



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 Liquor License Stipulations for Administrative Approval

I, Minh Duy Phung, as a qualified representative of Pho New York Restaurant Inc, located at 73 Mulberry Street, New York, NY agree to the following stipulations:

- I will operate a full-service restaurant, specifically a (type of restaurant) Vietnamese restaurant  
 Kitchen open and serving food every night during all hours of operation.
- My hours of operation will be: 10:30 AM TO 11 PM, 7 DAYS  
 Mon \_\_\_\_\_; Tue \_\_\_\_\_; Wed \_\_\_\_\_;  
 Thu \_\_\_\_\_; Fri \_\_\_\_\_; Sat \_\_\_\_\_; Sun \_\_\_\_\_.

(I understand opening is no later than specified opening hour & all patrons are to be cleared from business at specified closing hour)

- I will not use outdoor space for commercial use.
- I will operate my sidewalk café no later than \_\_\_\_\_
- I will employ a doorman/security personnel on the following days: \_\_\_\_\_
- I will install soundproofing, \_\_\_\_\_
- I will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances.  I will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances.
- I will not have  DJs,  live music,  promoted events,  any event at which a cover fee is charged,  scheduled performances,  more than \_\_\_\_\_ DJs/ promoted events per \_\_\_\_\_,  more than \_\_\_\_\_ private parties per \_\_\_\_\_
- I will play ambient recorded background music only.
- I will not apply for an alteration to the method of operation or for any physical alterations of any nature without first coming before CB 3.
- I will not seek a change in class to a full on-premises liquor license without first obtaining approval from CB 3.
- I will not participate in pub crawls or have party buses come to my establishment.
- I will not have unlimited drink specials, including boozy brunches, with food.
- I will not have a happy hour or drink specials with or without time limitations OR  I will have happy hour and it will end by \_\_\_\_\_. - Please indicate one of the above -
- I will not have wait lines outside.  I will have a staff person responsible for ensuring no loitering, noise or crowds outside.
- I will conspicuously post this stipulation form beside my liquor license inside of my business.
- Residents may contact the manager/owner at the number below. Any complaints will be addressed immediately. I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

Name: Minh Duy Phung Phone Number: (646) 791-8039

18.  I will: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby certify that the information provided above is truthful and accurate based upon my personal belief.

Signed \_\_\_\_\_

10/25/2019

Sworn to this 25th day of October 2019

Dated \_\_\_\_\_  
 \_\_\_\_\_  
 Notary Public

ELLEN LEE

Notary Public, State of New York  
 No. 01LE6109987  
 Qualified in Queens County  
 Commission Expires May 24, 2020



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**Community Board 3 Liquor License Application Questionnaire**

Today's Date: 10/25/2019

**APPLICANT**

1. Name of applicant and principle(s): PHO NEW YORK RESTAURANT INC, MINH DUY PHUNG
2. Premise address: 73 MULBERRY ST, NEW YORK, NY 10013
3. Cross streets: BETWEEN BAYARD ST & CANAL ST
4. Trade name (DBA): N/A
5. Check which you are applying to:  New liquor licence  Alteration of an existing license  Sale of assets
6. If alteration, describe nature of alteration: N/A
7. Is location currently licensed?  Yes  No
8. Type of license: N/A
9. Previous or current use of the location: RESTAURANT
10. Corporation and trade name of current location: PHO NEW YORK RESTAURANT INC
11. Type of building and number of floors: MIXED RESIDENTIAL & COMMERCIAL, 2 FLOORS
12. Does premise have a valid Certificate of Occupancy and all appropriate permits, including for any back or side yard use?  Yes  No      12a. What is the permitted occupancy indoors and outdoors? 74
13. Do you plan to apply for Public Assembly permit?  Yes  No
14. What is the zoning designation (check zoning using map: <http://gis.nyc.gov/doitt/nycitymap/> - please give specific zoning designation, such as R8 or C2): C6-1
15. How many licensed establishments are within 1 block? 16
16. How many On-Premise (OP) liquor licenses are within 500 feet? 6
17. Is premise within 200 feet of any school or place of worship?  Yes  No

**PROPOSED METHOD OF OPERATION**

18. Describe your method of operation: FULL SERVICE RESTAURANT
19. Will any other business besides food or alcohol service be conducted at premise?  Yes  No
20. If yes, please describe what type: N/A
21. What are the proposed days/hours of operation (specify days/hours each day and hours of outdoor space if applicable):  
10:30 AM TO 11 PM, 7 DAYS      22. Total number of table: 17      23. Total number of seats: 65

24. How many stand-up bars/ bar seats are located on the premise? 1 WITH 11 SEATS (A **stand up bar** is any bar or counter, whether with seating or not, over which a patron can order, pay for, and receive an alcoholic beverage.)
25. Describe all bars (length, shape, and location): 9'10" X 14' L-SHAPED BAR NEAR ENTRANCE
26. Does premise have a full kitchen?  Yes  No
27. What are the hours kitchen will be open? 10 AM TO 11 PM, 7 DAYS
28. What type of food is available for sale? VIETNAMESE FOOD
29. Will a manager or principal always be on site?  Yes  No If yes, which? OWNER
30. How many employees will there be? 10-12
31. Do you have or plan to install  French doors  accordion doors or  windows? NO
32. Will there be TVs/monitors?  Yes  No (If Yes, how many?) \_\_\_\_\_
33. Will premise have music?  Yes  No 33a. If Yes, what type of music?  Live Music  Juke box  
 DJ  Tapes/CDs/iPod
34. If other type, please describe: N/A
35. What will be the music volume?  Background (quiet)  Entertainment level
36. Please describe your sound system: IPOD
37. Will you host any promoted events, scheduled performances or any event at which a cover fee is charged?  Yes  No
38. If Yes, what type of events or performances are proposed and how often? N/A
39. How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? \_\_\_\_\_
40. Will there be security personnel?  Yes  No 40a. If Yes, how many and when? N/A
41. How do you plan to manage noise inside and outside your business so neighbors will not be affected? \_\_\_\_\_
42. Do you have sound proofing installed?  Yes  No 43. If not, do you plan to install sound-proofing?  Yes  No

### APPLICANT HISTORY

44. Has this corporation or any principal been licensed previously?  Yes  No If yes, please indicate name of establishment(s): NHA TRANG PALACE INC, NEW SAIGON INC, NEW PHO TAY HO 86 VIETNAMESE RESTAURANT INC
45. Address: 5906 8TH AVE, BROOKLYN, NY 11220 47. Community Board # BK 7  
2351 86TH ST, BROOKLYN, NY 11220 BK 11
46. Dates of operation: 2004 TO 2018 @ 5906 8TH AVE  
2016 TO PRESENT @ 2351 86TH ST
47. Has any principal had work experience similar to the proposed business?  Yes  No If yes, explanation of experience or resume. OVER 15 YRS @ #14 LISTED ESTABLISHMENTS
48. Does any principal have other businesses in this area?  Yes  No If yes, give trade name and describe type of business: \_\_\_\_\_
49. Has any principal had SLA reports or action within the past 3 years?  Yes  No If yes, attach list of violations and dates of violations and outcomes. RW 1299273, ACTIVE 2016-PRESENT  
RW 1158375, ACTIVE 2004-2009  
RW 1277281, ACTIVE 2014-2018

### COMMUNITY OUTREACH

Please see the Community Board website to find block associations or tenant associations in the immediate vicinity of your location for community outreach. Applicants are encouraged to reach out to community groups.

# Proximity Report for Location:

October 26, 2019

73 Mulberry St, New York, NY, 10013

\* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

## Closest Liquor Stores

Name	Address	Approx. Distance
MARKS WINE & SPIRITS LTD	53 MOTT STREET	295 ft
WALKER LIQUOR CORP	101 105 LAFAYETTE STREET	745 ft
WORLD WINE GROUP INC	49 CHRYSTIE ST	1170 ft
CHIN KONG INC	17 23 EAST BROADWAY	1220 ft
R & S 49 LIQUOR CORP	92 ELIZABETH ST	1250 ft
SA VINO ITALIANO INC.	200 GRAND ST	1365 ft
BUNDA STARR CORP	68 FRANKLIN ST	1460 ft

## Churches within 500 Feet

Name	Approx. Distance
Eastern States Buddhist Temple	335 ft
Heavenly Grace Buddhist Temple	460 ft
Most Precious Blood Church	460 ft

## Schools within 500 Feet

Name	Address	Approx. Distance
CASCADE CTR FOR LEARNING & TEC	62 MOTT ST	365 ft

## On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
WINNIES NYC LLC	104 BAYARD ST	160 ft
THAI JASMINE RESTAURANT INC	106 BAYARD ST	180 ft
79 RESTAURANT GROUP INC	79 BAXTER ST	235 ft
FORLINIS RESTAURANT INC	91 93 BAXTER STREET	315 ft
TEA BISTRO INC	45 MOTT ST	355 ft
SAPORI DITALIA OF NYC INC	105 MULBERRY ST	450 ft
40 MULBERRY RESTAURANT INC	40 MULBERRY STREET	505 ft
JING FONG RESTAURANT INC	14 20 ELIZABETH STREET	550 ft
MJK FOODS LLC	32 MULBERRY ST	600 ft
BUONA NOTTE INCORPORATED	120 MULBERRY STREET	665 ft
CARMINE RESTAURANT INC	123 125 MULBERRY STREET	700 ft
HTCT LLC	11 13 DOYERS STREET	705 ft
TRUMMER BAR LLC	9 DOYERS STREET	730 ft

### **Pending Licenses within 750 Feet**

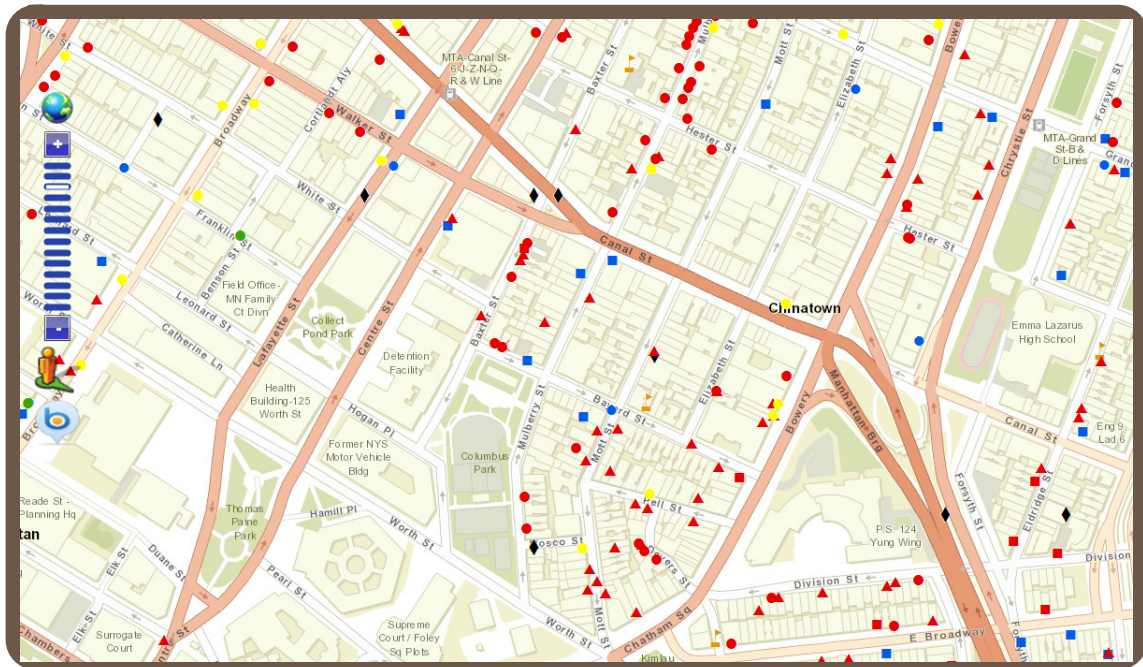
Name	Address	Approx. Distance
YING MA CORP	20 PELL ST	580 ft
MAHANT 118 INC	118 MULBERRY ST	630 ft
SHANGHAI 21 INC	21 MOTT ST	665 ft
BOWERY GYOKAI LLC	44 BOWERY	745 ft

### **Unmapped licenses within zipcode of report location**

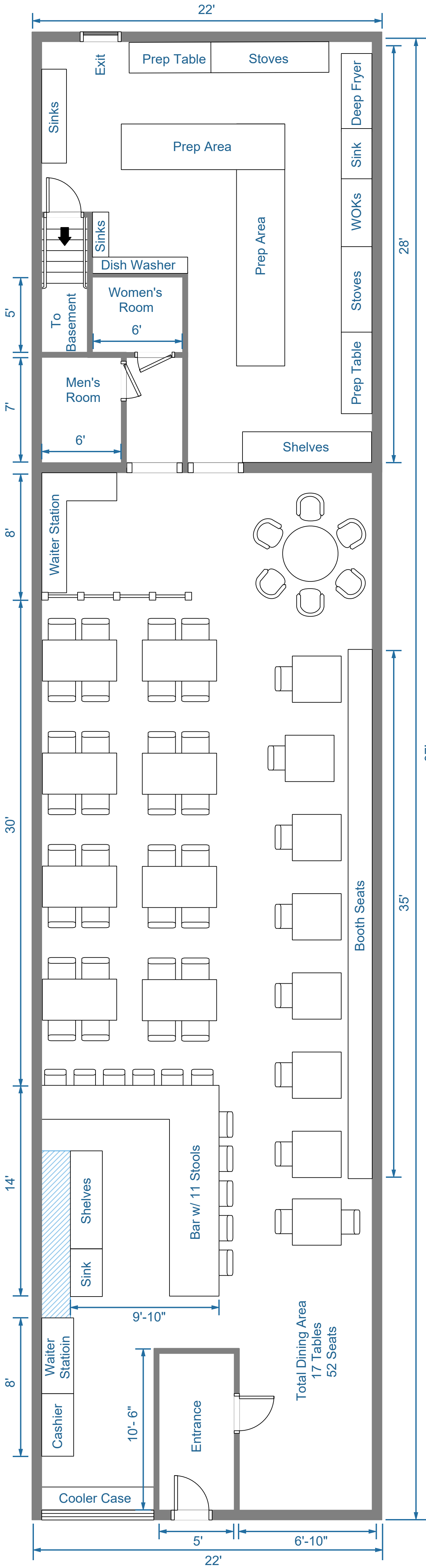
Name	Address
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# 73 MULBERRY ST



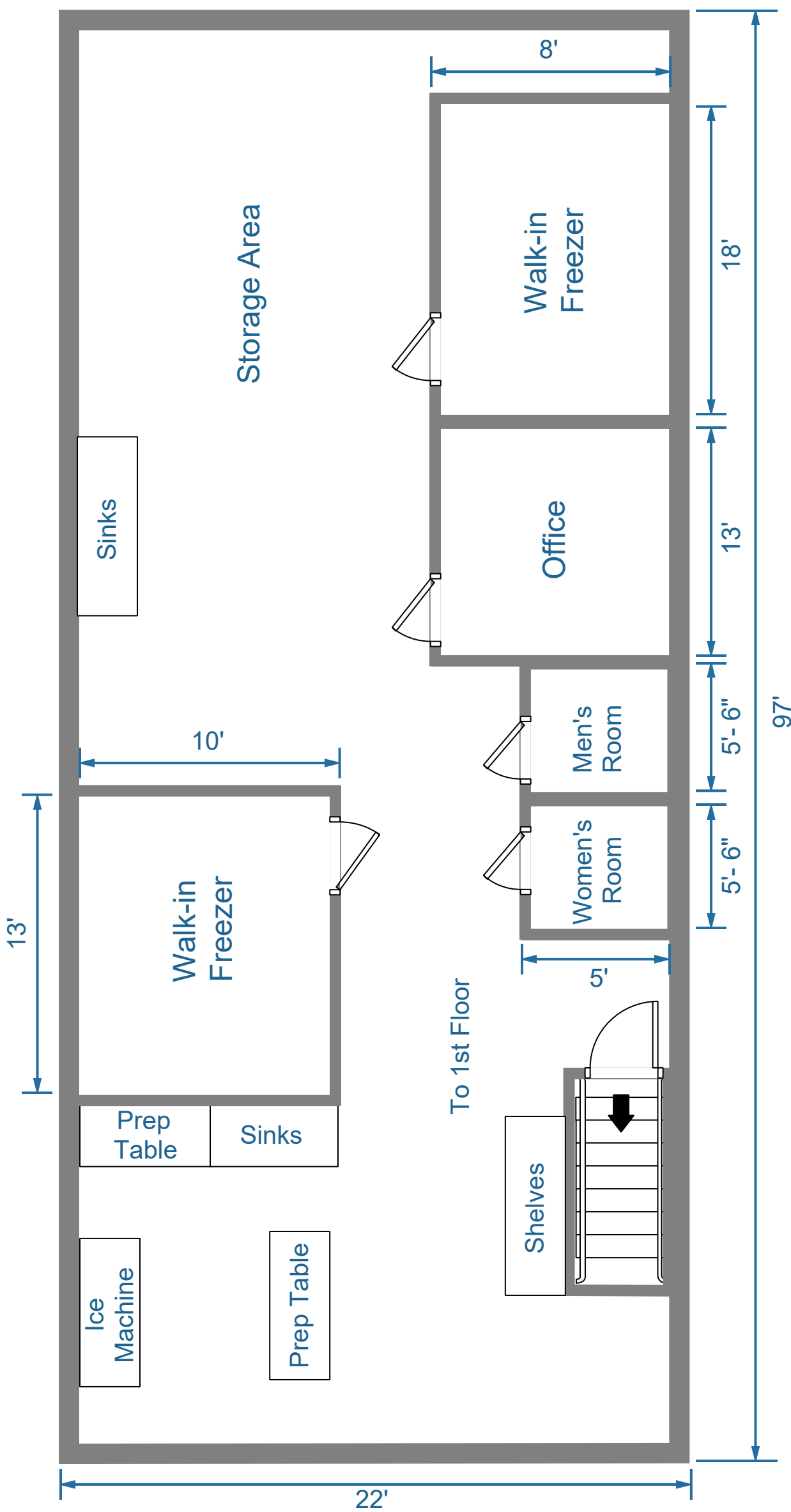
Disclaimer: The NYS Liquor Authority is not responsible for the accuracy of maps or data obtained from third party sources.



# Pho New York Restaurant Inc d/b/a Pho New York

## 1st Floor Plan

73 Mulberry St, New York, NY 10013



# Pho New York Restaurant Inc d/b/a Pho New York

## Basement Plan

73 Mulberry St, New York, NY 10013