



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Gigi Li, Board Chair

Susan Stetzer, District Manager

At its March 2016 monthly meeting, Community Board 3 passed the following resolution:

**VOTE: Community Board 3 consideration of public interest and retail diversity when making recommendations for 500-foot liquor license applications**

**WHEREAS**, Community Board 3 has been impacted by the loss of small independent businesses and the over-saturation of licensed nightlife establishments for years, especially in the East Village and Lower East Side; and

**WHEREAS**, in many neighborhoods throughout CB 3, applicants for fully licensed establishments are located within 500 feet of three or more full on premises licenses (op), and sometimes within 500 feet of upward of 35 other fully licensed establishments, and the State Liquor Authority approved new licenses despite this saturation; and

**WHEREAS**, the SLA provides for licenses in this (op) category to be subject to the 500-foot rule, which states that unless there is an affirmative finding by the SLA that it is in the public interest to issue the license, there is a presumption that the license should not be issued; and

**WHEREAS**, the impact of more and more storefronts being fully licensed in CB 3 creates an environment where high commercial rents are forcing out more and more small businesses, each new storefront that is licensed in CB 3 contributes to the loss of storefronts that could be providing much needed and affordable goods and services to local residents; and

**WHEREAS**, licensed destination nightlife venues are typically able to afford an inflated higher rent not affordable to local mom and pop businesses, which has resulted in a loss of local businesses serving the needs of local residents affordably; and

**WHEREAS**, CB 3 has attempted to address this issue for many years by performing research, conducting surveys, performing outreach to landlords, creating resources for small businesses, and more, yet the issue continues unmitigated; and

**WHEREAS**, there is precedent case law that does not permit building tax base or providing jobs to be considered as criteria that create public interest; and

**WHEREAS**, the saturation of liquor licenses has created numerous issues for residents, including those that impact quality of life, affordability of local goods and services, traffic and safety, sanitation and rodents, noise, and loss of this community's family-oriented residential and immigrant entrepreneur character; and

**WHEREAS**, the existing nightlife businesses generally do not open before 5:00 p.m., resulting in blocks with little foot traffic and conditions that make other daytime businesses not viable; and

**WHEREAS**, there has been a trend in CB 3, north of Houston Street, of applications for liquor licenses for combined two or three storefronts to create large nightlife venues not appropriate for residential neighborhoods; and

**WHEREAS**, in March, 2008 CB 3 voted on a policy via resolution that stated that applicants for full liquor licenses that are subject to the 500-foot rule will be denied unless they can establish that an approval would be in the public interest, and incorporated the SLA criteria in effect at that time; and

**WHEREAS**, CB 3 further addressed the issue in February 2011 via resolution that further defined public benefit in consideration of a 500-foot rule application to include whether a majority of the operation of an applicant business:

- provides a good or service that is needed by the local community,
- provides unique goods or services not already in the local community,
- provides a cultural benefit or increases in retail diversity,
- enhances the quality of life of the residents, or
- includes a conscientious business owner who would act as stabilizing force in the community

**THEREFORE BE IT RESOLVED**, that CB 3 reaffirms its resolutions of March 2008 and February 2011 and will not approve license applications that are subject to the 500-foot rule unless they meet the high standard of being in the public interest; so

**THEREFORE BE IT FURTHER RESOLVED**, that CB 3 states unambiguously that in considering a 500-foot rule application and whether the granting of a license is in the public interest, the Board will focus its analysis on whether or not the granting of the license would create a benefit for the general public and local community, not that of the applicant and prospective license holder; so

**THEREFORE BE IT FURTHER RESOLVED**, that in considering a 500-foot rule applicant and whether the granting of a license is in the public interest, the Board will consider the impact of another license on the strength and diversity of the local economy, and specifically whether it would impact the existing retail mix and diversity in the specific area where the license would be located.