooms are available to the public (consistent with DPR policy regarding other concessions in the Park), not just to customers of the dining facility, and park users should not be effectively discouraged from using the Tavern restrooms.

c. **The criteria for evaluating any proposals submitted should be heavily weighted toward the “operations” component.** We understand that revenue, financial responsibility, prior track record



and other matters are of concern in awarding this very important and visible concession. However, by far the most important criterion for achieving the type of dining facility that meets park user and community needs, and is consistent with current notions of how we should allocate our scarce park space, is the projected “operations”. Specifically, the casual character of the restaurant, options for outdoor and non-waiter service dining and broadly affordable prices will most facilitate the Tavern being a true amenity for park users and neighbors. Weighing “revenue”, for instance, more highly than “operations”, or even giving it the same weight, appears likely to be inimical to the most fundamental priorities for the Tavern, and to contribute to its being a venue for the privileged that this RFP should do everything to avoid.

We do not oppose there being more than one dining “experience” within the concession area (perhaps with one area being more formal and others less formal, including an option without waiter service), but we strongly believe that the menu prices throughout the Tavern should be affordable to a broad constituency.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **supports** a proposed RFP for a “casual” restaurant, outdoor café and bar at Tavern on the Green, but only subject to the specific limitations listed in Paragraphs 14-15 above.

*Committee: 9-0-0-0. Non-Committee Board Members: 1-0-0-1.*

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Parks & Environment**

**Re: Central Park. Preliminary Design For The Reconstruction Of The North Harlem Meer Landscape. Shoreline and Playground In Central Park.**

**Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present**

The following facts and concerns were taken into account in arriving at our conclusion:

The Parks and Environment Committee of Community Board 7/Manhattan believes that the preliminary design for the reconstruction of the North Harlem Meer, shoreline and playground in Central Park provides an attractive and appropriate environment for park users, including families using the playground, consistent with current and anticipated usage patterns and park conditions.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the preliminary design for the reconstruction of the North Harlem Meer, shoreline and playground in Central Park, and looks forward to presentation of the final design.

Community Board 7/Manhattan further urges the designers to optimize sight lines from within the playground space in order to maximize user safety, and commends the designers for the substantial use of permeable surfaces within the project area.

*Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: December 6, 2011**

**Committee of Origin: Steering Committee**

**Re: Request for leave of absence.**

**Full Board Vote: 38 In favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** Lenore Norman's request for a leave of absence of three months beginning December 1, 2011.

*Committee: 13-0-0-0. Non-Committee Board Members: 2-0-0-0.*