Testimony of Lindsay Greene, Senior Advisor to the Deputy Mayor for Housing & Economic Development before the
New York City Council Committee on Consumer Affairs

Hearing on Intro. No. 1648
Establishing a Nightlife Task Force and an Office of Nightlife

June 19, 2017

Introduction

Good morning, [Speaker], Chairman Espinal, and members of the Committee on Consumer Affairs. I am Lindsay Greene, Senior Advisor to the Deputy Mayor for Housing & Economic Development. I work closely with several agencies that are involved with economic development, public space and business opportunity, including the Department of Consumer Affairs ("DCA"), the Department of Small Business Services ("SBS") and the New York City Economic Development Corporation ("EDC") among others. I am joined today by several colleagues from various city agencies that touch the nightlife and entertainment industries, including Shira Gans (Senior Director of Policy + Programs at the Mayor's Office of Media & Entertainment), Tamala Boyd (General Counsel at the Department of Consumer Affairs), and Kristin Sakoda (Deputy Commissioner and General Counsel at the Department of Cultural Affairs). Shira and I will be giving testimony on the Nightlife bill, and Tamala and Kristin are joining us for Q&A. We are pleased to be representing Mayor Bill de Blasio's administration here today.

First, Chairman Espinal, I want to thank you again for the work you have already been doing with us on nightlife issues broadly.

Second, let me echo Shira's statements that this Administration feels strongly that nightlife is essential to the New York City economy and culture and we want to help the industry flourish and ensure all New Yorkers are safe and secure while they are enjoying the diversity of the City's entertainment and nightlife offerings. We are excited to work with you in reviewing these nightlife issues, and to discussing the specifics of your bill and our recent announcement of a Nightlife Ambassador in the Mayor's jobs plan "New York Works" which was released last Thursday.

Briefly, I want to speak about the Cabaret Law, which may come up in this hearing in the context of current regulations that touch nightlife and any questions about enforcement that may be happening currently.

Admin Testimony on Intro. No. 1648 – Nightlife

As you know The Department of Consumer Affairs has been issuing licenses under the cabaret law, which was first enacted back in 1926. As you are also aware, the City of New York is in active proceedings regarding a challenge to the City's Cabaret law. As such, unfortunately we are unable to comment today on aspects of the Cabaret Law relevant to that litigation.

As it relates to enforcement of the current cabaret law, it is important to note that:

- The enforcement of cabaret licenses is not the primary mission of the New York City Police Department.
- It is our understanding that NYPD has enforced this Law under this Administration, however it has been infrequent.
- We are aware of historical issues with the law's enforcement and we want to be very clear that this administration has NOT taken those controversial approaches to the cabaret law under Mayor de Blasio.

Furthermore, I would like to point out that the cabaret law is an old law and the Administration is having a number of very active discussions amongst all the relevant agencies regarding the cabaret law. These discussions, however, are very ongoing and given the pending lawsuit, we cannot comment on specifics of those discussions.

Again, I want to echo that the de Blasio Administration firmly believes in the importance of nightlife and entertainment to the City's economy, culture and identity, and we look forward to working with you on our plans for helping the industry flourish and expand in a safe and responsible way.

Thank you for inviting us to testify on this nightlife bill. We'll now welcome your questions.

Thank you.

NYC Media & Entertainment

Shira Gans, Senior Director of Policy and Programs

Testimony to the New York City Council

Committee on Consumer Affairs

June 19, 2017

"Int. 1648-2017"

Testimony of the NYC Mayor's Office of Media and Entertainment

to Committee on Consumer Affairs Committee

Oversight Hearing: Establishing an Office of Nightlife and a Night Life Task Force

June 19, 2017

Good afternoon Chairman Espinal and distinguished members of the City Council Committee on Consumer Affairs. My name is Julie Menin, Commissioner of the Mayor's Office of Media and Entertainment. Thank you for the opportunity to testify on Int. No. 1648-2017.

Overview of MOME

The Mayor's Office of Media and Entertainment encompasses the key economic and creative sectors of film, TV, theater, music, advertising, publishing, and digital content. All told, these industries account for over 305,000 jobs and an economic output of $104 billion.

MOME acts as a one-stop shop for all television and film production in New York City, issuing permits for production throughout the five boroughs. In addition to the regulatory role MOME plays in supporting filmed production, our office designs and implements workforce and education initiatives and public programming that support the media and entertainment sectors. We also oversee *NYC Media*, the largest municipal broadcasting entity in the country, which includes five TV channels and a radio station with a reach of 18 million households in a 50-mile radius.

Last year, when Mayor de Blasio appointed me Commissioner, he expanded our portfolio to include music, marking the first time the industry has had a champion in City government. To name a few of the ways we've supported the industry in the short time since it was added to our portfolio:

We commissioned the first ever-economic impact study of New York City's music industry and found that the sector supports nearly 60,000 jobs, accounts for $5 billion in wages, and generates $21 billion in total economic output. We helped secure the Grammys' return in 2018, marking the first time the award show will take place in New York in 15 years. And just this month we launched New York Music Month -- the first-ever citywide celebration of New York's diverse and thriving music sector, featuring 30 days of events designed to showcase and support the makers of New York City's soundtrack. As part of New York Music Month, we have done everything from underwrite over 2000 hours of free rehearsal space for local musicians to provide free music walking tours to create a website with a compressive calendar of all the music events happening in June.

Addition of Nightlife Ambassador & Advisory Board

I am pleased to share that last Thursday, as part of his *New York Works* initiative, the Mayor announced that MOME will expand to include a Nightlife Ambassador. The position will serve as a liaison to the music and nightlife community, acting as a central point for coordination between venues, local authorities, and communities. A Community Advisory Board that will include representatives from each of these entities will support the Ambassador. The Ambassador will provide support with licensing and

permits. We are very excited about this new addition to our portfolio, and believe the Mayor's vision for the role echoes the vision laid out in Councilman Espinal's bill. As such, we support the intent of bill in consideration today.

Over 30 cities, including London, Paris, Amsterdam, and Berlin, have offices dedicated to nightlife and have seen reduced noise complaints and increased compliance. Our goal is to produce similar results.

MOME'S Experience and Expertise

As the agency officially tasked with supporting the music industry—from venues to musicians to labels to music tech start-ups— and with a 50-year history of advancing the development of the City's entertainment industry, MOME is uniquely suited to house the Nightlife Ambassador. Even beyond the industries that comprise our portfolio, our agency brings a unique combination of experience and expertise to the role with a proven track record in balancing the needs of government, creative industries, and community.

MOME's Regulatory Function and Expertise

For 50 years now, MOME has served as a "one-stop shop" for all television and film production within the five boroughs. We focus on supporting this creative industry while minimizing impact on residents.

On any given day, our office is managing between 100 and 150 productions, and every year we process over 12,000 permits. Our regulatory scheme, which is codified in Chapter 9 of the City Rules, governs all aspects of permit administration. We work collaboratively with the productions and a variety of City government agencies, including Parks, DCA, NYPD, Fire Department, Borough Presidents' offices, and Community Boards, to coordinate production activity and ensure compliance with permit requirements.

To ensure compliance with permits, we send out field representatives daily to conduct set visits and inspections on parking and safety. If a film production is *not* a good neighbor, we work with them to get them in line with best practices. And every year, our staff invites community boards, business improvement districts, and City Council members to our office to discuss any concerns they have about filming in their communities.

This formula for reconciling creativity with compliance has been extremely successful. While filming in New York City is at an all-time high with 56 episodics shot in the 2016-17 season, the number of complaints from New Yorkers about filming remains quite low. Out of 19,378,299 calls to 311 this past year, only 1,053 – or .005% - were complaints about "film or television production". We attribute this low complaint rate in part to our proactive policies that minimize the impact of filming on communities.

My tenure as Commissioner of the Department of Consumer Affairs also provides a framework for establishing a Nightlife Ambassador. At DCA, over the course of one year, we successfully reduced onerous fines on small businesses by more than half, advocated for curable violations, and called for the issuance of warnings for minor infractions rather than fines. This required the creation of a new infrastructure, and most notably, the creation of the legal ombudsman position that focused on helping businesses navigate complicated rules. At the same time, DCA remained strong on protecting consumers on matters of public health and safety, such as the sale of expired medication or tobacco products to minors.

The role of Nightlife Ambassador presents another such opportunity for a paradigm shift.

Creation of a Nightlife Ambassador at MOME

New York City is home to one of the most famed nightlife scenes in the world. Beyond its cultural and historical significance, this sector serves as a major economic driver for the City. Every year, 56 million tourists from around the world come to New York City, attracted by its vast options for entertainment, shopping and dining, generating $61 billion in economic impact. NYC has over 26,000 eating and drinking establishments, which employ over 300,000 New Yorkers. The last decade has seen a boom for the industry, as the number of permits for restaurants, bars and cafes rose more than 27% to 23,705.

In terms of entertainment, New York City offers a seating capacity of 436,000 across the major performance venues. Jobs and wages for large-scale concerts/venues are growing at a rate of 7 and 12 percent respectively- fast outpacing the rest of the economy. Local music artist communities comprise roughly 12,000 jobs, producing $600 million in wages. In 2004, the New York Nightlife Association conducted an economic impact study that measured New York nightlife's economic impact at more than $9 billion with 65 million admissions per year — more than Broadway, museums and sporting events combined.

That being said, there are challenges. Our music economic impact study revealed that in the past 15 years over 20 percent of small venues have shuttered. These venues are essential incubators of talent and crucial to a vibrant nightlife.

Given the economic and cultural significance of the nighttime economy, New York needs a Nightlife Ambassador. Announced just last week, the scope and structure of the position is still being developed, but I can share with you the broad vision. We believe the vision for this role aligns with the vision presented in the bill being considered today.

First, we intend to balance the needs of the community and the businesses and patrons that comprise the nighttime economy. As I've outlined, we have done this successfully with filmed production and we expect to do the same with the nighttime economy. The Community Advisory Board that will complement the Nightlife Ambassador is key to ensuring this balance.

Second, we believe strongly that venues and other nighttime economy businesses can be brought into compliance with health and safety regulations without curtailing their creative expression or ability to operate. We are open to assessing the merits of the regulations that currently govern this community of businesses.

Third, we are open for dialogue. Critical to the development of this office will be feedback from both industry and community. Though we are in the initial development phases, we plan to hold town hall meetings throughout the five boroughs to hear from both community members and businesses about how the City can better support the nighttime economy and help bars, venues and restaurants be good neighbors.

Conclusion

MOME supports the intention of intro. 1648-2017 and is excited to usher in a new era in City government – one in which the nightlife community has an Ambassador that champions both the needs of industry and the community. MOME intends to support the nighttime economy, and harness the

creative entrepreneurial spirit that defines New York's nightlife scene, while ensuring compliance with the rules and regulations that keep New Yorkers safe and communities healthy. We look forward to working collaboratively with the Council as we define the scope of this new role.

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

District Needs Statement for Fiscal Year 2018

Introduction

Community Board 3 Manhattan spans the East Village, Lower East Side, and part of Chinatown. It is bounded by 14th Street to the north, the East River to the east, the Brooklyn Bridge to the south, and Fourth Avenue and the Bowery to the west, extending to Baxter and Pearl Streets south of Canal Street. This community is filled with a diversity of cultures, religions, incomes, and languages. Its character comes from its heritage as a historic and present day first stop for many immigrants. CB 3 is one of the largest board districts and is the fifth most densely populated board district, with approximately 152,453 people.[1] Our residents are very proud of their historic and diverse neighborhood, however, the very characteristics that make this district unique also make it a challenging place to plan and ensure services for all residents and businesses.

Demographic Change

The CB 3 population is changing in many ways. The 2000 census reported that 23% of our population, over 38,000 of our residents, required income support. By 2014, this number had jumped to about 41% of the total population, over 68,000 persons.[2] The number of people receiving Medicaid-only assistance also continues to increase, climbing from 45,724 in 2005[3] to more than 48,200 people currently.[4]

Our community is an example of the growing income inequality that is endemic in New York City. In a report by the Furman Center, CB 3 is ranked second out of the 59 boards in the City for a high diversity ratio between lower income and higher income residents.[5] The same report shows that approximately 30% of our residents have household incomes under $20,000 while nearly 25% earn more than $100,000.[6]

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[1] Furman Center. (2016). *State of New York City's Housing and Neighborhoods in 2015.* < http://furmancenter.org/files/sotc/NYUFurmanCenter_SOCin2015_9JUNE2016.pdf>.
[2] New York City Department of City Planning. (2014). *District Profile.* <http://www.nyc.gov/html/dcp/html/neigh_info/mn03_info.shtml>.
[3] *Ibid.*
[4] U.S Census Bureau. *2010-2014 American Community Survey.*
[5] Furman Center. (2016). *State of New York City's Housing and Neighborhoods in 2015.* <http://furmancenter.org/files/sotc/NYUFurmanCenter_SOCin2015_9JUNE2016.pdf >.
[6] *Ibid.*

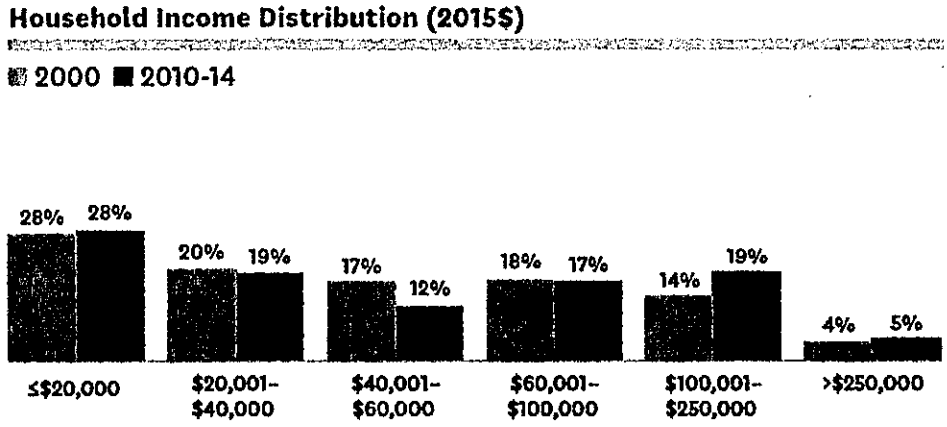

Figure 1. Household Income Distribution of Community District 3, 2010-2014

Higher-income households have continued to increase since 2000 (see Figure 1), a trend similar to that of lower-income households. Further, the income diversity ratio, which is the gap between incomes, has increased over the last two years from 7.5% to 8.4%.[7] Market rate housing and high-end retail continues to grow although many people within our community continue to live on the edge of homelessness and economic survival. An estimated 22% of people in CB 3[8], as well as approximately 36% of their children under the age of 18, and 31% of seniors are living below the poverty level.[9]

Income inequality is tied into the escalating rate of gentrification. When we look at gentrification indicators, we see rising incomes, changing racial composition, shifting commercial activity, and displacement of original residents. The Lower East Side/Chinatown is the 3rd highest gentrifying District in the City. We have seen a 26.6% increase in average rent from 2010-2014, along with a 21% increase in average income. The demographics have changed to an increase of 56.3% of non-family households—young adults make up a growing share of the population.[10] These changes all create a new culture in the community alongside of middle and lower income residents.

CB 3 is the fifth highest racially diverse neighborhood in the City, with a foreign born population of 36%.[11] We are approximately 36% White, 32% Asian, 23% Hispanic, and 7% Black or African American.[12] The percentage of White and Black residents has increased while the numbers of Latinos and Asians have decreased. These population increases and declines are the opposite of demographic changes seen in New York City overall, according to the Furman Report.[13]

Economic Change

CB 3 has worked to retain its affordable housing stock and its local businesses while still serving the needs of its newcomers. The displacement of long-time residential and commercial residents is a great loss to this community. Many small family-owned stores, especially those that serve local

[7] *Ibid.*
[8] *Ibid.*
[9] U.S. Census Bureau. *2010-2014 American Community Survey.*
[10] Furman Center. (2016). *State of New York City's Housing and Neighborhoods in 2015.* <http://furmancenter.org/files/sotc/NYUFurmanCenter_SOCin2015_9JUNE2016.pdf>.
[11] *Ibid.*
[12] *Ibid.*
[13] *Ibid.*

retail needs and arts businesses, have been replaced by an ever-growing number of bars and restaurants. Families have been displaced from their homes because they cannot afford increasing rents. Community-based organizations, which provide essential services for community residents, struggle to provide more services and fund themselves with fewer resources. The growing need to provide for our lower-income residents in a gentrifying district, as well as provide services for all residents, continues to be a challenge for CB 3.

Livable Neighborhood

The metamorphosis of this district into a nightlife destination has increased quality of life complaints. Year after year, CB 3 continues to lead or come in second among Manhattan community boards for the most NYPD commercial noise complaints (nightlife noise). CB 3 had 3,894 311 nightlife complaints in the last fiscal year. This is the highest in the City and represents a 36% increase in the last fiscal year.[14] Nighttime noise from nightlife establishments and their patrons is the most frequent complaint to the community board office. These complaints are very difficult to resolve because no agency has sole jurisdiction over quality of life enforcement. Lack of planning for enhanced police enforcement during cabaret hours, as well as lack of sanitation and traffic infrastructure to support this unplanned nightlife district, further impairs our ability to maintain a livable neighborhood for both newcomers and longtime residents.

Economic Development/Business Diversity

For many years now, Community Board 3 has experienced a sustained loss of independent "mom-and-pop" stores due to exponentially increasing costs of doing business and increased competition from chains, banks and destination bars and restaurants.[15] As the local economy becomes more and more homogenous, and the availability of local goods and services continues to decrease, residents must increasingly leave our community or shop online in order to affordably meet their basic needs.

The rapid growth of chain stores is also of great concern, as their growth has contributed to rising rents in the neighborhoods and has displaced the independent, and often immigrant-owned, "mom and pop" shops that for years have been a part of the fabric and unique appeal of our community.[16] Chain stores are altering the character of the Lower East Side by shifting purchasing power to mass-market retailers and constructing facades out of place with the rest of the community.[17] The Center for an Urban Future's "State of the Chains" report identified the East Village as one of the neighborhoods most burdened by the growth of national chains.[18] In 2014 and 2015, zip code 10003, of which the Lower East Side is part of, registered over 160 chain stores, the second highest total in Manhattan. Additionally, zip code 10009 has seen a 20% increase from 2014 to 2015 in the

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[14] City of New York (2016). *311 Service Request Map: July 2015 to June 2016.* <http://www1.nyc.gov/apps/311srmap/>.

[15] DeStefano, M. (2012) *Preserving Retail Diversity in Community Board 3.* <http://www.nyc.gov/html/mancb3/downloads/fellowship/Preserving%20Retail%20Diversity%20in%20Community%20Board%203.pdf>.

[16] Chin, A. (2014). East Village Clings to a Colorful Past by Alan Chin. *New York Times.* <http://www.nytimes.com/2014/12/14/realestate/the-east-village-clings-to-a-colorful-past.html?_r=0>.

[17] East Village Community Coalition. (2015). *Preserving Local, Independent Retail.* <http://evccnyc.org/wp-content/uploads/2015/06/2015_Preserving_LocalInd_Retail.pdf>

[18] González-Rivera, C. (2015). State of the Chains. *Center for an Urban Future.* <https://nycfuture.org/pdf/State-of-the-Chains-2015-5.pdf>.

number of chain stores opened there.[19]

The tremendous and unplanned proliferation of nightlife destinations in the District has not only pushed out other local small businesses, it has also created numerous quality of life issues. This trend toward nightlife-centric businesses has also created an unattractive retail environment for existing and potential new stores by decreasing daytime foot traffic and creating a barren street wall of lowered gates and closed storefronts during prime daytime hours. Many of the liquor licensed businesses are largely clustered in certain areas and threaten to exacerbate quality of life issues in those areas.

CB 3 has attempted to address these issues for many years by performing research, conducting surveys, reaching out to landlords, creating resources for small businesses, and more, yet the issue continues unmitigated. In March 2016, CB 3 passed a resolution stating that it would not approve liquor license applications that are subject to the 500-foot rule (within 500 feet of three or more full on premises licenses) unless they meet the high standard of being in the public interest – public interest defined as:

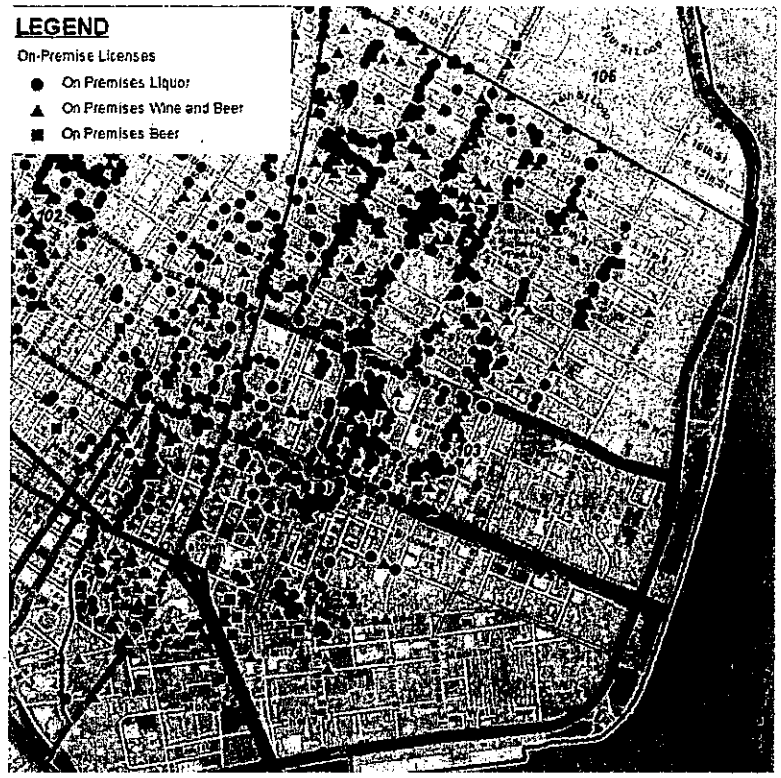
- provides a good or service that is needed by the local community,
- provides unique goods or services not already in the local community,
- provides a cultural benefit or increases in retail diversity,
- enhances the quality of life of the residents, or
- includes a conscientious business owner who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

The board concluded 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.

Previous surveys by CB 3 have shown local vacancy rates above 10%, and liquor-licensed uses taking up over 35% of storefronts along major retail corridors. A 2014 survey by the East Village Community Coalition found that drinking and food service establishments made up 36% of all East Village storefronts and storefront vacancies are at 11%.[20] A map of all currently licensed establishments in the district is shown in figure 3.

[19] *Ibid.*
[20] East Village Community Coalition. (2014). *East Village Ground Floor Use Survey.*

Figure 3. All On-Premises Licenses in Community District 3 Manhattan



Also in early 2014, CB 3 collaborated with Columbia University to study retail trends in the East Village from 2004-2012.[21] The final report confirmed that the area is a City- and region-wide destination for eating and drinking and has a local economy that is becoming increasingly homogenous. It confirmed years of resident complaints and numerous other CB 3-initiated studies that showed the displacement of small businesses by liquor-licensed establishments and chains.

Retail stores that do survive in our community, often operated by individuals living in and vested in the community, are threatened by rising costs of rents, utilities and taxes – identified as major challenges to small business survival in several CB 3-initiated surveys of local businesses. Property taxes have risen dramatically over the last nine years as well, and they are largely passed on to businesses by property owners until they must relocate out of the District or close up altogether – leading to a continued cycle of storefront vacancies, suppressed daytime foot traffic in the District, and nightlife business proliferation. The effect of property taxes is also visible for Off and Off-Off Broadway theaters as the rise in the tax has endangered these smaller, local theaters who are often not-for-profit and renting space.

Commercial Rent Tax (CRT) is also a barrier to small business survival in CB 3. This tax, up to 6% of the base rent, is charged to tenants who occupy or use a property for commercial activity in Manhattan south of 96th Street. Tenants are subject to the CRT if the annual or annualized gross rent paid is at least $250,000 and they do not meet any other exemption criteria, such as short

[21] Chernomorets, O.; Chu, Y.; Jiang, H.; et al (2014). *Avenue A Retail Analysis.* <http://www.nyc.gov/html/mancb3/downloads/calendar/2014/AveARetail_FinalReport.pdf>

rental periods, residential subtenants, use for theatrical productions, or not-for-profit status.[22]

Merchant Organizing
CB 3 is represented by the following Business Improvement Districts (BIDs):

- The Chinatown BID: Broome to Worth Street and from Allen to Rutgers;
- The LES Partnership: Orchard Street and currently seeking to expand to include a large section of the Lower East Side with Houston Street as its northern border;
- The Village Alliance: 8th Street and some surrounding blocks; and
- The Union Square Partnership: 14th Street and the Union Square area.

Despite the presence of these organizations, many merchants are still under-supported in a substantial portion of the District.

Opportunities for City Support
As our community continues to gentrify and remains burdened by a high cost of doing business, Community Board 3 has identified several ways that the City can help us grow and strengthen our local economy:

- **Support for Merchant Organizations** – Continued financial support for our local community-based organizations, such as East Village Independent Merchants Association (EVIMA), that are dedicated to creating and maintaining a vibrant, diverse and sustainable local economy. There are currently emerging business organizations in our District that can help retail businesses organize and provide representation to those businesses that require support. There are also opportunities for continued financial support in the form of sustained funding for the Avenue NYC Grant program, which funds strategic commercial revitalization initiatives.

- **Support for a Special District** – A Special District recognizes the historic and unique character of the neighborhood and uses a variety of zoning requirements as a means to limit the proliferation of chains and nightlife establishments.

- **Simplification of Regulations and Reduction of Fines** – In its 2015 Small Business First report, the City recommended that the City's laws be simplified by repealing or modifying rules and regulations that are not consistent with modern business practices, are overly complex, or are obsolete.[23] The City can continue its current efforts to streamline the regulatory environment, reduce the punitive impact of fines for minor violations that do not impact public safety or quality of life, and come up with creative ways to support small businesses. This includes revising the commercial rent tax and providing support to businesses that must make expensive alterations due to their being located in areas at risk of future climate events.

- **Business Incubator** - To help diversify our local economy, attract daytime office space, and reduce vacancies, CB 3 would welcome the establishment of a business incubator in the District, and would welcome opportunities to discuss this with the Economic Development Corporation.

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[22] NYC Department of Finance. https://www1.nyc.gov/site/finance/taxes/business-commercial-rent-tax-crt.page
[23] City of New York. (2015). *Small Business First.* http://www1.nyc.gov/assets/smallbizfirst/downloads/pdf/small-business-first-report.pdf

- **Roll Back of CRT** – Given that Commercial Rent Tax (CRT) is a barrier to small business survival in CB 3, we recommend a roll back of CRT to support local business development.

- **Disaster Response** - The 2nd Avenue tragedy in 2015 - in addition to Irene and Sandy before it - illustrated the need for well-developed disaster response plans for impacted businesses. The City – and SBS specifically - was incredibly helpful and responsive following this tragedy, but additional resources should be identified and set aside in the event of future need. These should include a well-funded small business disaster fund, increased staffing at SBS, and the continued availability of low-interest loans.

Nightlife and Licensing

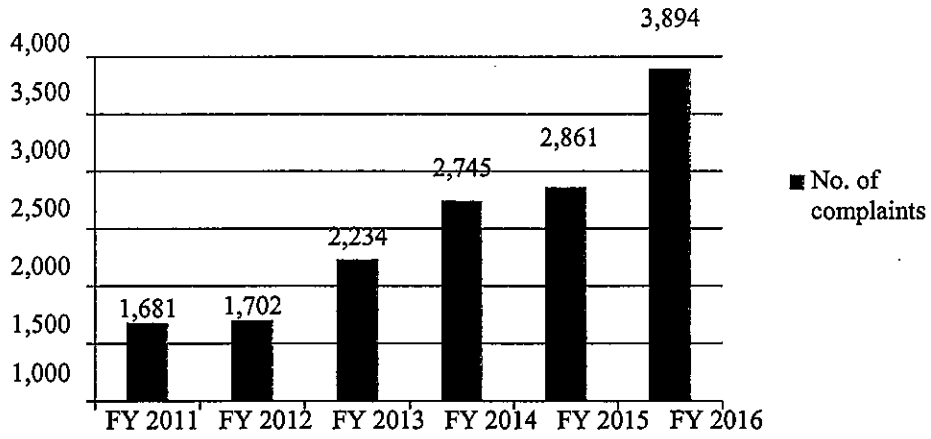
CB 3, a primarily residential district, is among the highest of all Manhattan community districts in number of 311 commercial noise complaints year to year, regularly registering more than 2,000 in each of the past four (4) years (see Figure 4).[24]

Figure 4: Service Request Count By Location

In the past fiscal year, CB 3 had the highest number of 311 NYPD commercial noise complaints in Manhattan. Even though there has been a decrease in the number of new liquor license applications in the past year in CB 3, the number of 311 commercial noise complaints related to licensed businesses has increased by 36% percent (see figure 5).[25]

[24] City of New York (2016). *311 Service Request Map: July 2015 to June 2016.* <http://www1.nyc.gov/apps/311srmap/>.
[25] New York City 311 Service Requests. (2016). *NYC Open Data.* <https://nycopendata.socrata.com/>.

Figure 5. Total 311 Commercial Noise Complaints in Community District 3



While we do not know the cause of the decrease in new applications, it is clear that there has been a complete saturation of licensed businesses. Consequently, CB 3 has been discouraging liquor license applicants from occupying vacant storefronts to encourage these storefronts to be used to increase retail diversity for the benefit of community residents.

The continuing increase of 311 noise complaints despite the decrease in liquor license applications demonstrates that the City and State are unable to adequately address the growing number of SLA related quality of life complaints. The SLA, which has jurisdiction over compliance with the Alcohol Beverage Law, does not inspect businesses or enforce this law for quality of life issues impacting our residents and other businesses. Our precincts must make responding to quality of life complaints a lower priority than responding to criminal activity and non-SLA related quality of life issues. Large, loud crowds are a constant result of the saturation of bars, but this is not against the law and there is very little the police can do in response to noise and crowds on the streets and sidewalks. Consequently, ameliorating these conditions must be accomplished by planning the number, location, hours, and types of liquor licensed businesses. Further, the Community Board office now allocates the majority of its time to the overwhelming number of SLA-related complaints rather than the many other complex issues of the District.

CB 3 has several recommendations to mitigate the negative impacts of nightlife proliferation:

- The City needs to utilize existing tools to address increasing quality of life complaints that result from the oversaturation of eating and drinking establishments and more effectively use its limited police resources, for example, better using the "6 in 60" legislation that was enacted in 2010 which allows police to refer businesses to the SLA when they do not comply with stipulations, violate noise laws, fail to control unruly crowds and repeatedly draw police attention six or more times in sixty days. The use of this tool should be expanded.

- With the ever increasing volume of people and vehicles in this district, vehicular and pedestrian traffic and horn honking continues to be a major complaint. TLC and NYPD traffic police should perform targeted horn honking enforcement operations.

- The City should provide a sufficient infrastructure, such as rat proof baskets and extra sanitation pickups, to address the growing health issues caused by an increased rodent population and greater garbage output because of the numerous eating and drinking establishments in CB 3. Because many of these businesses do not open before 5 p.m., the garbage in front of these businesses is allowed to accumulate during the day. While there has been some City Council funding directed toward this effort, funding should be increased to address all nightlife areas with serious rodent violations within CB 3

Commercial Noise Complaints by Borough and Community Board
Fiscal Year to Date (July 1, 2016 - June 19, 2017)

	Brooklyn	Bronx	Manhattan	Queens	Staten Island
1	3766	148	486	1828	390
2	1055	92	2103	691	232
3	1991	121	**3975**	448	279
4	1236	187	1414	283	[redacted]
5	348	400	1242	663	
6	1795	260	1100	264	
7	458	142	809	334	
8	1111	272	1565	96	
9	373	1289	752	498	
10	722	327	849	337	
11	246	147	985	179	
12	287	311	2820	476	
13	217	[redacted]		209	
14	330			218	
15	277			[redacted]	
16	68				
17	324				
18	372				

Brooklyn Chamber of Commerce

The Brooklyn Alliance

June 19, 2017

Written testimony submitted by the Brooklyn Chamber of Commerce to the NYC Council Committee on Consumer Affairs regarding Enforcement of New York City's Cabaret Law; and Establishing an Office of Nightlife and a Nightlife Task Force

Good Afternoon Chair Espinal, Jr., other committee members, and guests. I am Melissa Chapman, Senior Vice President for Public Affairs at the Brooklyn Chamber of Commerce and I am delivering testimony on behalf of Andrew Hoan, President and CEO of the Brooklyn Chamber.

With over 2,100 active members, the Brooklyn Chamber is the largest Chamber of Commerce in New York State. We promote economic development across the borough of Brooklyn, as well as advocate on behalf of our member businesses. The Brooklyn Alliance is the not-for-profit economic development affiliate of the Brooklyn Chamber, which works to address the needs of businesses through direct assistance programs.

We are very supportive of this committee's proposal to establish a Nightlife Task Force to identify common regulatory issues that pose serious challenges to nightlife operators, and subsequently make recommendations to effectively address them. This is exactly the type of forward-thinking support that small businesses need to thrive in our city. According to the proposal, once the bill is enacted, the Nightlife Task Force must hold one public hearing in each borough. We urge that a special effort be made to engage the local Chambers of Commerce in this process, since we have a direct connection to nightlife operators, and we can be very effective in serving as a liaison between these establishments and the taskforce.

By extension, the Brooklyn Chamber also agrees with the proposal to establish an Office of Nightlife to further advocate for nightlife operators. The provision that this office will monitor 311 complaints against nightlife establishments, and assist them to navigate city licensing requirements will prove to be very valuable tools for small businesses, who typically do not have the time nor resources to challenge frivolous accusations, and address compliance issues where needed. To increase the effectiveness of this office, we highly recommend that the Office of Nightlife include a mobile component in its outreach efforts, since small business owners find it very challenging to leave their establishments and go to a city office to get assistance. We encourage utilization of the city's existing Chamber on the Go program, which goes directly to businesses to save them time and resources.

On the subject of New York City's Cabaret Law, we respectfully suggest that it should be repealed, because it poses stringent limitations on nightlife establishments, and is therefore bad for business. One of the sticking points of this law is that it makes it illegal for three or more people to dance at a nightlife establishment without a cabaret license, which is very difficult and expensive to acquire. As such, at any moment nightlife operators can face burdensome fines and face closures. In the Brooklyn Chamber's 2016 state Member Issues Survey, twenty-one percent of respondents identified government regulations, fines and violations as a severe obstacle to doing business, whereas, twenty-five percent said that it was a problem.

Nightlife establishments contribute greatly to job creation and economic stability in our city. If they are to thrive, they will need more support from government agencies, and less red-tape. We applaud this committee's efforts for inviting stakeholders to discuss proposals for making this a reality, and we look forward to working with the NYC Council to create a welcoming environment for businesses in our city, with Chamber on the Go being a

key component of this process.

Thank you for the opportunity to testify in this matter.

AH/mc

WRITTEN TESTIMONY OF JERRY S. GOLDMAN, ESQUIRE TESTIFYING IN HIS INDIVIDUAL CAPACITY
Before the Committee on Consumer Affairs, City Council of the City of New York
June 19, 2017

My name is Jerry S. Goldman. I'm an attorney and I primarily handle complex litigation at a major national law firm headquartered right here in NYC..

I'm a father and a grand-father, and I'm a 65 year old drummer.

I'm a member of the Board of the Dance Parade, a member of LegalizeDance.Org and I chair the board of a non-profit arts organization which promotes participatory arts both here and at Burning Man in Nevada. I was born in Brooklyn, lived in Sunnyside, lived and went to college in the Bronx (I'm omitted boring Nassau County), was a prosecutor in the County of Kings and presently live and work in Manhattan. I have no personal or professional economic interest in the outcome of any change in the law.

Thank you for the opportunity to speak- these remarks on my own and are not on behalf of any client or any organization with which I am affiliated.

We've already heard about the racist history of the law- with Its original purpose to keep whites and blacks apart. We have already heard how it has been improperly used to punish- to deprive -those who were deemed different by those in then in power-- be it because of the color of their skin or where they were from; -be it their gender or sexual orientation; -be it their personal taste in music or how they choose to live their lives.

That's against our most fundamental laws – the rights afforded to each and every one of us under our federal and state constitutions. And, even more importantly, is just isn't right.

We've heard how it has sadly been and is still enforced in a discretionary, discriminatory, arbitrary and capricious manner. No government should operate in that way- not in this City; not in 2017. It leads to the risk of improper behavior- and criminal scandal; it leads to the lack of respect for governmental institutions and officials; it hurts legitimate business interests- favoring one against the other, harming small businesses and the inability to plan; it stifles creativity and diversity; it just isn't right. A government must be fair, open and impartial in order to gain the respect and trust of the populace, for whom all government officials serve and govern on their behalf.

Some may claim that there is no harm keeping a law on the books if not fully enforced. I say no as this breeds distrust and reeks of hypocrisy.

At this time – in this day and age we cannot have a government act in such a manner; we really can't afford to.

We've heard about the legal issues from Mr. Muchmore, who is quite learned in that area. He speaks from both his heart and his head. I would like to supplement the record with a copy of his briefing and that I submitted on behalf of a number of dancers, along with the judge's decision.

Simply put, the courts have been clear that speech is much broader than the spoken words. That is because physical expression is a clear and critical component as to how we, as a species, communicate. I smile- it's a message without a sound; I

frown- it's a message without words; I raise a fist; a blow a kiss, stomp my foot – its all communication- I have sent a message. Dance is a critical form of this physical communication.

Constitutionally protected dance is not just the dancers of Joffrey or Alvin Ailey or a performer at a strip club. It is the dance of each and every one of us. It is you and I dancing to any type of music – and in any style of dance that we choose to utilize to send a message. It even includes bad dancers - the shufflers.

Dancing is hard wired into our DNA. I don't care if you are black or white or blue; male or female or gay or straight or whatever you want to be; Brazilian or Bosnian; Latino or white bread ; a Chasidic Jew or Sufi Muslim; born here or born there; young or old or old thinking that you are young. I don't care if you live in a village in West Africa or a slum in Kingston Jamaica, man; A rural town in the DR or in Rio; a farming village in rural Mexico or downtown Mumbai; in Brooklyn, Queens, the Bronx, Staten Island or Manhattan. Folks dance and while their dances may be different, they are all human and their dance- a form of communication – is protected under the constitution.

I had the honor a couple of weeks ago of emceeing the Dance Parade, New York. The one with something like 10,000 dancers; 165 or so groups if I have it correctly, and 80 or so styles of dance. I had the marvelous opportunity to dance with all of them - House and hip hop; Salsa and Swing; Dances from hometowns from Russia to Bolivia; from China to Lithuania.

Dance is what infants and adults can do to communicate, with or without training. Dance is what you HAVE to do, if you hear the Rolling Stones or the Dead or Tito Puente or Jennifer Lopez or Jay-Z or Michael Jackson or the gods and goddesses from Motown- or an EDM dj or conga players in East Harlem, the Heights or on Aqueduct Avenue. I truly suggest that in each of those circumstances it is impossible not to dance.

Dance is life - Dance is us -Dance is each and every one of us-Dance is speech protected under the Constitution. Dance is something, quite frankly, that this, or any other governmental body, cannot lawfully regulate. It is a power that the people- all of us- did not give you, our anointed leaders- anointed by the People of the City of New York.

This is a City of Dance- from Broadway musicals to the dance companies; to Juilliard and NYU to the dance schools in Corona, Bay Ridge, Central Harlem, and Belmont; to the classes at gyms and senior citizens centers; to the waves at the Stadium or City field or the Garden or Barclays Center. It is dance from the big dance clubs in Chelsea and the meat packing district, to small venues in Bushwick and Bay Ridge, in East Harlem and in the Heights, in the LES and in Jackson Heights- literally all over the city. It is the dance at orthodox weddings to Russian parties in Brighton Beach; from dancing with the drummers by the band shell in Central Park to those who are slow dancing under the boardwalk in the dark. While the places and styles are different; we are all unified by dance.

Quite frankly, no matter what you do- or do not do, you cannot stop people from dancing as a matter of human spirit, human right, and, I dare say human necessity. It is the oxygen that we need to survive, and to thrive. Let alone as a matter of a protected constitutional right.

NYC is the greatest city in the world. NY's culture, include dance in all shapes and forms is part of what makes it so great. It's why people flock to move here- even with all of its hassles. It is why people flock to visit here- It is not because of sports bars. We are not in Cincinnati- you want vanilla, go there- not here. They have great chain restaurants in the mall and awesome sports bars I hear. NYC is diverse, creative and alive. Aside from our constitutional arguments, let's encourage and celebrate our diversity and creativity. Let's together make this an even greater City – an even better place to live, work and visit.

Let this venerable Council, which is based upon a governing body founded in New Amsterdam on February 2, 1653; let the City administration; ;et each and every one of us, make this a better place- together. Instead of arguing over such a, quite frankly and with all due respect to the proponents, stupid, unnecessary and Illegal law (exposing the City to numerous lawsuits should some dancers chose to assert their constitutional rights), let's work together on housing, mental health care, health care, drug abuse, the plight of the homeless and victims of domestic abuse, economic disparity and job creation, racism and the issues which divide us, and better transportation and water and sewers and schools and cleaning up our waste. Let's celebrate both what makes us diverse and what makes us one.

This is the progressive capital of the world- the heart and soul of the so called resistance Let's not be that small Midwest town that banned dancing and forced Kevin Bacon to successfully fight a reactionary local government. As was said in Footloose- NOW IS OUR TIME. I say now is ALL of our time; now is our time to dance free and live. Let's do the right thing and get rid of this reactionary, racist, unconstitutional and just plain stupid law. We can deal with necessary health, safety, and community issues in a neutral, lawful manner. I implore you- follow your oaths of office to obey and defend the constitution, and do the right thing.

Thank you members of the Council for your time, your attention, and your service to the people of this great city. Thank you for your concern as to this critical, and thus far, neglected issue. Thank you, as well, to those who are attending this historic proceeding – both for your support and your anticipated comments and testimonies. And thank you, too, to the representatives of the Mayor's office for listening, with an open mind, and who, I expect, in the end, will too, do the right thing.

I would be pleased to answer any questions that you may have.

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Hearing: New York City Council Committee on Consumer Affairs

Testimony regarding *New York City Cabaret Law and Establishing an Office of Nightlife and a Nightlife Task Force*, on behalf of the Associated Musicians of Greater New York, Local 802, AFM

June 19, 2017

Good afternoon Chair Espinal and members of the Committee on Consumer Affairs. My name is Christopher Carroll and I am the Political Director of the Associated Musicians of Greater New York, American Federation of Musicians Local 802.I would like to thank you for the opportunity to present testimony about two extremely important issues for thousands of musicians, performers and artists across New York City: the Cabaret Law and our city's nightlife. The discussion about both will prove vitally important if New York City is to remain a place that supports our vibrant and diverse communities, as well as those who drive our economy and make New York City a cultural capital.

Out of respect for time, I've condensed our testimony today, but full testimony has been submitted to the Council in writing.

Local 802 and the Music and Nightlife Landscape

Local 802 is the largest local union of professional musicians in the world, comprising musicians of all styles and backgrounds, from the Metropolitan Opera Orchestra to musicians on Broadway and thousands of musicians playing in recording studios, jazz clubs, hotels, bars, restaurants, lounges, venues across the city every day and night.

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Many of these musicians come to New York and perform in the city's nightlife, and it is in the city's restaurants, bars, hotels, clubs, and cabarets that much of our artistic and diverse cultural life is born, developed and encouraged.

Cabaret Law and License

The Cabaret Law and License, a law that is arbitrarily enforced and steeped in racist and bigoted sentiment and unreflective of the needs of small businesses, workers and our economy, hinders this extremely important component of our city's identity and economy and must be removed. The musicians of Local 802 believe that it puts undue and unreasonable burden upon businesses - and by extension the performers - who otherwise would gain from the opportunity to perform live music. **Our union supports removing the Cabaret Law, or repurposing it in a manner that addresses the needs of the industry and protects the workers who inspire our city's vibrant nightlife and music loving society.** This is an opportunity to ensure that the individuals who work, perform and drive our nightlife receive the protections, wages and security needed to live, work and raise a family

Office of Nightlife and Nightlife Taskforce

The prospect of repurposing the Cabaret Law is particularly exciting in conjunction with the creation of a Nightlife Taskforce and Office of Nightlife. The music industry is a major component and driver of our city's thriving economy, contributing billions of dollars in direct economic input and millions of dollars in wages annually, and it is no surprise to anyone that the nightlife of New York City is a major component of that economic success and artistic vibrancy.

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Given that importance, **Local 802 fully supports the creation of a Nightlife Taskforce and an Office of Nightlife, believing that both could play an important part in determining the strengths, weaknesses, and challenges this industry faces, as well as the opportunities that it presents.**

However, this taskforce must not be constrained solely to supporting and encouraging the businesses, venues and employers in our city's famous nightlife. Though small businesses and the challenges they face are undoubtedly an important part of the discussion, the workers, performers and other employees who allow our City's nightlife to thrive also face considerable challenges that are unique to the industry, from wage theft and exploitation to unsafe working conditions and inconsistent income streams.

As such, **the Taskforce must include representatives from the workforce and performers. Their voices, just like those of the city residents, business owners and other members of the industry, are vital.**

Similarly, the Office must be charged with addressing the concerns of all those impacted by the City's nightlife -- businesses, residents and workers alike. While the current bill justifiably identifies such issues as permitting, quality of life, inter-agency coordination, violation enforcement, small business relations and other concerns, issues directly impacting performers and other workers are conspicuously absent. **If an Office of Nightlife is intended to encourage a more vibrant and healthy nightlife community, such an office must be explicitly charged with addressing the concerns of performers and workers if it is to achieve those goals and support the entirety of the nightlife industry.**

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Ultimately, the success of this Taskforce and Office will depend on whether or not they reflect the diverse needs of the workers, the businesses and the New Yorkers who engage with it.

Thank you again for allowing me to speak. I'd be happy to answer any questions you may have.

NYC ARTIST COALITION

Testimony on:
Oversight: Enforcement of New York City's Cabaret Law (T 2017-6287)
Establishing an office of nightlife and a nightlife task force (Int 1648-2017)
The New York City Council Committee on Consumer Affairs
by New York City Artist Coalition

Monday June 19th, 2017

Thank you for holding this hearing. We are truly encouraged by Council Member Espinal's leadership and commitment to a long overdue repeal of the senseless and unjust Cabaret Law.

In one sentence, our testimony could be: **Social Dancing Is Not A Crime.**

We advocate for the safety and preservation of informal cultural spaces, such as DIY music venues. These spaces are critical to our city's cultural production and vital for the people they serve and support. Such venues are often victims of arbitrary enforcement of the Cabaret Law and as a result several are being shuttered. The Cabaret Law pushes our communities underground and into unsafe environments.

In New York we have a de facto ban on social dancing. It is nearly impossible to receive a Cabaret License--especially for DIY venues, nonprofits and small businesses--due to a combination of out-of-scale permitting requirements and zoning restrictions. NYC has less than a 100 licensed cabarets, leaving many neighborhoods without any legal venues for dancing. Beyond denying all New Yorkers a fundamental right of cultural expression, this law also directly affects the livelihood of many when it becomes the means to closing down a business.

There is a lot of confusion on what the Cabaret Law actually regulates beyond social dancing. Building, fire and noise codes, as well as other requirements such as certificates of occupancy, public assembly permits and SLA licensing ensure the safety of all and protect the public from disturbance. The requirements regarding recordings and security guards are associated to a venue's capacity and not with dancing. To be honest, someone who spends a sweaty night on the dance floor is much less likely to disturb or be violent than someone who spent the night drinking.

Created in 1926 with racist and discriminatory intent, the Cabaret Law has been systematically used as a tool to target nightlife and especially communities of color and LGBTQ communities. Today the City does not enforce the Cabaret Law across the board. A law that is not supposed to be enforced should not be on the books. By maintaining it we enable NYPD and task-forces such as MARCH (Multi-Agency Response to Community Hotspots) to discriminate with arbitrary enforcement or to use it to intimidate marginalized

communities. The law needs to be the same for all, no matter whether they are going to a rock&roll or a hip-hop show.

We believe strongly that there is no place for the Cabaret Law in any contemporary civil society and definitely not in the 2017 New York governed by a progressive Mayor and City Council.

Regarding the establishment of the Nightlife Taskforce, that according to the proposal, will have only two representatives of nightlife. We want to ask assurances that it will include members from informal cultural spaces and be responsive to the needs of New Yorkers of all incomes and backgrounds. The Office of Nightlife is a strategy that has been implemented in European cities to address the needs of the nightlife industry, an important economic engine often at odds with the quality of life standards of densely populated contemporary metropolis. The Office of Nightlife has been successful only when trust is achieved between all stakeholders. This Office will also need to respond to all the needs of a 24/7 urban life. For instance many artists, writers and all sorts of creative New Yorkers spend their day earning a salary while living in tiny shared spaces and would highly benefit from public libraries and other public community centers that are open after hours.

In conclusion we would urge you to consider including in the purview of the Office of Nightlife:

1. A Task Force of Cultural Liaisons who act as confidential case managers for informal cultural spaces and work as a connection with City Agencies to facilitate permitting processes and access to grants and programs by overcoming bureaucratic hurdles, identifying liabilities and addressing legal conundrums.
2. An Urgent Repairs Fund, a pool of matching funds to cover the cost of urgently needed safety maintenance work, which could make affordable the cost of simple and yet lifesaving safety work for many DIY venues.

Once again: **Social Dancing Is Not A Crime.**
Repeal the Cabaret Law.

Thank you,
New York City Artist Coalition

NYC | HOSPITALITY ALLIANCE

Monday, June 19, 2017 at 1:00 P.M.
Council Chambers, City Hall, New York, NY

Comments of Andrew Rigie, Executive Director, New York City Hospitality Alliance on Preconsidered Int. No.: In relation to establishing an office of nightlife and a nightlife task force.

My name is Andrew Rigie and I am the Executive Director of the New York City Hospitality Alliance ("The Alliance"), a not-for-profit trade association that represents restaurants, bars, lounges and clubs throughout the five boroughs.

The Alliance believes that it is vital for the city of New York to allocate significant resources to supporting the nightlife industry, or more aptly referred to as the nighttime economy. According to the last study conducted, the city's nighttime industry generated an economic impact of more than $9.7 billion. Annual attendance at nightlife venues totaled more than three times the attendance of all New York City's sports teams combined. The industry provides good paying jobs and opportunity. Our industry's influence on the local economy, culture, soul, music, art and social fabric of our city is undeniable.

That's why my colleagues and I have been calling on the city of New York to create an office to support our city's nighttime economy for many years. So we are thankful to Council Member Espinal for recognizing the need, and taking action by introducing legislation that would create an office of nightlife. We are also happy that Mayor de Blasio's administration has seemed to embrace the concept of this office.

Today I am testifying in support of the legislation that will create an office of nightlife within the city of New York. As proposed, the legislation would also create a task force that will make recommendations to the mayor and the council on ways to improve laws and policies that impact nightlife. After careful consideration, instead of creating a task force separate from the office of nightlife, which as drafted, would be dissolved after submitting it's recommendations, The Alliance suggests establishing a standing advisory board to the nightlife office with a similar mission. We believe the ongoing collaboration between the office and advisory board will allow for more informed and impactful outcomes for all stakeholders.

Today our organization's Vice President Paul Seres will also testify on this matter. Mr. Seres has extensive experience in the operations of nightlife establishments and first hand knowledge of how other cities across the globe have created nightlife offices to plan for and manage their nighttime economies. Before we hear from Mr. Seres, I would like to address the oversight of New York City's cabaret law.

The history of the cabaret law and its enforcement is controversial. Over the years, the courts have rightfully struck down provisions of the law as unconstitutional. Today, we have a skeleton of the original cabaret law. It does less to prohibit various activities related to dancing and acts more as a license ensuring that other zoning and public safety laws are adhered to before patron dancing is authorized in a commercial establishment. As such, by eliminating the Cabaret Law, all bars, clubs and restaurants will not be allowed to permit patron dancing. To allow patron dancing the businesses would still have to be located in a zone that allows dancing, and they must install the public safety systems required by the Building and Fire Departments. Therefore, while repeal of the law may satisfy those who are understandably

concerned with its history and the application of enforcement, it will not effectively create new locations and new businesses where patron dancing may be permitted.

Because of the controversial history of the cabaret law and the complexity of zoning laws and public safety requirements, we believe this important matter should be addressed in a thoughtful and constructive manner by an advisory board to the Nightlife Office, which today's proposed legislation seeks to create. There is certainly a balance to be found among nightlife, dancing, safety, community and regulation.

In addition to myself, our organization has countless connections to owners and operators of nightlife establishments, academics, lawmakers, regulators and community leaders who can help inform our work. For example, our counsel Rob Bookman who was counsel to the Department of Consumer Affairs and since has more than 30 year's experience in matters related to nightlife and permitting and licensing would be at our service to help ensure such initiatives are informed and conducted in a meaningful way. We believe that when industry and government work cooperatively together the results can be impactful. An example of this is the incredible success we had co-developing the Best Practices for Nightlife Establishments guide with the NYPD, which is a roadmap of how to develop a safe nightlife atmosphere. Therefore, we would be honored to serve on the nightlife task force, advisory board and work with the nightlife office.

Thank you for your interest in supporting our industry and consideration of my comments. If we want to remain the City that Never Sleeps, the city must support the nighttime economy. Now I'd now like to introduce my colleague, Paul Seres, who will share some of his experience and expertise on nightlife task forces and offices.

Respectfully submitted,

Andrew Rigie
Executive Director
NYC Hospitality Alliance
arigie@theNYCalliance.org

Monday, June 19, 2017 at 1:00PM
Council Chambers, City Hall, New York, NY

Comments of Paul Seres, Vice President, Founding Trustee, NYC Hospitality Alliance on Preconsidered Int. No.: In relation to establishing an office of nightlife and a nightlife task force.

In 2004, the New York Nightlife Association, produced the first of its kind for any major city, an economic impact study to understand the true value of the hospitality industry and what it means to New York City, the city that never sleeps. This simple idea that had never been done prior for the industry, was a unique window into the economic value that the industry provides the city.

Here are some things we learned back in 2004. Nightlife is a $9 billion per year industry. We have more admissions to our venues then all of the professional sports teams combined. We have more admissions to our venues than all of the Broadway theatres combined. Back then our work force was over 20,000, just for nightlife venues, now we are well over 150,000.

With other industries moving away from New York due to the exorbitant costs to operate, hospitality has been the only growth industry our city has endured since the recession of 2008. This can be attributed to several factors one of which is the weak dollar compared to the Euro and other currencies that attract over 58 million tourists to our fair city every year, which, in 2015 spent over $70 billion. Our restaurants, pubs, neighborhood bars, nightclubs and lounges aren't

there exclusively to serve the 8 million people living in the 5 boroughs, but they are there for the many visitors we have pumping more and more money into our local economy.

Since we did that Economic Impact Study in 2004, the number of licensed establishments and destination hotels has increased. This maybe attributed commercial rents increasing and alcohol being the one commodity a business owner can offer to make those high rents.

If we are an industry that puts that many people to work, taking care of all of the guest and visitors we have coming to the city, making them feel welcome, don't you think it is about time we had our voice in city government?

As with most things our industry has evolved. That is why in 2012, the New York Nightlife Association dissolved and we became the New York City Hospitality Alliance, looking at hospitality as a whole. This brings me to my first point of the proposed legislation, the name. The Office of Nightlife is too limiting. We believe something that encompasses all aspects of the industry would be more suitable. Therefore we propose The Office of Hospitality or the Office of Hospitality and Entertainment would be much more appropriate.

San Francisco in 2004 implemented the San Francisco Entertainment Commission. This is probably the most successful example of including hospitality in local government that exists to date. The Commission

holds an office inside City Hall as part of the Mayor's office. There are 7 volunteer commissioners who vote on licensing and permitting for venues as well as special events including outdoor festivals.

The San Francisco Entertainment commission is responsible for legislation such as the Administrative, Planning Codes - New Hotels and Motels Near Places of Entertainment. This ground breaking legislation states the following:

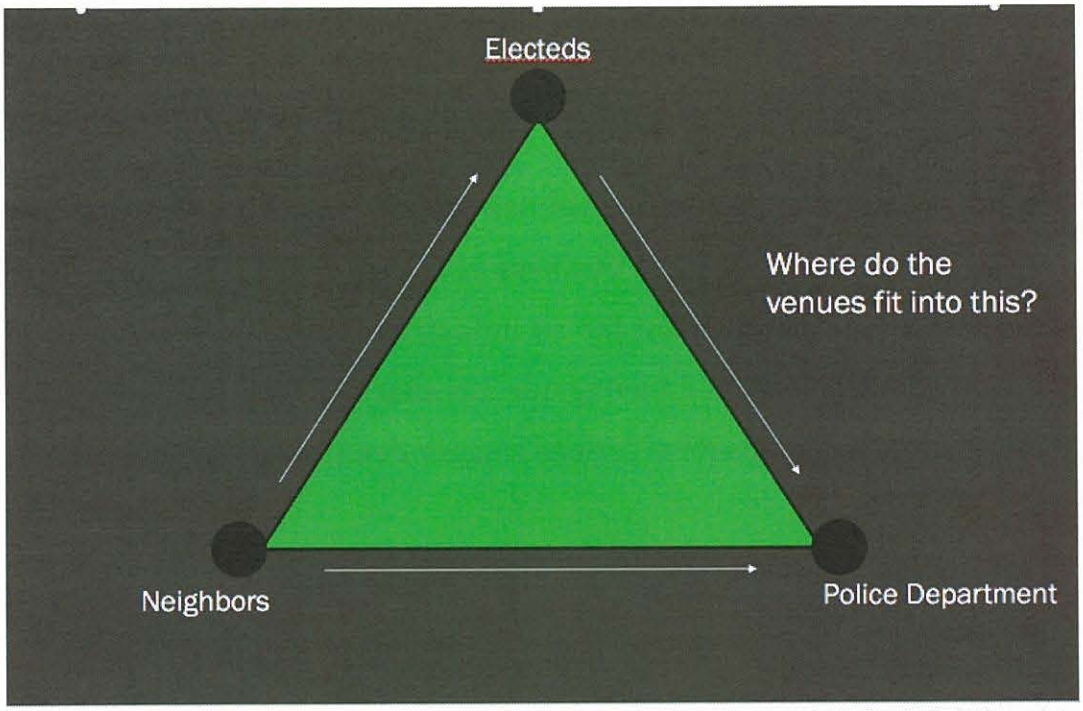
1) Authorizes the San Francisco Entertainment Commission to hold a hearing on any proposed residential development located near a Place of Entertainment and empowers the Commission to provide written comments and recommendations to the Planning Department and Department of Building Inspection about any noise issues related to the proposed project.
2) Requires lessors and sellers of residential property near Places of Entertainment to disclose to new lessees and purchasers the potential for noise and other inconveniences potentially associated with nearby venues.
3) Establishes that no Place of Entertainment located near a new residential development shall be a public or private nuisance on the basis of noise if the venue operates in compliance with its permits and appropriate laws.

For too many years, opening a licensed establishment any where in New York City has been anything but a pleasant, welcoming experience. The not in my backyard movement has empowered Community Boards and

created hostile encounters when any applicant must present their case for the business they want to open. I get the fact that these neighbors are upset that their communities are losing a lot of the mom and pop stores that help create the fabric that is their neighborhood. But commercial rents are only going up, and therefore the only businesses that can afford them are big box chain stores (such as Starbucks or Walgreens/Duane Reades), banks and restaurants and bars.

These problems are not exclusively unique to New York City. In my travels with the Responsible Hospitality Institute, a not for profit that has been around for more than 30 years, helping municipalities who understand the importance of a vibrant night time economy, we see the same problems no matter the size of the city. So how do you balance the needs for residences with the needs for businesses?

In other cities, they have hospitality or entertainment districts, similar to our Meat Packing, where the bulk of nightlife establishments are all within a radius much easier to manage. Traffic studies, pedestrian safety, outlining areas of quality of life are all issues that can easily be addressed. Why aren't we as a city addressing these issues with stakeholders so that we can get past the hostile rhetoric of residents versus business owner? If you took away all of the bars and restaurants in these neighborhoods that feel like they are under siege, what would happen then with all of the unrented storefronts? We should be working together as a city not against one another.



This idea of an office of nightlife or Night Mayor is nothing new. It started in Amsterdam and blossomed from there. London, Toronto, Cali, Colombia, Edmonton, Sydney, Vancouver, and Pittsburgh are just a few of the major cities that have brought on this position of Night Mayor/Night Manager. Iowa City and Orlando are two more US cities that just hired their position and are in the process of setting up their offices.

Too many of my peers have decided that opening up a new establishment in New York City is no longer worth the trouble so they would rather open up a new venue in a city that welcomes them. They want to go where they are appreciated and why shouldn't they. I myself am no longer looking to open up anything new in the city but have

found a community that welcomes the jobs and the business that I will be bringing them.

We are a complex city with complex issues. For too long the city agencies have looked at small business as the city's ATM. It's time there is a voice in city government for an industry that provides so much in the way of taxes, jobs, and paying our fair share of fines that help drive the economy and keeps New York as a major destination for tourism.

Respectfully Submitted,

Paul Seres
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Written Testimony of
Avram Solomon Turkel, Esq.

New York City Council
Consumer Affairs Committee Oversight Hearing on Cabaret Law Reform

June 19, 2017

My name is Avram Turkel, I am an attorney admitted to the New York bar and I practice here in New York City. From the years 2003-2005 I was legislative director to New York City Council Member Alan Gerson of District 1, lower Manhattan. Together with many of the good people you are hearing from today, Council Member Gerson's office spent considerable time and energy attempting to move forward the repeal of New York's Cabaret Laws in order to implement a fairer and more just regulatory framework. One that would not limit dancing for its own sake but that would permit small venue owners to come into compliance with law while still protecting mixed use residential communities from safety and quality of life hazards without completely disconnecting them from one of this City's more significant sources of cultural wealth economic revenue. This hearing is a long time coming and the Council should be congratulated for it.

The so called Cabaret Laws are many made one. The regulatory framework is an amalgam of law, codes, rules and zoning that regulate whether any venue may feature and allow social dancing. The City's important and existing building, penal, noise and fire code serve to ensure the safety of patrons and customers, the ease of operating a neighborhood business and the quality of life of neighborhood residents. However, the City's zoning code, and particularly one section called Use Group 12 unreasonably and comprehensively restricts venues from legally featuring dancing in neighborhoods of New York City zoned as "mixed use" residential and commercial. Truly, when a venue is not zoned Use Group 12 it cannot feature legal dancing under any circumstances, but when a venue is in a mixed use district it cannot obtain a Use Group 12 zoning. The regime is unreasonable and inequitable to neighborhood bars and restaurants and their local patrons. The only repeal is to amend the zoning text.

Use Group 12 zoning is what actually makes dancing off limits and illegal in our small neighborhood venues. Use Group 12 was specifically intended only for "...fairly large

entertainment facilities which: (1) have a wide service area and generate considerable pedestrian, automotive, or truck traffic: and (2) are therefore, appropriate only in secondary, major or central commercial areas." *N.Y.C. Zoning Resolution Article 3, Ch.2 32-21*. The zoning is intended to keep these types of venues away from residential and mixed use neighborhoods. Nevertheless, Use Group 12 applies to all establishments with capacity of over 200 persons or "*of any capacity with dancing*." *Id* at (A) (emphasis added). Large clubs such as those in the Meatpacking District are built to hold capacities above 200 persons, and thus Use Group 12 would apply whether or not they featured dancing. Those venues do not need repeal and are properly regulated based on their scale. However, a neighborhood bar or restaurant likely has a capacity of well under 200 persons and is already in a mixed use district. That same venue is nevertheless restricted from *ever* featuring any dancing because it cannot be zoned Use Group 12. The City is regulating small local venues as it would large destination venues even though the activities in each are so different in scope as to be different in kind. In order for the City to create a pathway towards legalized dancing in all of its precincts Use Group 12 zoning must be amended to remove the clause "of any capacity with dancing." *Id* at (A).

Amendment of the Use Group 12 text would also be particularly just because its practical effect is preserving a de facto monopoly on social dancing for large clubs by criminalizing what would otherwise be lawful social dancing in neighborhood venues. The City should not stand behind any zoning that gives an economic advantage to so few while limiting the free enterprise of so many. Certainly not when there is no causal connection between a venue featuring dancing and increased foot and motor traffic, which is the stated purpose of Use Group 12. Not when the proper regulation is for safety and quality of life issues such as noise and not for zoning. Not when communities benefit from small businesses that cater to local tastes. Not when it is so many communities whom the Cabaret Laws were originally intended to stifle, who are still not given equal access to legalization.

Use Group 12 regulates dancing for its own sake, it serves no purpose and is pernicious in its effect. This Council would be right to amend the Administrative Code concerning the Cabaret Laws, but should also consider that the Zoning regulations must be altered in order to truly repeal.

Respectfully submitted,

Avram Solomon Turkel, Esq.

Testimony on Oversight Hearing Regarding Cabaret Law
John Barclay
Bossa Nova Civic Club
June 19th, 2017

To Whom it May Concern:
I am a NYC bar manager who has repeatedly been adversely affected by the Cabaret Regulation and support a full repeal of the law which I believe is absurd, antiquated, racist and dangerous. I currently operate a small bar, that in 5 years has had literally zero noise complaints, is in good graces with our local precinct and community board, zero insurance claims, and exists peacefully with our neighbors. We have a Certificate of Occupancy, a Place of Assembly, emergency lighting, several egresses, regularly inspected fire extinguishers, we employ licensed and insured security guards who are also certified fire guards. We have gone through dozens and dozens of FDNY, DOB, SLA, DOH, and NYPD inspections yet we live in constant fear and paranoia of our city government. We have received a cabaret citation and know that if we do not continuously enforce a no-dancing policy we are risking our livelihoods.

I believe firmly that the city's "safety" argument in favor of supporting or revising the cabaret law to be terrifyingly dangerous. When New Yorkers are pushed out of hyper-regulated otherwise licensed venues on grounds of Cabaret Law they do not cease to dance rather they go further underground into completely unregulated and often times unsafe buildings. The government of NYC is fully aware of this and thus willfully endangering its citizens by not seeking out a practical solution.

I believe the inception of this law to be of racist intent and I know more often than not, the current enforcement protocols are still weaponized against marginalized groups particularly African American, Latino and LGBTQ.

The safety and noise concerns occasionally discussed in regards to Cabaret Law are already addressed extensively through various governmental departments. We insist that safety precautions should be applied based upon capacity and alcohol and not pertain to dancing at all.

I am asking NYC Council and Mayor Bill DeBlasio for a full repeal on the NYC Cabaret (No Dancing Law). We will settle for nothing less than the complete decriminalization of dancing.

Sincerely,
John Barclay
646.272.9092

Testimony on:
Oversight - Enforcement of New York City's Cabaret Law.
before the
The New York City Council Committee on Consumer Affairs
by Jamie Burkart
Monday June 19th, 2017

Honorable Council Members,

My name is Jamie Burkart. I'm a member of the New York City Artist Coalition. I am asking the New York City Council to Repeal the Cabaret Law.

The Cabaret Law was created in 1926 to halt interracial dancing in jazz clubs. It was used by Mayor Giuliani in the '90s to target and shutter gay bars, decimating culture. This civil rights issue law was used time and time again. It's still on the books and its prejudicial history is still felt today.

Because of the Cabaret Law, there are no legal spaces to dance in Bed-Stuy nor El Barrio for instance. There are zero Cabaret Licenses in Council Member Cumbo's district where I live, nor in the Speaker Melissa Mark-Viverito's district. Today there are fewer than 100 active Cabaret Licenses in all five boroughs. There is nowhere legal to dance in the vast majority of New York City's neighborhoods.

Everywhere our communities gather, at a friend's performance, at coffee shop or a wedding in a restaurant, it is almost certainly illegal to dance.

My life as an advocate began with the loss of another, my good friend Nick Gomez Hall. He was one of the 36 people killed in the Ghost Ship tragedy earlier this year.

From the minute I heard he was missing, I knew he was gone, they all were. I was filled shock, then grief.

Our first response was safety. We facilitated fire safety walk-throughs and workshops. Our study groups for the Fire Department's Fire Guard Certification exam have a 100% pass rate.

Working directly with spaces we found that though they were up to code, some were afraid to engage with the fire department because they knew they didn't have the Cabaret License.

For those who claim the Cabaret Law is about safety. We know what makes community spaces safe. And it is not a ban on dancing. Improve the relationship of trust to save lives. Repeal the Cabaret Law. Give low-income community spaces seats on the Nightlife Task Force.

For those who say the Cabaret Law is not being enforced, it can easily be used in the future by extreme conservative groups to arbitrarily shut down spaces. In the past few months there have been targeted alt-right attacks against community spaces in New York. They use the Internet to incite others to call authorities on spaces anonymously. They posted my home address on their website. At least one space I know of was visited by authorities. A teenage prankster in Wyoming can shut down spaces in New York with this outdated law.

Repeal the Cabaret Law, Legalize Dance. Don't ask don't tell isn't good enough.

Legalize Dancing in NYC: Tell City Council and Mayor de Blasio to Repeal the Cabaret Law!

Did you know it's illegal to dance in most bars, restaurants and even well established clubs in New York City? Or that, unless it's a performance, dancing is not recognized as a form of expression protected under the First Amendment?

In 1926, while liquor was bootlegged and Jazz was shaking things up in Harlem, New York City instituted the Cabaret Law that required establishments serving food or drink to obtain a separate license before permitting any dancing or live music on their premises. This law successfully sought to police and restrict the interracial mixing happening in dance clubs uptown. Almost 100 years later, though times and racial attitudes have changed, the Cabaret Law is not only still in effect and enforced, but contemporary zoning regulations effectively make dancing with your friends absolutely illegal in large parts of the city!

New York's restrictive dancing regulations affect not only individual dancers and communities, but businesses too, who suffer under the weight of intransigent bureaucracy, legal costs, irregular enforcement and disproportionate fines. Consequently, the number of legal venues has also been declining at an alarming rate. In the 1960s, in the Five Boroughs of New York City there were over 12,000 Cabaret Licenses. By 2008 there were only 179 and as of September 4th 2012, just 127 and currently only 97. (See current cabaret venues from NYC Open Data here)

After an attempt to repeal the Cabaret Laws on First Amendment grounds failed in 2006, the only avenue toward meaningful change now is through legislative action and to pressure Mayor de Blasio to step up to the challenge and change the law.

We need your support! Please help us repeal the 1926 Cabaret Law and remove the following 7 words from the Zoning Code text: "or establishments of any capacity with dancing." These reforms will have no effect on the applicability or enforcement of any of the numerous noise, fire, safety, alcohol and drug ordinances that keep our persons and venues safe and our neighborhoods livable. Help us free dancing by signing this petition and voting for candidates who support and advocate for it!

Social dancing should be freely available to anyone and everyone in any venue in the City of New York where it is safe to do so. No neighborhood should be zoned "No Dancing Allowed." Local communities and small businesses should be allowed to dance and flourish.

Signed Rosaline Dumanis, 6/18/17

Nutley, New Jersey 7110

United States

Draft Testimony from Greg Miller, Greg@DanceParade.Org 917-627-7155

Hello, my name is Greg Miller and I'm the Executive Director of the non-profit organization that produces Dance Parade and a member of LegalizeDance.Org . The parade on Broadway and in the East Village has run the past 11 years and features 10,000 dancers dancing to 80 unique styles of dance and culture. It is a United Nations of Dance.

I'm here before you today in support of the proposed Office of Nightlife bill on the ~~condition that~~ the City administration repeals the prohibition era Cabaret law.

~~To give you background on my personal experience regarding these issues: Though I've had a 20 year career in corporate finance for well known International companies and do strategic consulting for non-profits, I have always loved dance. For the past 35 years I've enjoyed the social dances of salsa, swing, roller disco, EDM and I religiously practice a conscious movement called the 5 rhythms.~~

The first Dance Parade came about in reaction to the 2007 Festa versus the NYC Department of Consumer Affairs case about the Cabaret Law in the State Supreme Court. The suit was brought on by 5 dancers who practiced ballroom, swing, country-western, tango, house/goth, and Latin forms. In the decision, the judge

upheld the cabaret law specifically citing that social dancing was not expressive activity protected by the 1st Amendment.

Our effort with the Dance Parade was then to present to the public expressive forms of dance found in our great City of New York. We were amazed at the turnout of diversity in ages, cultures and dance styles...They danced in the streets because they simply could and they were not shy!

The freestyle dances of house, techno and urban cultures where represented by Danny Tanaglia, Kool Herc (founder of Hip Hop), Victor Calderone and others along with African, Asian, Central and South American cultures who came out in beautiful traditional costumes—Popular dances of ballroom, tango, swing and salsa were out along with forms of dance we had no idea existed in both folkloric and urban dance populations...Sufi Whirling Dervishes, Zook, Kizomba, Zydeco...The Melbourne Shuffle, Clowning, Crumping, B-boying, Locking, Popping, Vogue and Wacking.

As New Yorkers, we were proud and honored to present so many forms of dance that were founded in New York City. We came to know that Salsa in Spanish means "Mix" and began as a fusion between the Puerto Rican and Cuban Mambo beats that came about after the mass emigration from Communist Cuba in the late 60s and early 70s. Hustle then grew out of salsa in discos soon after.. And a decade later Hip

Hop was birthed in the Bronx and, as measured by music sales, is the most popular form of dance worldwide. The dance and music culture is a big reason why our city attracts top businesses, non-profits, students, consumers and tourists from around the world.

These dancers, many of whom are here today, are all affected by the 1926 Cabaret law provision that requires ALL New York City venues that serve food or drinks that have more than 3 persons dancing must have a Cabaret license.

Movement has always been key to freedom. And historically, moralists have always tried to stop people from dancing. The Waltz when it first came out was banned in several countries in Europe in the 1700's as it was considered immoral and would lead to unwanted pregnancies. During the prohibition era when the Cabaret Law was introduced, the Charleston was considered a hedonistic social dance. And ever since, the cabaret law has been arbitrarily used to fine and shutter LGBTQ clubs. And to target marginal communities and gentrification is making the situation even worse.

Since 2006, LegalizeDance.Org has been a watchdog organization that tracks cabaret law issues and media stories about the suppression of dance culture. They have cited that in the 1970's over 12,000 venues were available to dance. That number

has shrunk to 400 when we started dance parade a dozen years ago and has steadily declined to 300, to 200, and to the current 97 licenses currently held in all five boroughs.

Because there are very few places to dance legally, many dancers and venue operators have been afraid to testify today but I can site dozens of cultural groups that are underground "dancing in the shadows" of enforcement because they cannot dance tango, ballroom, swing, salsa and freestyle dance. As a result, they attempt to hold private parties in unregulated and at times, unsafe spaces and avoid taxes to our city.

To try to respond to the gentrification influences that the Cabaret Law perpetuates, we at Dance Parade have offered dance residencies at Schools, Senior Centers and Parks & Recreation centers specifically because there are few legal places to practice dance and sustain/grow culture. We do this legally by writing grants and collecting non-profit donations but it is not financially sustainable to protect and grow culture that needs to happen like it does in every other city around the world. **On behalf of the thousands of dancers that I represent today from Dance Parade, we maintain that the benign act of dancing is the wrong reason to regulate nightlife..** The concerns of noise, safety and zoning are already addressed through adequate city codes. The City Council even passed Local Law 113 of 2005 which went into effect

in July of 2007 to tighten sound requirements from bars and nightclubs. Venues should be regulated based on capacity, not because of dancing.

I'd like to thank LegalizeDance.Org for collecting over 2500 signatures to call out the cabaret law as too outdated and whose legal council has determined that the way to protect dance and our culture is to remove 7 words from the Zoning Text of the city code. Doing this would keep all the safety concerns but make dance available to all.

And thank you to Council Member Espinal and committee members for the opportunity to testify.

City Council Consumer Affairs Committee Oversite Hearing on the Cabaret Law
Written Testimony by Jeannie Hopper, June 19, 2017

Hello, my name is Jeannie Hopper and I'm unfortunately having a family emergency out of state and can't attend the hearing today. However, I most definitely want to submit written testimony to the DCA Oversight hearing on the cabaret law and Nightlife Task Force because I passionately believe that there is a nightlife problem in New York City. I have been a professional dance industry dj, record producer and label owner, as well as, event producer and promoter. In addition I'm a journalist and radio host in New York City since 1990 covering arts, culture and nightlife and have produced and hosted a weekly show prime time Saturday nights on WBAI 99.5fm since 1993 covering issues facing the underground grassroots nightlife communities while supporting indie artists, record labels and artists at the grassroots in New York City.

I am the host of Liquid Sound Lounge for 30 years (Saturday's 7-10pm on WBAI 99.5 fm). I am what the arcane definition of the cabaret law would describe as a "social dancer" -- I have danced and DJ'ed in bars, nightclubs, museums and in Dance Parade New York. Throughout my career I have worked with some of the world's most successful music artists, djs, promoters and nightlife owners.

I have sadly witnessed the horrid decline of the dance scene and loss of culture from Mayor Giuliani's so called "Quality of Life" campaign. The dance parties from decades ago had a true sense of family and community and I've seen the affects of the cabaret law create segregation and destroy the scenes where 'community is at the core' unified through the spirit of social dancing. This grassroots community has become not only a second family for many, but a safe space and place for the marginalized.

In the 1990's there were hundreds of places to dance, maybe even thousands. There were the larger venues above 200+ in capacity...Sound Factory, The Roxy, Tunnel, Centro-fly, The World which are all gone now. Cultural movements were born in these clubs. The scene was internationally recognized.

The only major one in the city today is Webster Hall which was credited as the first modern nightclub built in 1886. It began as a "social hall" for dance and political activism events--As a few months ago, this legendary venue is being purchased by the company that owns the Barclay's center. The Quality of Life movement and Guiliani's Cabaret Taskforce which utilized Dance Police to fine and shut down clubs may have addressed the larger club's gang and drug

problems of the 1990's but the smaller bars and venues were swept up with them--Along with the economic growth that fostered real estate development, great dance places were fined and shut down.

Today, according to the Department of Consumer Affairs available through NYC Open Data, there are only 97 legal places to dance in all 5 borrows. In Manhattan, that translates to 40 venues---and many of them are hotels, restaurants and strip clubs. This is why we started having boat parties--because there are very few places to do our parties.

No one wants their to be a fire in a nightclub like the unregulated Happy Land fire that in 1990 killed 87 people in the Bronx. I can understand why there should be sprinklers in clubs over a certain size but venue capacity should be the thing that regulates venues, not the fact that people are dancing. The cabaret law that has caused expensive fire safety and surveillance cameras in nightclubs has created a scenario that is cost prohibitive for people focused on community building events where social dancing at the core. When throwing a party where there is no dancing allowed due to the archaic cabaret law, there's no choice but to break the law . I come from a family where my both my parents and grand parents met dancing, my grandparents threw dances, and my parents still dance to this day in their golden years.

We need to get smart with how nightlife is being protected. We should learn from progressive cities like Amsterdam, Paris, Berlin and London who have independent Nightlife Mayors to help nightlife. I'm encouraged by the proposed Nightlife Taskforce and Nightlife mayor but only if the cabaret law can be fully repealed.

--- Jeannie Hopper, June 19, 2017
lslhopper@gmail.com

Cabaret Law Hearing
City Hall
6/19/17

Julie Malnig Ph.D.
70 E. 18th St #3F
NY, NY 10003
jmm2@nyu.edu

Good afternoon. My name is Julie Malnig and I am a professor of dance history and theory, and an author of books about dance, in particular social and popular dance. I will be reading a testimonial written by my colleague, Sally Sommer, also a professor of dance history and theory, a dance writer and filmmaker. I want to note that Sally and I are in full agreement regarding the statement I am about to read now:

I would like to address what I consider the most crucial issue underlying the latest ruling upholding the 1926 Cabaret Law, "social dancing was not an expressive activity protected by the First Amendment."

If social dance is **not** an expressive activity, what is it? The entire world dances. Dancing is an essential cultural identifier: "I dance this way because I belong and come from this country, this group, this family, or even this neighborhood." Dancing is exchanged and exported throughout the world to everyone's advantage. It is a system of nonverbal communication, embodied knowledge, passed from person to person, as basic as the body-to-body communication between mother and infant. What happens is—we just grow up and start dancing, keeping up a powerful nonverbal communication with more people than mom.

There is no legal definition of dancing. In the most general definitions that try to be as simple as possible, dance has been defined as "rhythmic movement performed to music" or "formal mobilized rhythmic movement."

Other "rhythmic movements done to music" or "mobilized movements" would be parades, marching bands, football games, half-time entertainments, even church choirs. All of these movement-based practices done to music are protected under the First Amendment **because** they represent instances of freedom of expression. Why are these activities protected and social dancing is not?

The 1926 Cabaret Law had nothing to do with dancing and a lot to do with misperceptions about what dancing might **cause**. It was assumed that dancing would lead to immoral sexual behaviors; it encouraged drinking and drug taking that ended in addiction and addicts. And, as an uncontrolled large group activity, dancing could devolve into chaos, violence and murder. The underlying assumption is that dancing **arouses destructive** emotions and actions. These same reasons were used to ban the waltz in the late 1700s in certain European cities and countries; in 1739 in colonial America, Africans and African Americans were forbidden to congregate and dance because it might lead to insurrection and slave uprisings; in the 1920s and 30s the Charleston was banned in several US cities; in the 1950s the police cracked down on Rock n Roll in New Jersey.

In NYC however, since 1926, dancing (whether the waltz, the Charleston, the Turkey Trot, the Lindy Hop, RnR, or any variety of hip hop dancing and house dancing) has been banned using the Cabaret Law to shut down clubs. The real issue is not dancing, but noise, drugs and real estate development.

Dancing itself is not noisy; in fact dancing is very quiet. Loud music should be controlled by the laws already in place, and the drug laws should be enforced. **Real estate** is the actual culprit. Manhattan clubs were shut down to make way for high-rise development, which paralleled city intentions to improve "quality of life" and to gentrify Manhattan. The outdated 1926 Cabaret Laws were handy and were and are used to clear out large spaces in buildings. The proof surrounds us: look at what has happened by 2017 in SoHo, NoHo, Tribeca, Nolita, the Lower East Side and Westside river developments. Clubs that can afford cabaret licenses are the most expensive and cater to the elites. They are less about dancing and more about **seeing and being seen in the right** places.

The serious dancers I know do not have the money to go to those clubs and they don't buy high-priced drinks. Serious dancers don't care about who sees them. Serious dancers go to dance and go home. For them, dancing IS their quality of life. For me, as a writer, as a professor, as a filmmaker, dancing is what makes life worthwhile. My question is: Why are dancers and dancing being penalized? They are not the problem.

MUCHMORE & ASSOCIATES PLLC

217 Havemeyer Street, 4th Floor
Brooklyn, New York 11211
(917) 932-0299

June 19, 2017

FOR THE RECORD

Via Hand Submission.

New York City Council
250 Broadway, Council Chamber
New York, New York 10007

Attn: Sergeant at Arms

Re: Consumer Affairs Committee Oversight Hearing
Submission in Support of Repeal of N.Y.C. Cabaret Law

Hon. Members of the City Council:

I appear today before the Consumer Affairs Committee to offer my experiences and insights as the proprietor of a small music venue in Brooklyn, and as the attorney overseeing a pending constitutional challenge to the New York City Cabaret Law. This is a law with no equivalent in other advanced nations. Japan and Sweden recently repealed their dancing bans, and such laws now exist only in nations like Iran, Afghanistan and Kuwait.

Legislative History

I understand this is the first hearing held by the New York City Council on the Cabaret Law since it was enacted in 1926. At that time, New York was experiencing what would come to be known as the Harlem Renaissance. To the consternation of the Board of Alderman, a number of jazz clubs had recently opened in Harlem, and were attracting white patrons from other parts of the City. In 1923, the Cotton Club and Connie's Inn opened. A larger establishment, the Savoy Ballroom, opened earlier in 1926. Some of these clubs, like the Cotton Club, admitted only white patrons, but hosted black musicians. Others, like the Savoy, allowed black and white patrons to dance and socialize together. On December 7, 1926, the Committee on Local Laws provided the following justification for enacting the Cabaret Law in its Recommendation No. 10:

> "there has been altogether too much running 'wild' in some of these night clubs and, in the judgment of your committee, the 'wild' stranger and the foolish native should have the check-rein applied a little bit."

Such a quote should bring a chill to any reader in 2017. If the legislative history did not make the racial animus behind the law sufficiently clear, one need look no further than the law's text. It prohibited the unlicensed performance of wind, brass or percussion instruments, while exempting instruments not commonly used in jazz music.

Litigation History

This distinction between jazz instruments and non-jazz instruments was found unconstitutional by the Supreme Court of New York in 1986 in *Chiasson v. N.Y.C. Dept. Of Consumer Affairs*, 132 Misc.2d 640 (N.Y. Sup. Ct. 1986). In 2006, the same attorney, NYU Law Professor Paul Chevigny, presented a broader challenge to the Cabaret Law under the New York State Constitution in *Festa v. New York City*, 2006 N.Y. Slip Op. 26125 (N.Y. Sup. Ct. 2006). While the Court refused to strike down the Cabaret Law in its entirety, the Court admonished the City to repeal or reform the law, concluding, "Surely, the Big Apple is big enough to find a way to let people dance."

Pending Constitutional Challenge

After a decade of inaction by the City, despite unsuccessful attempts at reform by the Bloomberg administration, I commenced a constitutional challenge to the Cabaret Law in federal court on behalf of my own music venue. I argued that, at least in the context of a live music venue, dancing is protected First Amendment expression. Almost every culture around the world has developed unique forms of music and dance, and these traditions are often central to one's cultural identity. Even if social dancing were not protected by the First Amendment, the rights of musicians and other performers clearly are. As a practical matter, my establishment, Muchmore's, is required by the Cabaret Law to censor musical genres that might lead to dancing. We can play folk music or experimental electronic music, but we cannot allow DJs or any kind of dance music. Most forms of hip hop and Latin music are dance-oriented, which has a disparate impact on minority musicians. Together with the racial motivation behind the Cabaret Law, this creates a violation of the Equal Protection Clause.

The Cabaret Law is also unconstitutionally vague and overbroad. It does not define "dancing", leaving officers to guess when toe-tapping, head-nodding, or swaying exceed permissible bounds. It defines a "public dance hall" as "Any room, place or space in the city in which dancing is carried on and to which the public may gain admission..." This could include a church, a wedding, or even this very chamber. It defines a "cabaret" as "Any room, place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business..." An unlawful "other form of amusement" could be almost any behavior that tends to elicit a smile. Caroline's Comedy Club has been ticketed for the unlicensed telling of jokes. I am not kidding. Kidding is illegal without a license in this City.

Sufficiency of Other Laws

This Committee may ask, if the Cabaret Law is repealed, what should it be replaced with? The answer is that all the laws needed to address its purported concerns were enacted years ago. To the extent the City is concerned about noise, the N.Y.C. Noise Code provides precise decibel limits that cannot be exceeded. To the extent the City is concerned about fire or overcrowding, the Fire Code and Building Code thoroughly address these issues. For an establishment to have a legal capacity of more than 74 persons, it must obtain a Place of Assembly Certificate of Operation, which requires submission of a seating plan and annual Fire Department inspections.

New York is one of the most heavily regulated jurisdictions on Earth. Were I not a lawyer, I could not have established a small music venue here. People with less resources and legal expertise, including artists, musicians and under-served communities, find the cost of compliance beyond reach. This crisis is compounded by rising rents. In my neighborhood, the number of music venues has fallen by half in two years. Artists have been priced out. New York is being sapped of its cultural vitality.

Zoning Considerations

In addition to the repeal of the Cabaret Law, the Zoning Resolution must be amended to remove references to dancing. Zoning Resolution Sec. 32-15 defines Use Group 6 to include, "Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or fewer." Zoning Resolution Sec. 32-21 defines Use Group 12 to include, "Eating and drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing." Dancing presents no unique hazards. Use Groups should depend upon capacity.

According to Zoning Resolution Sec. 32-21, "Use Group 12 consists primarily of fairly large entertainment facilities that: (1) have a wide service area and generate considerable pedestrian, automotive or truck traffic; and (2) are, therefore, appropriate only in secondary, major or central commercial areas." Most eating and drinking establishments are not in central commercial areas. As a result, they cannot even apply for a Cabaret License. Of more than 25,000 bars and restaurants in New York City, no more than 118 can legally permit dancing. Entire neighborhoods such as Bedford Stuyvesant and El Barrio lack a single location where people can legally dance in public.

Establishment of a Nightlife Ambassador

I also support the proposal for the establishment of a nightlife ambassador to serve as an intermediary between nightlife establishments and City residents. This system appears to function well in cities where it has been adopted such as London, Paris and Amsterdam. I personally met with the night mayor of Amsterdam recently. He explained that measures such as the creation of phone hotlines and the posting of "hosts" in public squares have resulted in a reduction of noise complaints, even as the city legalized 24-hour operation. I understand the current proposal calls for the establishment of a task force to explore the concept, and I support this. However, any nightlife ambassador must serve solely in a mediative capacity, reducing the burdens on law enforcement. This should not result in additional compliance challenges for struggling artistic spaces.

Conclusion

It is astonishing that the Cabaret Law continues to exist in the 21st Century. The racial motivation behind the law is well-documented. It serves no legitimate purpose, yet suffocates the City's musicians, artists and creative economy. The law has been consistently disregarded and mocked, and is enforced only arbitrarily against the City's most vulnerable residents. The public outcry for repeal of the law has been large and unanimous, with headlines like *The Racist Legacy of NYC's Anti-Dancing Law* (VICE); *Arts Advocates Renew Call to End New York City's Antiquated Cabaret Laws* (Metro US); and *NYC's Racist, Draconian Cabaret Law Must Be Eliminated* (Village Voice). These sentiments have been echoed by other outlets such as the Wall Street Journal, New York Post, ABA Journal, and international media such as Germany's ARD or Japan's Asahi Shimbun. This is a law which has always been destined for the dustbin of history. The City Council of 2017 must right the wrong committed by the 1926 Board of Alderman. The people of New York have spoken, and the City Council should respond decisively with a full repeal of the Cabaret Law.

Respectfully submitted,

Andrew Muchmore

Andrew Muchmore

compromise) and the venue closes. These "gotcha" enforcements hit establishments operated and utilized by people of color and by the poor the hardest, as they are both statistically more likely to be targeted, and have less access to the legal resources necessary to defend.

While we in nightlife respect the authority and prerogative of law enforcement to shutter problem operators, "dancing" is not a problem, and Cabaret violations are an illegitimate reason to shutter a cultural space.

We welcome the safety regulations that the Cabaret law stipulates -- fire alarms, fire sprinklers, lit exit signs, emergency lighting, video camera systems, etc.. But we believe that these requirements should be limited to those establishments that exceed a reasonable level of capacity and pose a realistic increased risk to safety. The New York City Department of Buildings and the FDNY already have a process for determining buildings to require more safety measures, called the Public Assembly System. Any space housing more than 74 people must follow Public Assembly safety regulations. A second tier of more stringent rules is triggered above 274 people.

Any safety necessity the Cabaret Law's defenders cite is superfluous -- the City has effective regulation for high capacity spaces and dancing is not an unsafe activity. However, as the safety stipulations of Cabaret largely overlap with those of the "over 274" tier of Public Assembly, a simple reform of the existing Cabaret Law to exempt venues under 275 persons would be a reasonable step forward. Another alternative compromise would be to repeal the odious zoning requirements of the existing Cabaret statute, which exempt all but a very few scraps of the geography of NYC from eligibility for a Cabaret License under the law.

However, I come before you today not to recommend a compromise measure but instead to urge full repeal of the New York City Cabaret law. The Cabaret Law is an international embarrassment to New York City. This law makes New York City look foolish -- we are not a small rural town, we are the cultural capital of the Western world. This is not Footloose.

You can see by our presence here today that we in the nightlife community are committed to overturning this antiquated, racist, and embarrassing local law. We will make sure this issue stays in the media, and you can be assured that the national and international press will report that dancing is remains illegal in New York City, and not in flattering terms -- as they have already begun to do. The time to act is now.

New York City has an opportunity to counter 100 years of racist, misguided law, and to reaffirm our place on the World cultural stage. I urge the committee to vote to pursue a full repeal of the Cabaret Law, and to establish a robust Night Mayor to cement our City's place as a leader in arts, culture, and nightlife in the World.

Thank You.

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Testimony for NY City Council Hearing
June 19, 2017

Thank you for providing me the time to speak today. In particular, I would like to thank Council Member Espinal for brining long overdue attention to critical issues affecting the nightlife industry.
My name is David Rosen. Before I delve into speaking about the proposed legislation, I need to provide a summary of my background, since my name and reputation certainly don't proceed me. I am a bar and restaurant operator, having operated 6 establishments over the past 13 years in Brooklyn and Queen. 2 of those establishments failed, but the remaining 4 are fortunately still operating.

I am also the co-founder of Brooklyn Allied Bars and Restaurant, affectionately known as BABAR. BABAR was formed in 2011 as a local industry association within the geographic confines of Brooklyn Community Board 1, which represents Williamsburg and Greenpoint. A handful of owner operators like myself formed BABAR because we recognized that our industry needed to build a tighter bond with our community, beyond simply serving neighborhood patrons on a daily basis. As an organization BABAR's mission is to represent our industry on a hyper-local basis. We always understood that the city-wide associations like the Hospitality Alliance and the NY State Restaurant Group were doing great work on the big-ticket items which affect all establishments, regardless of location.

But we felt that local issues that were unique to our neighborhood were naturally missed by this city-wide focus. Over the past 6 years, we have grown and maintained BABAR on a completely volunteer basis without any staff or operational budget. We use a Google Group as the main means of organizing and staying in touch with each other. We now have well over 150 participating BABAR members. Our group is inherently cooperative and we use our online forum to help each other—topics range from plumber recommendations, to the merits of a water-cooled vs. air cooled ice machine, to warning each other about a spree of counterfeit bills. We also do our best to host a few in-person meetings a year---past examples include, annual meeting with our local police precincts, forum on the future of tipping, and sessions with the health department.

Beyond working to educate each other, we have strived to build relationships with other local stakeholders including, the Community Board, local NYPD precincts, non-profits, elected officials, other industry associations, and prominent local figures. I served on Community Board 1 from 2012 to 2014 and we presently have three BABAR members who continue to serve on the board. We have strong relationships with local groups like Churches United for Fair Housing, Neighbors Allied for Good Growth, the Open Space Alliance, Evergreen, and the Grand Street BID to name a few. And I am proud to say that we have helped raise nearly a half a million dollars for the Northside Townhall community center through the annual Taste Williamsburg Greenpoint event.

Ultimately, the reputation of our industry within our community hinges upon respect for our neighbors. BABAR has placed a tremendous focus on encouraging and helping our members operated responsibly and build good relationships with local residents. But this isn't easy and requires ongoing maintenance and attention. When I served on the Community Board, I was dispatched by the SLA Committee to help resolve noise complaints from residents about individual establishments. The 90th and 94th precincts have also requested my assistance in the same manner. I have attended dozens of meetings at various bars with their immediate neighbors to address complaints and concerns.

I am confident in stating that we have succeeded in resolving conflicts in most circumstances. I think we have achieved success for two reasons. First, we have been able to share information about successful operational strategies to mitigate noise and other problems. And these strategies are often simple---for example, training your bar back staff to pay attention to the volume level when they are taking the trash outside, installing a computerized volume limiter on a sound system, or building a vestibule at the front door. Second, and more importantly, building personal relationships between people is often the best way to resolve conflict. In other words, we have been able to improve situations simply by helping to facilitate constructive conversations between residents and nightlife operators. And as I will reference later in my remarks---this is why it is critical for the legislation at hand to include a local organizational component.

With that said, I think it's reasonable for me to say that a hundred or so business owners would agree that the title of "Night Mayor" is appropriate for me in Williamsburg and Greenpoint. I've noticed since the terms "Night Mayor" and "Nightlife Ambassador" have been thrown around recently in the press and through social media that there is a sense that the position is to serve as the official New York City party animal.

For better or worse, I can assure you that the position of Night Mayor, at least in my case in Williamsburg and Greenpoint, is not glamorous. It certainly does not include stepping out of a limousine each evening and being whisked away to a dance floor. It does however involve:

- serving hotdogs and hamburgers to community residents at the NYPD National Night Out in 90 degree August weather for 6 hours 4 years in a row
- attending Citizen's Police Academy for 14 weeks while my wife was pregnant with our third child
- braving a Community Board SLA meeting for nearly 7 hours to get through a full docket of applications
- waiting in seemingly endless security lines at One Police Plaza, the Brooklyn District Attorney's office, and One Centre Street
- attending audio trade shows to learn about new sound proofing method and technologies
- sitting in the street for hours handing out pamphlets for local non-profits
- ironically getting a ticket while parking in an NYPD spot as a guest of the NYPD
- and staying up to 1 AM on Father's Day to draft your City Council testimony, only to wake up your 3-year old daughter upon returning upstairs and finally getting her back to sleep at 3am. I guess that does qualify as nightlife on some level.

And for the record, owning a bar isn't that glamorous either—but I'll save that analysis for another time.

I'd like to highlight two important initiatives that have grown from BABAR in the past few years. First, the Brooklyn Nightlife and Restaurant Coalition. Brooklyn Borough President Eric Adams and I created the Brooklyn Nightlife and Restaurant Coalition which is aimed replicating the BABAR model by creating similar local industry groups within each Community Board district. Brooklyn Borough President Adams has been a leading advocate for our industry by leveraging the resources of his office and events like Dine in Brooklyn and the BK Sings Karaoke competition.

Second, OutSmart. OutSmart is a collaborative public safety campaign which we created with the 90th Precinct in 2015. OutSmart engages the community to take ownership of safety awareness by creating their own messaging content---instead of relying on the content provided by the NYPD. We launched our first campaign, OutSmartBK in the summer of 2015 in North Brooklyn, which targeted millennials in Williamsburg, Greenpoint, and Bushwick. We accomplished this by creating an Instagram campaign which translated safety messages like "have your keys ready when you approach your front door" into compelling visual content. The online content was supported by multiple offline in person events such as self-defense training and a bike-safety workshop.

We assisted NYPD with the launch of OutSmart LGBTQ in the summer of 2016 which focused on LGBTQ nightlife establishments in Manhattan such as The Stonewall Inn. And now we are working on OutSmart NYC, an anti-violence prevention and bystander intervention program that builds upon the existing expertise of nightlife staff. The OutSmartNYC collaborators include: The New York City Alliance Against Sexual Assault, The Crime Victims Treatment Center, Mount Sinai Beth Israel's Victim Services Program, The Bowery Collective, and the New York Hospitality Alliance. OutSmartNYC is now finalizing its plans to launch nightlife staff training and is in talks with the Night Mayor organization with hopes of collaborating on a global basis.

I want to highlight that OutSmartBK started as a hyper-local initiative and is now a blossoming city wide movement. In fact, OutSmartBK started as a simple conversation between Inspector DiPaolo when he was the Commanding Office of the 90th Precinct and me. Inspector DiPaolo asked for our industry's help in reaching out to the millennial population, since that demographic was not in touch with the NYPD through traditional means and community groups. Hipsters probably don't attend church, but they do frequent bars. Let's just absorb this collaboration for a moment since I think it speaks volumes: the NYPD asked the local nightlife community for help in disseminating safety information, in the same way it relies upon churches, schools, and other civic organizations. Again, I want to stress that this degree of trust was built by working together on a personal level for years solving local problems.

Ok, so enough of my background. Again, I would like to thank Council Member Espinal for proposing legislation to create a Nightlife Task Force and Office of Nightlife. I cannot begin to express how excited I am by this legislation after working for the past 6 years on industry advocacy. Despite that excitement and my unwavering support for these measures, I do think we need to go further and be bolder. And I think that we should do our best to do so now, instead of revisiting this legislation in a few years with addendums.

Fundamentally, I think we need to expand the dialogue around the nature of nightlife and the context of nightlife within our city in three key ways:

First, we need to openly recognize that nightlife in New York City is incredibly expansive and diverse. This might seem as a given, but it's crucial that we don't take diversity for granted within the nightlife space. I'm not going to pretend that I have experienced every aspect of nightlife in NY, so I can't provide a list of examples to demonstrate my point. But it's fair to say that a city which represents hundreds of different national and ethnic backgrounds, has well over a hundred neighborhoods, and over 8 million people, must have a diverse nightlife by default. And I don't just mean diversity in the traditional sense of the word.

To be clear, though, the traditional sense of the word needs to be considered---how do we craft solutions which engage every demographic group who enjoy the nightlife our city offers? But there is also the diversity of experience---large dance club vs. live music venue—and space---sprawling warehouse vs. basement lounge---and ownership---large hospitality group vs. mom and pop operator. My experience is that the word "nightlife" often gets boiled down and loses this sense of diversity, to a point at which the meaning of nightlife becomes monolithic. The big fancy celebrity bound clubs and unlicensed underground parties receive the lion's share of the press and often our attention—but these are aberrations and don't represent the thousands of small neighborhood businesses that form the true meaning of nightlife.

Second, we need to focus on local neighborhoods. Beyond the impact of building personal relationships, working on a local level allows us to address the vastly different nightlife realities that various neighborhoods experience. Nightlife in the Lower East Side is different than nightlife in Bay Ridge. In that vein, I'd like to this thought: unless the nightlife office has a staff of about 300 how is it possibly going to build bridges between industry and community across 77 police precincts, 59 community boards, and nearly 20,000 licensed premises?

Third, let's set high standards for our desired outcomes. With all due respect, I think we can do better than simply reducing noise complaints and speeding up the permitting process. That's just the low hanging fruit. And if we focus on these issues we continue to feed a narrative based on conflict. We need to expand our goals and create a vision of civic engagement for nightlife. A vision where we are proactively working together on counterterrorism as the global threat to soft targets increase, a vision where nightlife staff are regarded as auxiliary safety officers, a vision where industry in every neighborhood is raising money for community centers and supporting affordable housing groups, a vision where residents are proud to have a local bar around their corner.

Therefore, I propose that a permanent nightlife council be added to the structure proposed by the existing legislation. The council would be comprised of 59 local chapters representing each community board district. Each local chapter would include: one Community Board member, one industry member, and one representative from each local NYPD precinct. The proposed Nightlife Office would be tasked with facilitating the establishment of this council and local chapters. The local chapters will be responsible for addressing neighborhood issues and building community relationships---and will report into the Nightlife Office and Task Force to share results in hopes of building city wide best practices.

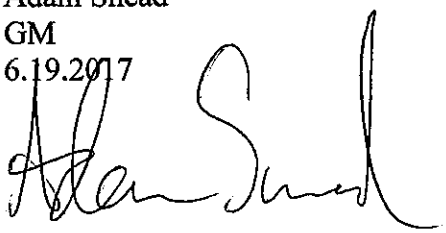
At first glance, this concept of a council based on 59 local chapters might seem tremendously difficult to establish and manage. But in truth the Community Board structure and the Police Precincts already exist city wide. So we would only need to recruit 59 members of industry to serve on their local chapters. I just cannot accept that we can't achieve that. In fact, I own establishments in 2 Community Board districts, so we only need 57 more.

Thank you again for providing me the opportunity to speak to you today. I am committed to this cause and look forward to more conversations and working together to build a better city.

To Whom It May Concern,

I have always looked to NYC as the cultural capital of the world. Being from upstate NY I have always held NYC in a higher regard because of its diversity and inclusiveness. When I was finally able to call NYC home, which I have for the last 10 years, I found exactly what I was looking for. A melting pot of ideas, cultures and people from all over the world. I began to realize that, like anywhere else, NY has it's own set of unique and sometimes quirky bylaws. Most are harmless and hilarious but what I am writing about today is not only harmful, but detrimental to the future of NYC. The cabaret laws have taken away more than a handful of places that I had grown to love. It has made it extremely hard to exist and thrive as a creative person who wants nothing more than to be around like-minded creatives. The idea that, simply because a place has people congregating and dancing, that it is somehow unsafe or hazardous is misleading at best and an outright lie at worse. My first interaction with the law came as a result of one of my favorite venues being shut down. I later came into direct conflict with the law after becoming a GM of a mid sized venue and seeing first hand the legal muck that we are forced to go through. The law itself is antiquated and racist in it's intent. It is detrimental to the cultural fabric of NYC and cannot be allowed to exist any longer. I urge the Council Members to recognize that, in this time, we cannot be exclusive, we cannot allow the mistakes of the past ruin the future of this great city. I urge you all to fully repeal the cabaret law and allow NYC to remain as the beacon of what a city should strive to be.

Adam Snead
GM
6.19.2017



Testimony of Tracie Robinson
Before the New York City Council's Committee on Consumer Affairs
Oversight Hearing on the Enforcement of New York City's Cabaret Law
Monday, June 19, 2017

Thank you, Committee Members, for holding this oversight hearing on the enforcement of New York City's Cabaret Law, and thank you, Council Member Espinal, for leading the effort to modernize the City's entertainment and nightlife laws. I submit this testimony as a private citizen and a long-time participant in recreational partner dance.

I moved to New York more than seven years ago because it is the dance capital of the world. As a mambo and tango enthusiast, I know that no other city offers the same number or quality of opportunities for social dance. At the same time, I believe that New York can and should be more dance-friendly. The City's antiquated law restricting dancing in restaurants and other spaces stifles a valuable social activity and burdens business owners without conferring any benefit on New Yorkers. The so-called "Cabaret Law" does not make the City any safer, healthier, more prosperous, or more livable, and its discriminatory roots serve only to prolong a shameful legacy.

Background

The Cabaret Law consists of several sections of the New York City Administrative Code. Section § 20-360(a) of the Code provides:

> It shall be unlawful for any person to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a public dance hall, cabaret or catering establishment unless the premises wherein the same is conducted, maintained or operated are licensed in the manner prescribed herein.[1]

The law defines a cabaret as:

> Any room, place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing, either by mechanical devices, or by not more than three persons.[2]

Essentially, the law prohibits dancing in any place that sells food or drink to the public unless that place holds a cabaret license from the City's Department of Consumer Affairs. It also requires installation of digital surveillance cameras[3] and fingerprinting of license applicants.[4] It does not define "dancing." Many licensees and applicants view the license requirement as onerous.[5] The volume of documentation required can be overwhelming for small business owners.[6]

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[1] N.Y.C. Admin. Code § 20-360(a).
[2] N.Y.C. Admin. Code § 20-359(3).
[3] "The recordings made by video surveillance cameras installed and maintained pursuant to this section shall be indexed by dates and times and preserved for a minimum of thirty days. . . ." § 20-360.2(b)(9).
[4] N.Y.C. Admin. Code § 20-360.
[5] Colon, D. (2014, September 30). Owner of Muchmore's fighting for the right to party sans permits. *Brokelyn*.
[6] See the Department of Consumer Affairs' cabaret license application checklist.

The Cabaret Law was enacted in 1926—during Prohibition, the Roaring Twenties, and the Jazz Age—as part of a crack-down on jazz clubs in Harlem. Jazz was developed by black Americans in the late Nineteenth and early Twentieth Centuries, but by the mid-1920s, it had become popular even among middle class white Americans, particularly those living in major cities.[7] Some historians believe that the law and its enforcement were calculated to curb the intermingling of races.[8] Today, the law is selectively enforced and can still be used with discriminatory effect.

In its original form, the Cabaret Law prohibited unlicensed musical performances that included jazz instruments (such as drums, saxophones, and trumpets) while expressly allowing unlicensed performances "by not more than three persons playing piano, organ, accordion or guitar or any stringed instrument."[9] On its face, the law disproportionately affected jazz clubs. In the 1990s, then Mayor Rudy Giuliani used the law to diminish the City's nightlife and shut down certain nightclubs for Cabaret Law and other violations.[10] The statutory language regarding musical instruments was ultimately held to violate the Constitution,[11] but it remains in the City's fire protection rules.[12]

Current Data

- As of June 16, 2017, there were only 99 licensed cabarets in the New York City, [13] but it is generally stated that there are roughly 25,000 restaurants and bars.
- As of June 16, 2017, there were 28 pending applications for cabaret licenses.[14]
- From January 1, 2016, to June 16, 2017, the City issued 38 charges against licensed cabarets. Ten pertained to storage or indexing of surveillance videos.[15]

Balancing Business Autonomy, Public Safety, and Quality of Life

Business owners and landlords should have the right to decide whether to allow dancing on their premises. The Cabaret Law merely adds financial and administrative burdens to an industry that is already struggling under the weight of skyrocketing rents[16] and regulatory restrictions. Restaurants and bars are required to pass safety inspections and maintain liability insurance, among other things, in order to obtain construction permits, certificates of occupancy, and food service establishment permits. These requirements are reasonably related to public safety. Restrictions on dancing, in contrast, are not.[17] It is true that there is risk inherent in physical activity, but there is no evidence that restaurants in

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[7] Gioia, T. (2011). *The History of Jazz*. New York: Oxford University Press.
[8] Chevigny, P. (2005). *Gigs: Jazz and the Cabaret Laws in New York City*. Routledge: Psychology Press. See also Offenhartz, J. (2017, March 3). Movement For Repealing NYC's Archaic 'No Dancing' Law Gains Momentum. *Gothamist*.
[9] *See Chiasson v. Consumer Affairs* (138 Misc.2d 394 at 395 (1988)). Note that noise could not have been the concern, as the bass is stringed instrument.
[10] Steinhauer, J. (2002, November 10). City Cracks Down on Nightclubs and May Change its Policies. See also https://commercialobserver.com/2013/11/the-agony-and-the-ecstasy-of-opening-a-nyc-nightclub/. It should be noted that resort to the Cabaret Law suggests that other laws-or their enforcement—are not working.
[11] *Chiasson v. New York City Dept. of Consumer Affairs* (132 Misc 2d 640 [Sup Ct, NY County 1986] [*Chiasson I*])
[12] 3 R.C.N.Y. § 15-02.
[13] NYC OpenData (2017, June 16). "DCA Licensed Cabarets."
[14] NYC OpenData (2017, June 16). "Pending Cabaret License Applications."
[15] NYC OpenData (2017, June 16). "Cabaret Charges Since 1/1/2016."
[16] Eisenpress, C. (2017, January 23). Restaurants are seeing their profits devoured by landlords and labor costs. *Crain's New York*.
[17] In the appropriately named *Festa v. New York City Department of Consumer Affairs*, the Court held that "the City does not here need to make a specific evidentiary showing that the licensing requirement bears a reasonable

which people dance are less safe than those in which people do not dance. Nor is there any evidence that dancing in restaurants reduces the quality of life of those who live nearby—most likely because of existing zoning and alcohol licensing laws. Very few styles of dance (such as tap, flamenco, and perhaps certain line dances) are inherently noisy.

Furthermore, there is no special inspection or license required of dance studios to certify the appropriateness of the premises for dancing.[18] Restaurants should not be subjected to a higher regulatory standard simply because they serve food and beverages. In fact, some social dancers are notorious for eating and drinking very little when they dance. There is no shortage of social media and blog posts by frustrated salsa promoters lamenting the abstemious nature of mambo dancers. Safety is important, but it is unclear that there are unsafe conditions that necessitate a Cabaret Law in the first place.

The Dance Real Estate Crisis

Dance is a universal language that brings people together no matter their background, and in New York, it fosters a sense of community like no other. Across the City, people put aside their worries and their differences as they "cut a rug," "shake a tail feather," and "bust a move." Unfortunately, the number of dedicated dance floors in Manhattan has declined in recent years. The real estate market favors office space and residential space, so dance studios such as Basic Ballroom (335 West 35th Street, 5th floor), Dance Manhattan (39 West 19th Street, 5th floor),[19] and Ballroom off Fifth (37 West 37th Street, #2) have been priced out. Those who are moved by music are increasingly being moved by rising rents.[20]

The Value of Dance

People dance to relieve stress, to meet people, to stay physically fit, to connect to their cultural heritage, to earn a living, because the music moves them, and for many other reasons. Numerous scientific studies have documented the health benefits of dance.[21] Dance can be a beautiful expression of the human spirit—a picture of joy, sorrow, love, anger, hope, excitement, or nostalgia, for example, executed with the brushstrokes of the body on the canvas of life, with music as inspiration. It can support mental health, steer people away from destructive behaviors, and provide an outlet for pent-up energy and creativity. Today, the vast majority of New Yorkers would probably agree that dance is in fact good for society and that it is merely *malum prohibitum*, rather than *malum in se*. Business owners might welcome dancing to improve the ambiance of their establishments, foster community, promote particular artists, or increase revenue during hours when patrons tend to buy less food or drink anyway.

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relationship to the public's health and safety" in order to survive a *judicial* challenge under the First Amendment. *Festa v. New York City Dept. of Consumer Affairs* (2006 N.Y. Slip Op. 26125). This does not preclude the City Council, the *legislative* body that enacted the law, from repealing it. In any event, I express no opinion as to whether social dance is a protected form of expression—a question that has been settled by the Supreme Court.

[18] There are zoning regulations, but they do not pertain to the safety of a space specifically for the purpose of dancing.

[19] Fractenberg, B. (2014, April 14). Popular Dance Studio Has to Move Because of Rent Increase, Owners Say. *DNAInfo*. The studio closed, and many of its instructors now teach at You Should Be Dancing.

[20] Partner dance studios are not the only dance spaces that are struggling. DANY Studios, operated by The Joyce Theater Foundation, closed on October 31, 2016. Dance Informa (2016, August 16). DANY Studios in NYC Closing. [Blog post]. Green Space, which I have rented multiple times, faced a 44 percent rent hike in 2015. Scileppi, T. (2016, January 18). Long Island City's doyenne of dance faces crippling rent hike. *Times Ledger*.

[21] Scott Edwards provides a concise literature review. Edwards, S. (2015). Dancing and the Brain. *On the Brain*. Cambridge: Harvard Mahoney Neuroscience Institute.

Options

The City has resources at its disposal to ensure safety and peace without restricting dance. It can improve the enforcement of other existing laws and streamline the operation of existing systems.

- Enforcement of noise complaints can be strengthened. For example, the City can reduce the response time for noise complaints. The current eight-hour window means that a noise nuisance can continue unabated for an entire night.
- The City can explore ways to improve collaboration with the State Liquor Authority to ensure that underage and otherwise irresponsible drinking does not endanger the health or safety of our communities.
- The City can review the performance of 311 generally. I have used this system many times only to be disappointed when my complaints are closed without any visit or follow-up from the relevant agency and when violations do not make it into the online 311 database.

Section § 20-360 as a whole is unnecessary and should be repealed. If, however, the Council insists on clinging to a Prohibition-era law that has no place in a city that never sleeps, it must, with input from business owners and the community, modify the law for the Twenty-first Century. It could increase the number of musicians and dancers that trigger the license requirement or create a trigger that is based on the size of capacity of the venue.

The taskforce proposed by Council Member Espinal should have a civilian counterpart—a working group of business owners and patrons who have formalized channels for providing input and informing the recommendations of the Taskforce.

The City should also improve public access to data by making the NYC OpenData portal more user-friendly. This excellent system provides a wealth of information, but it is difficult to filter, visualize, and overlay large data sets. For instance, it is difficult to generate a map based on the noise complaint data set that shows where the most complaints or violations occur, and it is difficult to generate a pie chart that allows comparison between complaints against cabarets and complaints against non-cabaret restaurants and bars. These features exist, but they are hard to use—perhaps because the noise complaint set, which spans 2010 to the present, is so large.

Finally, the discriminatory language in the Rules exempting a small group of instruments must be repealed, and the Council should consider adopting more a modern nomenclature than the archaic "cabaret."

Conclusion

It is time for the City to get out of the business of unduly restricting dance—a business that has no place in a cultural capital or a city that never sleeps. The City should encourage, rather than penalize, dance for its positive contributions to communities. Within the framework of other existing laws and systems, we can ensure public safety and peace without missing a beat. As Justice Stallman wrote in the *Festa* case, "Surely, the Big Apple is big enough to find a way to let people dance."[22]

[22] *Festa* (2006 N.Y. Slip Op. 26125 *14).

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June 19, 2017 – Rev.

The Hon. Rafael L. Espinal, Jr.,
Chair, Committee on Consumer Affairs
New York City Council
250 Broadway, Suite 1880
New York, NY 1007

Dear Chair Espinal:

Re: TESTIMONY – HEARING OF JUNE 19, 2017
Cabaret Law Oversight - T2017-6287
Establishment of Office of Nightlife - Int 1648-2017

EXECUTIVE SUMMARY

I am a lawyer. From time to time I have produced large Lindy Hop non-profit partner social dance events. I am familiar with the cabaret law as well as zoning law. I have no personal interest in this matter, other than as someone who wishes to be a patron at venues allowing partner social dancing.

Please include this statement in the record of the hearing of June 19, 2017.

The cabaret law is akin to prohibition: widely disliked, no relevance to the world, discouraging legitimate businesses, attacking the culture of large segments of the City, and inconsistently and randomly enforced.

The cabaret law importantly negatively impacts the 2.3 million Latinos in the City with cultures closely associated with social partner dance and dance music – salsa, merengue, cumbia, bachata as examples.

The cabaret law as reflected in Title 20, Chapter 2, Subchapter 20 of the New York City Administrative Code (Appendix A) should be abolished forthwith:

- No relationship has or can be shown between dancing at a venue and the regulatory requirements in Subchapter 20. No one has, or can, show why allowing dancing in and of itself, within a bar or restaurant increases any risks to the patrons or the public, as

compared to a similarly crowded bar or restaurant which does not allow dancing. Appendix B.

- Much of the law has been declared unconstitutional, but the City Council has not met its obligations to revise the law in accord with court opinions: performance of music and dance is a constitutionally protected right. Thus, strip clubs cannot be prohibited and music can be performed without restriction. Appendix C.
- The Department of Consumer Affairs claims to recognize these First Amendment rights, for, despite the over-reaching breadth of the Administrative Code, the Department of Consumer Affairs (DCA) seems to claim cabaret license are required only where there is patron dancing. Appendix D. But, in practice, the DCA applies the cabaret law to music halls and adult clubs where patron dancing is not featured or even allowed.
- The confusion of the law results in the fact that most of the venues with licenses do not allow patron dancers, but nonetheless obtain a license because of prior practices or just to be safe: most holders of licenses are adult clubs or live music venues without dancing.
- The DCA does not enforce the law in an equitable manner and ignores a multitude of well-known venues which violate the cabaret law, although perhaps in a zoning district allowing dancing. Appendices E and F.
- Well known venues including major cultural institutions such as museums and the Intrepid Aircraft Carrier hold dance events without cabaret licenses.
- The lack of uniform enforcement may be a result of the overreach in the law, a lack of diligence, or even less savory factors.
- In fact, few of the 99 current licensees are known as dance venues for the partner social dances such as salsa, merengue, swing, Tango, samba, hustle, and ballroom, let alone rave and house dancing. Appendix G.
- The prohibition of legal dance places for the culturally significant dances such as salsa and merengue (and bachata and cumbia etc.) is a cultural imposition upon the City's Latino communities.
- Abolishment of the cabaret law would not end the problem for in large swaths of the City, one may not obtain a certificate of occupancy for venues which allow dancing. The Zoning Resolution mentions dancing over 50 times. But, abolishment of the cabaret law immediately is beneficial for it would allow dancing in major commercial areas. But the Zoning Resolution must be amended as well.

Oversight of the DCA

The DCA should be more transparent.

- The list of licensees (Appendix G) should categorize licensees by type (Catering Hall, Cabaret, Dance Club, Adult) and should always include the business name as appearing on the marquee of the venue, and should specify whether the venue allows patron dancing.

- The DCA should work with ZOLA to prepare a map showing all zoning districts allowing dancing and should populate the map with the location of each license.
- The DCA, in cooperation with the NYPD and the Department of Buildings, should publish all actions as to venues cited formally or informally for a possible violation or warning of not possessing a cabaret license or not being in compliance with the zoning as to dancing.
- The DCA should be required to explain why it does not enforce the cabaret law against hotels, private clubs, and other prominent institutions.

The Nightlife Committee

- Any Nightlife Office should include representation from the City Planning Commission and the Council's Land Use Committee of the City Council which has jurisdiction over zoning.
- Any Nightlife Office should include as constituents, not just hip hop and club dancers, but partner social dancers, including salsa and swing dancers. These dancers would be quite happy to have an easing of the cabaret law as to small venues.

FACTS RELATED TO THE CABARET LAW

Cabaret Law Text

- Does not mention a "three dancer" rule, as mistakenly stated in recent news articles.
- Applies to public dance halls, cabarets, and catering establishments
- Includes provisions ruled as unconstitutional - e.g.. the limit of the musical entertainment to three musicians, which was ruled unconstitutional by the New York Supreme Court in 1988 in the second Chiasson case.[1]
- The City Council has failed to amend the Cabaret Law to remove the unconstitutional provisions.

Cabaret Law According to Department of Consumer Affairs:

"Any room, place, or space in New York City in which patron dancing is permitted in connection with the restaurant business or a business that sells food and/or beverages to the public requires a Cabaret license." Appendix A.

- Because of court rulings, the DCA no longer can constitutionally restrict dance performances or live musical performances - activities protected by the First

[1] Some opponents to the cabaret law mistakenly believe that the cabaret law allowed up to three dancers without a license – but clearly the provision relates to the "three" musician rule struck down by the Chiasson case.

Amendment, and now seemingly claims to apply the Cabaret Law only where there is patron dancing!!!

- The courts have whittled away at the cabaret law over the years and there are great disparities between how it is enforced and the language of the law –setting up the condition of harassing unfair enforcement and providing uncertainty to investors and lenders to, and owners of venues.
- Dancing is not defined and is vague - is hugging and moving to music dancing?

Licensed Cabarets as of June 2016 - Appendix G

- Many well-known dancing and catering spots are not being required by the DCA to obtain cabaret licenses.
- Hotels which host benefit galas with dancing generally are open to the public and thus would require a cabaret license, but these hotels are not shown on the list of licensees, an example of class preferential treatment. Appendix G.
- The licensees include substantial numbers of music halls, such as Village Vanguard, which are not dance spots.
- The licensees include a substantial number of gentlemen's clubs, but strip and pole dancing are constitutionally allowed performance.
- 49 licensees in 2015 are no longer licensed – yet some are still in business.
- Many are/were adult clubs.
- 20 new licensees since 2015; some are adult clubs.

Arbitrary and Discriminatory Enforcements

- The DCA does not equitably enforce the cabaret laws.
- The DCA provides preferential treatment to private clubs which allow nonmembers to attend dance events, without having cabaret licenses- the Cosmopolitan Club and the Yale Club as examples.
- The DCA provides preferential treatment to hotels and catering halls, which allow large benefits balls to be held with tickets sold to the public with dancing, but cabaret licenses not obtained.
- Well known businesses featuring dancing have not held cabaret licenses - such as the now out of business Roseland and the Lafayette Bar and Grill, the latter which was just a few blocks from City Hall. These businesses did not have cabaret licenses, with the full knowledge of the City, and dancing was featured nightly.
- Potential retaliation, as engaged in in the past by DCA, constrains identification of specific venues. Once these hearings disclose the names of venues that should have, but do not have, licenses, only immediate revocation of Subchapter 20 will prevent retaliation by the DCA.
- City-owned property leased to private operators allow dancing without cabaret licenses.

- Within areas zoned for dancing, in many cases the DCA ignores enforcement.
- The DCA seems to focus on adult clubs and large music halls, even where there is no patron dancing allowed by the proprietors.
- The City does not apply the cabaret law to public dancing events at public non-profit venues.
- Enforcement in fact is heavily class oriented, favoring the establishment venues and the well-off with their private clubs.
- Cabaret licenses are on the whole held by businesses where patron dancing is incidental, if at all.

The Zoning Resolution - New York City's Zoning Code

- The Zoning Resolution mentions the word "dancing" in over 55 places.
- Cabaret licenses may only be obtained in areas where permitted by the Zoning Resolution.
- Many restaurants and bars in areas where dancing is prohibited by the Zoning Resolution are unable to offer dancing in mid-week evenings when the venues are underutilized, fearful of the possible but erratic enforcement of the cabaret law.
- Elimination of the cabaret law will not affect obtaining licenses in the many locations not allowed by the Zoning Resolution.
- The City Planning Commission oversees the Zoning Resolution, but the Department of Buildings enforces the Zoning Resolution.
- The Committee on Consumer Affairs of the City Council has no jurisdiction as to changes in the Zoning Resolution.
- The Land Use Committee of the City Council has jurisdiction over zoning, and is supported by the Land Use Division.
- Changes in the Zoning Resolution are also considered by the relevant community board.
- The planned Nightlife committee must include zoning officials and Land Use members.
- Contrary to a recent Village Voice article, there is nothing in the Zoning Resolution which requires venues with dancing to obtain a cabaret license.

A Little History

- Prohibition was in effect from 1920 to 1933, and the Cabaret Law, promoted by Mayor Walker, was adopted in 1926.
- Prohibition was seen as creating a nation-wide crime wave, and New York City was no exception - Walker wanted the cabaret law to moderate nightlife, according to some accounts of the period.
- Restrictions against liquor and dancing have always had a religious overtone.

- In the 20s and 30s, inter-racial dancing was limited in New York City by segregation imposed by venues - the Roseland Ballroom allowed black bands, but did not allow black patrons.
- The Savoy Ballroom in Harlem opened in 1926 and allowed interracial dancing and remained open until 1958.
- But, a few blocks away from the Savoy, the Cotton Club in Harem had black bands and performers, but only white patrons.
- The Lindy Hop evolved in Harlem during this period, not inhibited by the cabaret law.
- My impression is that the Flappers of the Roaring Twenties were largely white.
- There were interracial night clubs all over Harlem in the late 20's and early 30's, apparently not affected by Walker's cabaret law.
- The Ubangi Club, with gay performers, opened in Harlem in 1934, with interracial patrons, despite the cabaret law.
- The "history" of the initial adoption of the cabaret law is murky and only a historian steeped in that period is qualified to support some of the assertions.
- Nonetheless, at present, the cabaret laws greatly affect social dancers of all racial and ethnic background who express themselves in dancing the following dances: Tango, west coast swing, Lindy hop, hustle, Texas two- step, samba, salsa, cumbia, bachata, and merengue as well as waltz and foxtrot, line dancing, contra-dancing, and folk dancing.
- The laws also negatively impact bands that play dance music – thereby limiting the venues which are willing to accommodate dancers and risk running afoul of the cabaret law.

No Connection Between Dancing and Adverse Environmental Impacts (noise, etc.)

- Dancing should not be a factor in evaluating impacts of nightlife venues.
- Courts unfortunately have disallowed non-performance dancing as being an expression protected by the first amendment. But the legislature (the City Council) may still protect dancing as an expression. The City Council could pass a resolution that dancing is to be protected as a First Amendment right

Finally, much has been made by some as to the alleged racist basis for the original 1926 cabaret law. That is a matter best left to the Court as to whether the law had a racist past. I am not a historian and cannot opine on the history, but have known a couple of Harlem dancers from the 1930s. For the City Council as a legislative body, it is less relevant whether the law is or is not racially based, for legislatively, there is no rational basis for this law and it is a source of great damage to the people of this City, especially those who wish to engage in their cultural dances and pass them on to their successor generations. Certainly, there is much evidence as to class discrimination in how the law currently is enforced. A court might find that there was no racial basis to the law in 1926, but that should not affect the decisions of this body.

The cabaret law should just be eliminated. Existing law should be relied upon to enforce noise and congestion issues. The rules that apply to rowdy bars on Second Avenue should be sufficient.

Then, the next step will be to amend the 55 provisions of the Zoning Resolution to eliminate distinctions that relate to dancing, as well as to purge the Department of Buildings regulations of inconsistent language.

Finally, to garner support for elimination of the cabaret and zoning laws, supporters should consider reaching out to the 20,000 or more social partner dancers who attend the yearly15-night Midsummer Night Swing Festival at Damrosch Park in Lincoln Center with a 10,000-square foot dance floor and surrounding plaza and live orchestras. On Latin nights, as many as 4000-5000 dancers attend. The first night this year is June 27, 2017 with the Count Basie Orchestra. Oddly, the event has no cabaret license, but, clearly, the Department of Consumer Affairs does not want to take on Lincoln Center. Still the event has extensive security. The event would be classified as a "public dance or ball" held in a "Public dance hall" as defined in §20-359. A hall is a "room, place or space."

Partner social dancing is multi-generational and it is not unusual to see dancers from 4 to 90 years-old on the same dance floor. A New York non-profit, Dancing Classrooms, featured in the Mad Hot Ballroom documentary has taught social partner dancing to nearly 500,000 New York City children over the last 20 years – but, when reaching adulthood, the children have nowhere to dance.

I will be willing to elaborate on these issues and will be available to provide more information and analysis to this Committee. Please let me know if you have any questions.

Sincerely,

Alan D. Sugarman

cc: Council Member Julissa Ferreras-Copeland
Council Member Karen Koslowitz
Council Member Rory I. Lancman
Council Member Vincent J. Gentile (and member of Committee on Land Use)
DCA Commissioner Lorelei Salas

Attachments;

Appendix A	Excerpts from Cabaret Law
Appendix B	Excerpts from 1988 Chiasson Case
Appendix C	Letter to DCA re Performances Not Covered By Cabaret Law
Appendix D	DCA Web Site Description of Cabaret Licenses
Appendix E	DCA 2008 Letter re Selling Admissions Requires Cabaret License
Appendix F	DCA 2015 Letter re Selling Admissions Requires Cabaret License
Appendix G	Table of Cabaret Licenses June 2017

NEW YORK CITY ADMINISTRATIVE CODE TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES SUBCHAPTER 20: PUBLIC DANCE HALLS, CABARETS AND CATERING ESTABLISHMENTS

§ 20-359 Definitions. Whenever used in this subchapter the following terms shall mean:

1. "Public dance hall." Any room, place or space in the city in which dancing is carried on and to which the public may gain admission, either with or without the payment of a fee.

2. "Public dance or ball." Any dance or ball of any nature or description to which the public may gain admission.

3. "Cabaret." Any room, place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing, either by mechanical devices, or by not more than three persons.

4. "Catering establishment." Any room, place or space in the city, which is used, leased or hired out in the business of serving food or beverages for a particular function, occasion or event, to which the public is not invited or admitted and wherein music or entertainment is permitted.

* * *

§ 20-360 Licenses and fingerprinting.

a. It shall be unlawful for any person to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a public dance hall, cabaret or catering establishment unless the premises wherein the same is conducted, maintained or operated are licensed in the manner prescribed herein.

b. A membership corporation, club, association or society which permits musical entertainment, singing, dancing or other form of amusement in premises wherein food or drink is directly or indirectly sold to its members, or their guests, or to the public, shall be deemed to be conducting a cabaret hereunder.

c. A steamship or boat moored or tied to a dock, pier or shore, and which contains a dance hall or cabaret in use while so moored or tied, shall be required to obtain such license.

Warren Chiasson v. New York City Department of Consumer
Affairs. 138 Misc. 2d 394,524 N.Y.S.2d 649 (Supreme Court of New York, New York County 1988)

The court in the 1988 Chiasson case said as to the constitutionally protected activity of performing music:

> In support of this motion for summary judgment, the city merely reasserts its unsupported conclusion that if more than three instruments are permitted, "it may be that congestion from pedestrian and automotive traffic could result in a diminution of the quality of life in that area." Defendant offers no evidence to justify its assertion that the addition of more musicians may increase traffic and congestion. If anything, traffic and congestion would be related to the seating capacity of the establishment, not the number of musicians playing there. The city has the burden of showing that a regulatory scheme that is "content" based is narrowly drawn to advance a compelling State interest. Traffic and congestion concerns, as the city has explained them, do not rise to the level of a compelling State interest sufficient to justify a "content"-based restriction. Moreover, even "content" neutral time, place and manner regulations are constitutional only if they are designed to serve a substantial government interest and if they leave open ample alternative channels of communication and are narrowly tailored. (City of Renton v Playtime Theatres, 475 U.S. 41 .)
>
> The city provides no studies or other evidence to demonstrate that the number of musicians bear any relationship to automotive or pedestrian traffic. In fact, it is the city's position that it need not come forward with a substantial factual basis to support a justification for the three-musician limitation. I find that the City of New York has failed to meet its burden in demonstrating any legal basis to justify a three-musician limitation. In searching the record pursuant to CPLR 3212 (b) I find that the defendant City of New York has failed as a matter of law to demonstrate a basis for the numerical limitation contained in the incidental music exception to the Cabaret Law.

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April 3, 2015

Honorable Julie Menin
Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Cabaret Law – Applicability to Dance Performance

Dear Commissioner Menin:

On March 23, 2015, I sent to you the enclosed letter. I have not received a confirmation that this has been received and is being acted upon.

I am enclosing a copy of this letter to Marla Tepper Esq., Department of Consumer Affairs General Counsel/Deputy Commissioner, Legal Affairs.

Sincerely,

Alan D. Sugarman

cc: Maria Tepper MTepper@dca.nyc.goov

Enclosures:
Letter of March 23, 2015 – Sugarman to Menin with enclosures.

Alan D. Sugarman
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March 23, 2015

Honorable Julie Menin
Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Cabaret Law – Applicability to Dance Performance

Dear Commissioner Menin:

In a letter dated January 9, 2015, from The City of New York Law Department to Judge Roslynn R. Mauskopf, United States District Court, Eastern District of New York, in the matter of Muchmore's Café. LLC v. City of New York, 14-cv-05668, the Law Department stated to the Court:

> *Under current statutory and case law, a cabaret is an eating or drinking establishment with dancing for customers. The Cabaret Law does not require licensing for eating or drinking establishments with any sort of musical entertainment or performance dancing.*
> * * *
> *In fact, the Cabaret Law does not regulate dance performances or prohibit dancers from performing. In addition to not regulating performance dance, the Cabaret Law, as modified by case law, does not regulate performance singing, the playing/performance of any type of music or the number of musicians playing/performing any type of music. The licensing provisions of the Cabaret Law are not triggered by the playing of music or by performance dance at an eating or drinking establishment,*

I represent a promoter who wishes to provide live tango music with the performance of dancing tango couples in restaurants in New York City. Many of the venues he wishes to use are not aware of this interpretation of the Cabaret Law and rely upon the statutory language and the policies on your web site.

We have not seen any interpretation of the Cabaret Law from the Department of Consumer Affairs which would exclude dance performances from the Cabaret Law. http://www.nyc.gov/html/dca/html/law/legal_interpretations.shtml.

Indeed, the text of the Cabaret Law on your web site at http://www.nyc.gov/html/dca/downloads/pdf/cabarets_catering_law_rules.pdf does not indicate that portions of the law at § 20-539.3 were ruled too be unconstitutional over 15 years ago, thereby misleading the public.

As restaurant, musicians, and performers struggle, and as residents seek to enjoy the arts in the City, it is important that ambiguity as to the applicability of the Cabaret Laws be reduced.

We would very much if appreciate were the Department of Consumer Affairs to affirm this representation as made to the Court in the form of a letter or a policy interpretation posted on your web site, or both, and which my client may then show to concerned small restaurant owners without lawyers who wish to follow the law.

Thank you.

Sincerely,

Alan D. Sugarman

cc:

Enclosures:
Letter of January 9, 2015 from Ave Maria Brennan to Judge Roslynn R. Mauskopf

Appendix C

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

AVE MARIA BRENNAN
Phone: (212) 356-2188
Fax: (212) 356-2019
E-mail: abrennan@law.nyc.gov

January 9, 2015

By ECF Filing

Judge Roslynn R. Mauskopf
United States District Court
Eastern District of New York
225 Cadman Plaza East, Courtroom 6A
Brooklyn, New York 11201

Re: Muchmore's Café, LLC v. City of New York
14-cv-05668 (RRM)(RER)

Your Honor:

I am an attorney in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendant the City of New York in the above-referenced action.

In conformance with the Court's Individual Rules, I write this letter to request a pre-motion conference with the Court seeking permission to move for an order pursuant to Fed. R. Civ. P. 12(c) for judgment on the pleadings and to respond to the letter from plaintiff's counsel that also requests a pre-motion conference seeking leave to move on the same grounds.

The amended complaint herein challenges the constitutionality of the "New York City Cabaret Law, N.Y.C. Administrative Code 20-359, *et seq.* ('the Cabaret Law'), under the First and Fourteenth Amendments to the United States Constitution." Amended Complaint ¶1. Among other things, the Cabaret Law requires that cabarets be licensed by the Department of Consumer Affairs of the City of New York. Under current statutory and case law, a cabaret is an eating or drinking establishment with dancing for customers. The Cabaret Law does not require licensing for eating or drinking establishments with any sort of musical entertainment or performance dancing.

Plaintiff Muchmore's Café, LLC (hereinafter "plaintiff" or "Muchmore's") is a café and bar located in Williamsburg, Brooklyn which "hosts original live music, stand-up comedy, theater, art openings, debates, lectures and other forms of entertainment." Amended Complaint ¶42.

Plaintiff contends that the Cabaret Law violates (i) the constitutional rights of plaintiff, as well as the musicians that perform at Muchmore's and the musicians and dancers that would be permitted to perform at Muchmore's and (ii) the constitutional rights of patrons of Muchmore's who want to engage in social dancing while at Muchmore's.

The First Cause of Action (entitled "Dance Performance") is based on the misapprehension that the "Cabaret Law purports to prohibit Muchmore's and similar establishments from hosting dance performances, or to prohibit dancers from performing...." Amended Complaint ¶53. In fact, the Cabaret Law does not regulate dance performances or prohibit dancers from performing. In addition to not regulating performance dance, the Cabaret Law, as modified by case law, does not regulate performance singing, the playing/performance of any type of music or the number of musicians playing/performing any type of music. The licensing provisions of the Cabaret Law are not triggered by the playing of music or by performance dance at an eating or drinking establishment. Contrary to the plaintiff's allegations, the Cabaret Law only applies to cabarets as defined in the Administrative Code and as modified by case law, i.e., an eating or drinking establishment with recreational dancing. Therefore, the First Cause of Action that is based on an alleged infringement of the right of plaintiff to host performance dancing or the playing of music by musicians fails as a matter of fact and law.

The Second Cause of Action is entitled "Social Dancing" and alleges, in part, that the Cabaret Law "purports to prohibit social dancing and/or require Muchmore's and similarly situated establishments to prohibit social dancing by their patrons" in violation of the First and Fourteenth Amendments...." Amended Complaint ¶56. Thus, this claim is based on the alleged constitutional right to engage in "social dancing" or "recreational dancing." However, there is no constitutionally protected right to engage in social/recreational dancing. City of Dallas v. Stanglin, 490 U.S. 19, 25 (1989) ("We think the activity of these dance-hall patrons – coming together to engage in recreational dancing – is not protected by the First Amendment.") Therefore, as a matter of law, any constitutional claim relying on a First Amendment right to engage in social/recreational dancing, fails as a matter of law.

Indeed, plaintiff itself essentially acknowledges that the social/recreational dance claim in the Second Cause of Action is without legal basis when it states "[t]o the extent that certain prior precedents have failed and/or refused to extend constitutional protections to social dancing, Plaintiff respectfully requests that this Court differentiate, modify, reverse and/or reconsider such precedents...." Amended Complaint ¶57.

In the Second Cause of Action, plaintiff not only alleges that the Cabaret Law violates the First and Fourteenth Amendments to the Constitution by prohibiting social dancing or requiring Muchmore's "to prohibit social dancing by their patrons," it also alleges that the Cabaret Law prohibits it from "hosting genres of music that might lead to dancing" in violation of the First and Fourteenth Amendments. Amended Complaint ¶56 (see also Amended Complaint second ¶46 - "To the extent that the Cabaret Law prevents Muchmore's from hosting or playing genres of music that might lead to dancing by its patrons, it unduly interferes with the First Amendment and Fourteenth Amendment rights of Muchmore's, the musicians that perform at Muchmore's or that would be permitted to perform at Muchmore's but for the Cabaret Law, and the customers of Muchmore's.")

Plaintiff's constitutional claim based on the allegation that the Cabaret Law prevents it from hosting or playing genres of music "that might lead to dancing by its patrons" (Amended Complaint second ¶46) also fails. As explained above, the Cabaret Law does not require the licensing of an eating or drinking establishment with music and it does not mandate or prevent any genre of music from being played. The claim that the constitutional rights of Muchmore's, and musicians and customers of Muchmore's, are violated because certain music played at Muchmore's "might lead to dancing by its patrons" (which dancing would require the eating or drinking establishment to obtain a cabaret license) is flimsy, attenuated and without foundation in law. First, this claim is essentially based on an alleged constitutional right to social/recreational dancing, which is not recognized by the Supreme Court. Second, the allegation that certain music might lead to dancing by patrons, while other types of music might not lead to dancing by patrons, does not support the conclusion that the Cabaret Law interferes with constitutional protections. Similarly, to the extent plaintiff asserts an Equal Protection claim based on the allegation that "minority performers" are impacted because they cannot play "genres of music such as hip hop, salsa and merengue ... without a substantial risk it would lead to dancing", this claim also fails.

As to plaintiff's statement in its letter requesting a pre-motion conference that it will also argue that the cabaret law violates substantive due process, legislation will be struck down as a violation of substantive due process only if the Court finds it "has no foundation in reason and is a mere arbitrary or irrational exercise of power having no substantial relation to the public health, the public morals, the public safety or the public welfare...." Nectow v. City of Cambridge, 277 U.S. 183, 187-88 (1928). The cabaret licensing scheme passes substantive due process muster insofar as regulating cabarets is in the interest of public health, safety and welfare.

In addition, to the extent that plaintiff seeks to assert the rights of musicians and customers of Muchmore's, plaintiff does not have standing to do so. ("As for standing, several of plaintiffs' allegations relate to injuries allegedly suffered by non-parties, and therefore must be dismissed for lack of standing." Kiryas Joel Alliance v. Village of Kiryas Joel, 2011 U.S. Dist. LEXUS 137074, *19 (S.D.N.Y. 2011). See also Valley Forge Christian College v. Americans United for Separation of Church & State, Inc., 454 U.S. 464, 474 (1982), citing Warth v. Seldin, 422 U.S. 490, 499 (1975).

Finally, upon information and belief, plaintiff has not applied for a cabaret license, and there is nothing preventing it from doing so.

For all of the forgoing reasons, and others, defendant the City of New York respectfully requests this Court grant leave to file a motion for judgment on the pleadings.

Very truly yours,

Ave Maria Brennan

Ave Maria Brennan
Assistant Corporation Counsel

Cc: By ECF filing

Andrew Muchmore, Esq.
Law Office of Andrew Muchmore
217 Havemeyer Street, 4th Floor
Brooklyn, New York 11211
amuchmore@muchmorelaw.com
(917) 932-0299

Appendix D

NYC Department of Consumer Affairs Web Site
http://www1.nyc.gov/site/dca/businesses/license-checklist-cabaret.page

License Description
Any room, place, or space in New York City in which patron dancing is permitted in connection with the restaurant business or a business that sells food and/or beverages to the public requires a Cabaret license.

This description is only a general explanation of which businesses need to have a Cabaret license.

Menu

NYC Consumer Affairs

Search

Cabaret

Note: Some documents on this page are in PDF format, download the free Adobe Reader.

License Description

Any room, place, or space in New York City in which patron dancing is permitted in connection with the restaurant business or a business that sells food and/or beverages to the public requires a Cabaret license.

This description is only a general explanation of which businesses need to have a Cabaret license.

Additional City Permit You Need

- Your business must hold a current New York City Department of Health and Mental Hygiene Food Service Establishment Permit in good standing before you can apply for a Cabaret license.

Application Requirements

Before You File Your DCA License Application:

- **Premises Approval by the Fire Department**
  You must receive premises approval from the Fire Department (FDNY) in order to obtain a Cabaret license. Complete the Application to Request an Inspection/Recommendation and DCA will forward your request to FDNY. FDNY will notify DCA of your inspection results. Please note that if you fail the inspection, it is your responsibility to correct problems.

- **Community Board Review**
  DCA will submit a copy of your Application to Request an Inspection/Recommendation to the Community Board where your premises will be located. The Community Board has 45 days to respond and their feedback will be taken into consideration in the review of your license application.

- **Electrical Inspection**
  The premises must be in compliance with all current electrical building codes. Please obtain ONE of the following as proof of an electrical inspection:
  - A copy of a statement from a licensed electrician, on official business letterhead, stating that the premises comply with all current electrical building codes OR
  - A current copy of the Certificate of Occupancy issued by the Department of Buildings (DOB) dated within 90 days of application submission. Note: A Temporary Certificate of Occupancy is not an acceptable proof of an electrical inspection.

Department of Consumer Affairs

Jonathan Mintz
Commissioner

[redacted]
Staff Counsel
[redacted]

42 Broadway
9th Floor
New York, NY 10004

+[redacted] tel
+[redacted] fax

nyc.gov/consumers

August 22, 2008

[redacted]

RE: Cabaret license

Dear Mr. [redacted]

I am writing in response to your written inquiry whether a Department of Consumer Affairs ("DCA" or "the Department") cabaret license is required for your client's proposed "private parties." The answer to your question is that a DCA cabaret license is required.

Section 20-359(3) of the New York City Administrative Code defines a cabaret as "[a]ny room, place, or space in the city in which any. . .dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing. . ."

Your inquiry stated that a portion of the business will be used as a catering establishment and that the business will be applying for a DCA catering license. It also stated that a portion of the facility will be used for private engagements that include the service of food, the service of alcoholic beverages, and dancing will also be permitted. During our conversation, you stated that promoters will distribute passes on the street inviting people to the "private parties." In effect, any person on the street may gain entry to the event. Therefore, the Department considers these "private" engagements as open to the public.

According to the facts you have provided to the Department, a cabaret license is required for the business you describe.

Please feel free to contact me with any questions.

Sincerely,

[redacted]
Staff Counsel

Department of Consumer Affairs

January 15, 2015

[redacted]

BY E-MAIL

[redacted]

RE: Question Regarding Catering Establishment and Cabaret Licenses

Dear Mr. [redacted]

This letter is in response to your two inquiries concerning: 1) whether a hotel/restaurant which has a room that it occasionally uses for private events where there is dancing requires a catering establishment license and 2) whether a hotel/restaurant which has an event to which tickets are sold in advance and not at the door at the time of the event is deemed a private event.

Section 20-359(4) of the NYC Administrative Code ("Code") defines a "catering establishment" as "*any room*, place or space in the city, which is *used*, leased or hired out in the business of serving food or beverages for a particular function, occasion or event, to which the public is not invited or admitted and wherein music or entertainment is permitted" (emphasis added). Because the room will be used for private events where food and drink will be served and entertainment is permitted, a catering establishment license is required. The frequency with which the room is used for such purpose is not the controlling factor.

As to your second inquiry, the mere selling of tickets in advance to an event does not make the event private, as presumably anyone who pays the requisite fee can gain admittance to the event. Hence, the event is akin to any concert with a limited seating capacity whereby tickets are sold to the public in advance. The fact that admission is denied to those without a ticket and that no tickets can be purchased at the event does not make the event private.

Thank you for your inquiry.

Sincerely,

[redacted]

DCA License I	License Typ	License E	License Cate	Business Name	Business Name 2	Address	Address Stre	Secon	Address City	Addr	Address Zi	Contact Phor	Address Borc	Detail	Longitude	Latitude
1313396-DC/	Business	9/30/18	Cabaret	HARD ROCK STADIUM TENANT, I	HARD ROCK CAFE	1	E 161ST ST		BRONX	NY	10451	##########	Bronx	Largest Room Capacity: 263, E	-73.928497	40.8290347
2007374-DC/	Business	9/30/18	Cabaret	Y&B ENTERTAINMENT MANOR INC		3509	PRINCE ST		FLUSHING	NY	11354	9173875195	Queens	Largest Room Capacity: 56, Ext	-73.833327	40.7637819
1302936-DC/	Business	9/30/18	Cabaret	WEBSTER HALL ENTERTAINMENT	CORP.	119	E 11TH ST		NEW YORK	NY	10003	2123531600	Manhattan	Largest Room Capacity: 495, E	-73.98976	40.7318159
2054541-DC/	Business	9/30/18	Cabaret	RIJJ RESTAURANT LLC	EMPIRE STEAK HOUSE	151	E 50TH ST		NEW YORK	NY	10022	2125826900	Manhattan	Largest Room Capacity: 298, E	-73.971702	40.7562302
2004385-DC/	Business	9/30/18	Cabaret	HARAMA ENTERTAINMENT CORP		3608	33RD ST		ASTORIA	NY	11106		Queens	Largest Room Capacity: 798, E	-73.92845	40.7554841
1094186-DC/	Business	9/30/18	Cabaret	59 MURRAY ENTERPRISES, INC.	NEW YORK DOLLS	59	MURRAY ST		NEW YORK	NY	10007	2127915265	Manhattan	Largest Room Capacity: 167, E	-74.009804	40.7142468
2042083-DC/	Business	9/30/18	Cabaret	NYC EVENT SPACE LLC		9112	144TH PL		JAMAICA	NY	11435	7182986760	Queens	Largest Room Capacity: 1749,	-73.810086	40.7005506
0950474-DC/	Business	9/30/18	Cabaret	SAFF, INC.		249	ELDRIDGE ST		NEW YORK	NY	10002	2127775153	Manhattan	Largest Room Capacity: 74, Ext	-73.98957	40.7228543
2046561-DC/	Business	9/30/18	Cabaret	MAMA BELLA RESTAURANT LLC		457	BUSHWICK AVE		BROOKLYN	NY	11206	9178178453	Brooklyn	Largest Room Capacity: 144, E	-73.936932	40.7018236
2010076-DC/	Business	9/30/18	Cabaret	JACARANDA CLUB, LLC	SAPPHIRE NEW YORK	333	E 60TH ST		NEW YORK	NY	10022	212-355-677	Manhattan	Largest Room Capacity: 523, E	-73.962387	40.7606191
2025885-DC/	Business	9/30/18	Cabaret	STUDIO M, INC		3651	MAIN ST		FLUSHING	NY	11354	7183210521	Queens	Largest Room Capacity: 149, E	-73.831486	40.7621845
0554168-DC/	Business	9/30/18	Cabaret	H.J.H. RESTAURANT INC.	EUROPA BAR GENTLEMAN	9402	SUTPHIN BLVD		JAMAICA	NY	11435	7182971128	Queens	Largest Room Capacity: 74, Ext	-77.519584	40.1123853
2000499-DC/	Business	9/30/18	Cabaret	WEMBLEY ATHLETIC CLUB, INC.		550	E 239TH ST		BRONX	NY	10470	7186528108	Bronx	Largest Room Capacity: 227, E	-73.856928	40.9017905
1276075-DC/	Business	9/30/18	Cabaret	THE MANHATTAN MUSIC GROUP	TERMINAL 5	610	W 56TH ST		NEW YORK	NY	10019	2123751200	Manhattan	Largest Room Capacity: 2436,	-73.992415	40.7698473
2052824-DC/	Business	9/30/18	Cabaret	LA BOOM NYC INC	LA BOOM	5615	NORTHERN BLVD		WOODSIDE	NY	11377	7187266646	Queens	Largest Room Capacity: 790, E	-73.90467	40.7535401
1223689-DC/	Business	9/30/18	Cabaret	HARD ROCK CAFE INTERNATIONAL	(USA), INC.	1501	BROADWAY		NEW YORK	NY	10036	2123433355	Manhattan	Largest Room Capacity: 700, E	-73.986193	40.7571029
1456130-DC/	Business	9/30/18	Cabaret	289 HOSPITALITY, LLC	MARQUEE	289	10TH AVE		NEW YORK	NY	10001	2124209420	Manhattan	Largest Room Capacity: 504, E	-74.002552	40.7499262
2018241-DC/	Business	9/5/17	Cabaret	BOWERY TECH RESTAURANT LLC		327	BOWERY		NEW YORK	NY	10003	2122280228	Manhattan	Largest Room Capacity: 198, E	-73.991991	40.7258133
1060380-DC/	Business	9/30/18	Cabaret	AAM HOLDING CORP.	PRIVATE EYES	320	W 45TH ST		NEW YORK	NY	10036	2125824001	Manhattan	Largest Room Capacity: 300, E	-73.989229	40.7595049
2048451-DC/	Business	6/25/17	Cabaret	CLUB AT 39TH, LLC	SAPPHIRE 39	20	W 39TH ST		NEW YORK	NY	10018	2127646989	Manhattan	Largest Room Capacity: 150, E	-73.983184	40.7519534
0956913-DC/	Business	9/30/18	Cabaret	S.W. MONTE INC.	THE MERCURY LOUNGE	217	E HOUSTON ST		NEW YORK	NY	10002	2123589350	Manhattan	Largest Room Capacity: 197, E	-73.986652	40.7223325
1418235-DC/	Business	9/30/18	Cabaret	SRB BROOKLYN LLC		177	2ND AVE		BROOKLYN	NY	11215	3475045950	Brooklyn	Largest Room Capacity: 400, E	-73.995761	40.6697407
0948448-DC/	Business	9/30/18	Cabaret	RICCARDO'S CATERING INC.		2101	24TH AVE		ASTORIA	NY	11102	7187217777	Queens	Largest Room Capacity: 700, E	-73.921365	40.7765152
2001020-DC/	Business	9/30/18	Cabaret	Z LIVE INC	STAGE 48 AND Z BAR	605	W 48TH ST		NEW YORK	NY	10036	2129571800	Manhattan	Largest Room Capacity: 513, E	-73.995903	40.764789
1462087-DC/	Business	9/30/18	Cabaret	GBND ENTERPRISES INC.	THE VILLAGE UNDERGROU	130	W 3RD ST		NEW YORK	NY	10012	2127773964	Manhattan	Largest Room Capacity: 200, E	-74.000772	40.7307404
1376994-DC/	Business	9/30/18	Cabaret	MADISON ENTERTAINMENT ASSC	LAVO	625	MADISON AVE		NEW YORK	NY	10022	2127505588	Manhattan	Largest Room Capacity: 282, E	-73.971551	40.7633802
0554339-DC/	Business	9/30/18	Cabaret	A.M.D RESTAURANT CORP.	PORT O CALL	9310	WOODHAVEN BLVI		WOODHAVEI	NY	11421	9176518040	Queens	Largest Room Capacity: 73, Ext	-73.849175	40.6885314
1163331-DC/	Business	9/30/18	Cabaret	158 LUDLOW REST, LLC	PIANOS	158	LUDLOW ST		NEW YORK	NY	10002	7189451000	Manhattan	Largest Room Capacity: 229, E	-73.987879	40.7210014
1098304-DC/	Business	9/30/18	Cabaret	PRP RESTAURANT, INC.	GALLAGHER'S 2000	4319	37TH ST		LONG IS CITY	NY	11101	7183929780	Queens	Largest Room Capacity: 418, E	-73.927706	40.7455257
0554333-DC/	Business	9/30/18	Cabaret	81-22 BAXTER AVENUE LOUNGE I	ILDA'S PLACE II	8122	BAXTER AVE		ELMHURST	NY	11373	7188987207	Queens	Largest Room Capacity: 74, Ext	-73.883919	40.745671
0551482-DC/	Business	9/30/18	Cabaret	178 7TH AVENUE SOUTH CORPOI	VILLAGE VANGUARD	178	7TH AVE S		NEW YORK	NY	10014	2122554037	Manhattan	Largest Room Capacity: 123, E	-74.00144	40.7360049
0956191-DC/	Business	9/30/18	Cabaret	CLARO DE LUNA INC		5215	ROOSEVELT AVE		WOODSIDE	NY	11377	7184585600	Queens	Largest Room Capacity: 72, Ext	-73.91224	40.7442523
1138962-DC/	Business	9/30/18	Cabaret	PEN ENTERTAINMENT, LLC	CIELO	18	LITTLE WEST 12TH		NEW YORK	NY	10014	2122423364	Manhattan	Largest Room Capacity: 300, E	-74.00703	40.7399104
1246705-DC/	Business	9/30/18	Cabaret	SILK CORP		550	W 38TH ST		NEW YORK	NY	10018	2129674646	Manhattan	Largest Room Capacity: 525, E	-73.999256	40.7579299
1415820-DC/	Business	9/30/18	Cabaret	21 GROUP INC.	GYPSY ROSE	4250	21ST ST		LONG IS CITY	NY	11101	7189376969	Queens	Largest Room Capacity: 250, E	-73.945324	40.7509837
0551111-DC/	Business	9/30/18	Cabaret	GOTTSCHEER CENTRAL HOLDING	CO. INC.	657	FAIRVIEW AVE		RIDGEWOOD	NY	11385	7183663030	Queens	Largest Room Capacity: 500, E	-73.905736	40.706655
1460587-DC/	Business	9/30/18	Cabaret	BURKINABE ENTERTAINMENT LLC	SHRINE/YATENGA	2271	ADAM CLAYTON PO		NEW YORK	NY	10030	2126907807	Manhattan	Largest Room Capacity: 74, Ext	-73.944369	40.8143729
1070012-DC/	Business	8/7/17	Cabaret	IGUANA NEW YORK, LTD.		240	W 54TH ST		NEW YORK	NY	10019	2127655454	Manhattan	Largest Room Capacity: 171, E	-73.982965	40.7642306
2025954-DC/	Business	9/30/18	Cabaret	TFS NY, INC	SUGARDADDY'S	5107	27TH ST		LONG ISLAN	NY	11101	917-731-217	Queens	Largest Room Capacity: 190, E	-73.942793	40.7396796
0550888-DC/	Business	9/30/18	Cabaret	LIGRECI'S STAATEN RESTAURANT,	INC.	697	FOREST AVE		STATEN ISLA	NY	10310	7184486000	Staten Island	Largest Room Capacity: 296, E	-74.112338	40.629483
0552561-DC/	Business	9/30/18	Cabaret	LILLY'S RESTAURANT, INC.		67	OLYMPIA BLVD		STATEN ISLA	NY	10305	7184478926	Staten Island	Largest Room Capacity: 240, E	-74.070677	40.592821
2019178-DC/	Business	9/30/18	Cabaret	WHANY LLC	CAFE WHA	115	MACDOUGAL ST		NEW YORK	NY	10012	2122543706	Manhattan	Largest Room Capacity: 280, E	-74.000451	40.7300597
0551633-DC/	Business	9/30/18	Cabaret	MANHATTAN MONSTER, INC.		80	GROVE ST		NEW YORK	NY	10014	2129243557	Manhattan	Largest Room Capacity: 127, E	-74.002428	40.7334138
1426948-DC/	Business	9/30/18	Cabaret	CAPITOL INTERNATIONAL CORP.		590	GRAND CONCOURS		BRONX	NY	10451	7188770494	Bronx	Largest Room Capacity: 253, E	-73.926795	40.8196357
1420144-DC/	Business	9/30/18	Cabaret	XL DANCE BAR, LLC		512	W 42ND ST		NEW YORK	NY	10036	2124866000	Manhattan	Largest Room Capacity: 650, E	-73.996582	40.7600845
2007090-DC/	Business	9/30/18	Cabaret	RCI DINING SERVICES 37TH STREE	VIVID CABARET	61	W 37TH ST		NEW YORK	NY	10018	9177152020	Manhattan	Largest Room Capacity: 120, E	-73.985033	40.7511357
0551893-DC/	Business	9/30/18	Cabaret	DONSEL'S BAR & GRILL, INC.	TOWNE CAFE	2602	E 15TH ST		BROOKLYN	NY	11235	7186269827	Brooklyn	Largest Room Capacity: 60, Ext	-73.954325	40.5878491
1456740-DC/	Business	9/30/18	Cabaret	CHARJ CORP	MERMAIDS	3106	31ST ST		ASTORIA	NY	11106	3476425133	Queens	Largest Room Capacity: 69, Ext	-73.923838	40.7638938
1268288-DC/	Business	9/30/18	Cabaret	ASPL CAFE, INC.		3448	STEINWAY ST		LONG IS CITY	NY	11101	7189376664	Queens	Largest Room Capacity: 600, E	-73.92149	40.7559242
1307164-DC/	Business	9/30/18	Cabaret	CLAY FARM, LLC	THE BELL HOUSE	149	7TH ST		BROOKLYN	NY	11215	7183693310	Brooklyn	Largest Room Capacity: 430, E	-73.991766	40.673531
0553540-DC/	Business	9/30/18	Cabaret	DOUBLES INTERNATIONAL CLUB I	DOUBLES CELLAR	783	5TH AVE		NEW YORK	NY	10022	2127519595	Manhattan	Largest Room Capacity: 228, E	-73.97281	40.7645388
0554492-DC/	Business	9/30/18	Cabaret	JNS VENTURES LTD.	VIXEN	6007	METROPOLITAN AV		RIDGEWOOD	NY	11385	6463212389	Queens	Largest Room Capacity: 74, Ext	-73.905179	40.7128769
1359506-DC/	Business	9/30/18	Cabaret	GRECOLATINO ENTERPRISES INC.	VAQUEROS	1541	MYRTLE AVE		BROOKLYN	NY	11237	7183811042	Brooklyn	Largest Room Capacity: 140, E	-73.913825	40.6992861
1097240-DC/	Business	9/30/18	Cabaret	TSE GROUP LLC	B.B. KING BLUES CLUB & G	243	W 42ND ST		NEW YORK	NY	10036	2129974144	Manhattan	Largest Room Capacity: 680, E	-73.988789	40.7568205
2053929-DC/	Business	9/30/18	Cabaret	54N11BK, LLC	SCHIMANSKI	60	N 11TH ST		BROOKLYN	NY	11249	9179134974	Brooklyn	Largest Room Capacity: 732, E	-73.958732	40.7221419

2015452-DCA	Business	8/9/17	Cabaret	EDEN BALLROOM LLC	SPACE IBIZA NEW YORK	637	W 50TH ST	NEW YORK	NY	10019	2123660752	Manhattan	Largest Room Capacity: 840, E: -73.995455 40.7662382
2041891-DCA	Business	9/30/18	Cabaret	SUNSET DEN INC	SUNSET DEN	960	3RD AVE	BROOKLYN	NY	11232	3476803390	Brooklyn	Largest Room Capacity: 74, Ext -74.006758 40.6552207
2017588-DCA	Business	8/30/17	Cabaret	251 W 30TH ST LLC	SLAKE	251	W 30TH ST	NEW YORK	NY	10001	9145259977	Manhattan	Largest Room Capacity: 427, E: -73.993893 40.7490862
2017699-DCA	Business	9/30/18	Cabaret	JOUVAY NY INC		14702	LIBERTY AVE	JAMAICA	NY	11435		Queens	Largest Room Capacity: 300, E: -73.804408 40.6962263
1335017-DCA	Business	9/30/18	Cabaret	LA AGUACATALA LOUNGE INC.	EL ABUELO GOZON	7903	ROOSEVELT AVE	JACKSON HTS	NY	11372	7184242724	Queens	Largest Room Capacity: 166, E: -73.886565 40.7473672
1461828-DCA	Business	9/30/18	Cabaret	SIDETRACKS NYC LLC	SIDETRACKS RESTAURANT	4508	QUEENS BLVD	SUNNYSIDE	NY	11104		Queens	Largest Room Capacity: 299, E: -73.919437 40.7432338
1369278-DCA	Business	7/30/17	Cabaret	HUDSON LEASECO LLC	GOOD UNITS	353	W 57TH ST	NEW YORK	NY	10019	2124866000	Manhattan	Largest Room Capacity: 253, E: -73.98435 40.7673488
1140792-DCA	Business	9/30/18	Cabaret	CMSG RESTAURANT GROUP, LLC		639	W 51ST ST	NEW YORK	NY	10019	2122474868	Manhattan	Largest Room Capacity: 260, E: -77.519584 40.1123853
1269967-DCA	Business	9/30/18	Cabaret	SOEL LOUNGE INC.	EMBASSY LOUNGE	3302	QUEENS BLVD	LONG IS CITY	NY	11101	7187028279	Queens	Largest Room Capacity: 299, E: -73.931533 40.7446442
1306582-DCA	Business	9/30/18	Cabaret	PEARL LOUNGE INC.		1201	SURF AVE	BROOKLYN	NY	11224	7184491240	Brooklyn	Largest Room Capacity: 145, E: -73.979791 40.5755487
2028909-DCA	Business	9/30/18	Cabaret	MAZI NIGHTCLUB INC		13035	91ST AVE	RICHMOND H	NY	11418	3476837883	Queens	Largest Room Capacity: 1280, -73.820064 40.6983543
2046100-DCA	Business	9/30/18	Cabaret	SIVAN DESIGN LLC	SILVANA	300	W 116TH ST	NEW YORK	NY	10026	9179818103	Manhattan	Largest Room Capacity: 74, Ext -73.955593 40.804505
2031288-DCA	Business	9/30/18	Cabaret	CAI FOODS LLC		1301	BOARDWALKAKA 3	BROOKLYN	NY	11224	9732165449	Brooklyn	Largest Room Capacity: 210, E: -73.980865 40.5730539
2028379-DCA	Business	9/30/18	Cabaret	STUDIO 299 LLC		299	VANDERVOORT AV	BROOKLYN	NY	11211	9174150634	Brooklyn	Largest Room Capacity: 320, E: -73.934076 40.7157763
1228839-DCA	Business	9/30/18	Cabaret	TCK, LLC	PEYTON'S	3901	2ND AVE	BROOKLYN	NY	11232	7184999010	Brooklyn	Largest Room Capacity: 70, Ext -74.010574 40.655182
0553169-DCA	Business	9/30/18	Cabaret	RODNEY DANGERFIELD INC.	DANGERFIELDS	1118	1ST AVE	NEW YORK	NY	10065	2125931650	Manhattan	Largest Room Capacity: 300, E: -73.960899 40.7610743
2025123-DCA	Business	9/30/18	Cabaret	BowN9th LLC	Rough Trade	64	N 9TH ST	BROOKLYN	NY	11249	7327275030	Brooklyn	Largest Room Capacity: 246, E: -73.959848 40.7209895
0970906-DCA	Business	9/30/18	Cabaret	T.C.K. MANAGEMENT INC.	PUMPS	1077	GRAND ST	BROOKLYN	NY	11211	7185992474	Brooklyn	Largest Room Capacity: 60, Ext -73.93274 40.7139174
1367422-DCA	Business	9/30/18	Cabaret	ABG STANDARD OPERATOR LLC	THE STANDARD, HIGH LINE	848	WASHINGTON ST	NEW YORK	NY	10014	2126454646	Manhattan	Largest Room Capacity: 267, E: -74.007719 40.740624
1462052-DCA	Business	7/18/17	Cabaret	BG BAR, INC.		113	LUDLOW ST	NEW YORK	NY	10002	9175843344	Manhattan	Largest Room Capacity: 229, E: -73.988701 40.719426
2015016-DCA	Business	9/30/18	Cabaret	THE BLEND CAFE LLC		582	E FORDHAM RD	BRONX	NY	10458	3475979424	Bronx	Largest Room Capacity: 376, E: -73.885591 40.8586484
1313273-DCA	Business	9/30/18	Cabaret	CARIBBEAN SPOTLIGHT INC.	CARIBBEAN CITY	103	EMPIRE BLVD	BROOKLYN	NY	11225	7188587414	Brooklyn	Largest Room Capacity: 288, E: -73.958642 40.6634368
2049643-DCA	Business	9/30/18	Cabaret	GALLIS INC		834	CLARKSON AVE	BROOKLYN	NY	11203	7185544017	Brooklyn	Largest Room Capacity: 150, E: -73.930621 40.6566217
1154219-DCA	Business	9/30/18	Cabaret	SWAY LOUNGE, LLC		305	SPRING ST	NEW YORK	NY	10013	2127558110	Manhattan	Largest Room Capacity: 225, E: -74.008421 40.7259313
1450463-DCA	Business	9/30/18	Cabaret	SCF CEDAR LLC	SALSA CON FUEGO	2297	CEDAR AVE	BRONX	NY	10468	7185616161	Bronx	Largest Room Capacity: 722, E: -73.911159 40.8622254
1141325-DCA	Business	9/30/18	Cabaret	KAZ ENTERPRISES INC		7619	ROOSEVELT AVE	JACKSON HTS	NY	11372	7184573939	Queens	Largest Room Capacity: 200, E: -77.519584 40.1123853
1114539-DCA	Business	9/30/18	Cabaret	EDITA'S BAR & RESTAURANT, INC.	THE FLAMINGO BAR & RES	8512	ROOSEVELT AVE	JACKSON HTS	NY	11372	7188989282	Queens	Largest Room Capacity: 190, E: -73.880916 40.7479406
2040319-DCA	Business	9/30/18	Cabaret	MEM REST CORP.		4029	E TREMONT AVE	BRONX	NY	10465	718-829-440	Bronx	Largest Room Capacity: 200, E: -73.817547 40.8195914
1344198-DCA	Business	9/30/18	Cabaret	CIRCLE NYC INC	ARENA	135	W 41ST ST	NEW YORK	NY	10036	2122780988	Manhattan	Largest Room Capacity: 448, E: -73.985797 40.7546902
1466718-DCA	Business	9/30/18	Cabaret	HAIRO'S PLACE INC.	HAIRO'S PLACE INC.	8109	ROOSEVELT AVE	JACKSON HTS	NY	11372	7185076158	Queens	Largest Room Capacity: 130, E: -73.884666 40.7475629
1013370-DCA	Business	9/30/18	Cabaret	GUSTO REST. INC.		1625	E 233RD ST	BRONX	NY	10466	7183259711	Bronx	Largest Room Capacity: 299, E: -73.828297 40.8887718
2016491-DCA	Business	9/30/18	Cabaret	REVIEW ENTERTAINMENT, INC.	CITYSCAPES	5561	58TH ST	MASPETH	NY	11378	7183668900	Queens	Largest Room Capacity: 207, E: -73.912203 40.7260107
0989137-DCA	Business	9/30/18	Cabaret	COCKTAIL BLUE LLC	THE BOWERY BALLROOM	6	DELANCEY ST	NEW YORK	NY	10002	2123589350	Manhattan	Largest Room Capacity: 498, E: -73.993611 40.7201976
2038800-DCA	Business	9/30/18	Cabaret	673 JRV CORP	MR. WEDGE	673	HUNTS POINT AVE	BRONX	NY	10474	9174059907	Bronx	Largest Room Capacity: 168, E: -73.88518 40.8138845
1277862-DCA	Business	9/30/18	Cabaret	MUSIC HALL OF WILLIAMSBURG LLC		66	N 6TH ST	BROOKLYN	NY	11211	7184865400	Brooklyn	Largest Room Capacity: 498, E: -73.961627 40.7193296
1465854-DCA	Business	9/30/18	Cabaret	74 WYTHE RESTAURANT COMPAN	OUTPUT	74	WYTHE AVE	BROOKLYN	NY	11249	6462637732	Brooklyn	Largest Room Capacity: 262, E: -73.95756 40.7222101
0950900-DCA	Business	9/30/18	Cabaret	MOON WALKERS RESTAURANT CORP.		101	AVENUE A	NEW YORK	NY	10009	7189380543	Manhattan	Largest Room Capacity: 197, E: -73.983779 40.7257383
2044339-DCA	Business	9/30/18	Cabaret	LEGENDS CAFE LLC	BROOKLYN ROCKS	2214	CHURCH AVE	BROOKLYN	NY	11226		Brooklyn	Largest Room Capacity: 351, E: -73.958131 40.6504071
0909440-DCA	Business	9/30/18	Cabaret	PEREGRINE ENTERPRISES, INC.	RICK'S CABARET	50	W 33RD ST	NEW YORK	NY	10001	2123730850	Manhattan	Largest Room Capacity: 159, E: -73.986545 40.7483911
1313400-DCA	Business	9/30/18	Cabaret	NYY STEAK LLC	NYY STEAK	1	E 161ST ST	BRONX	NY	10451	4074457636	Bronx	Largest Room Capacity: 215, E: -73.928497 40.8290347
2030735-DCA	Business	9/30/18	Cabaret	HOWL NEW YORK LLC	HOWL AT THE MOON	240	W 52ND ST	NEW YORK	NY	10019	2123994695	Manhattan	Largest Room Capacity: 395, E: -73.983922 40.7629983
1244274-DCA	Business	9/30/18	Cabaret	ARS NOVA THEATER, INC.		511	W 54TH ST	NEW YORK	NY	10019	2124899800	Manhattan	Largest Room Capacity: 100, E: -73.990329 40.7673495
2033015-DCA	Business	9/30/18	Cabaret	ANGELS OF THE WORLD INC		3217	COLLEGE POINT BL	FLUSHING	NY	11354		Queens	Largest Room Capacity: 151, E: -73.837589 40.7659234
1099020-DCA	Business	9/30/18	Cabaret	SALTY DOG REST. LTD.		7509	3RD AVE	BROOKLYN	NY	11209	7182380030	Brooklyn	Largest Room Capacity: 200, E: -74.027842 40.6313132

Regional Plan Association

Regional Plan Association Testimony to the New York City Council Committee on Consumer Affairs regarding T2017-6287 and Int. 1648-2017

June 22, 2017

Arts and culture are vital to New York City's position globally. Many tourists visit specifically for the wealth of cultural activities the city has to offer, but cultural expression is not limited to New York's large museums and other cultural institutions in the heart of Manhattan. New York's communities have long been served by a bustling underground of bars, clubs, and flexible event spaces that are selectively regulated by the city's antiquated Cabaret Law. While one may argue that "cabaret licensing" is a way to ensure fire, building code, and occupancy safety for dance spaces, the law has been used to enforce political agendas or racial and cultural paradigms. The proposed legislation to repeal the Cabaret Law and establish an Office of Nightlife would allow better understanding of the city's nightlife economy and lead to the creation of more thoughtful regulations to ensure the city's spaces for social life are safely constructed and effectively managed.

The city's Cabaret Law is rooted in racial discrimination, and has been selectively enforced, largely to the detriment of the city's traditionally marginalized communities. Of the thousands of nightlife establishments in the city, only 133 hold the expensive and difficult to obtain "Cabaret License." Without a license, no more than three people are allowed to dance at a time in an establishment. The prohibition-era law was established to regulate jazz clubs deemed "unruly" during the Harlem Renaissance. In more recent history, the law was used as a tool to break up DIY dance parties and carry out "broken windows" policing while Mayor Giuliani held office. Placing the enforcement of nightlife concerns – such as zoning, alcohol licenses, and building code – in the Office of Nightlife will allow the city to shift from the selective race- and class-based enforcement of the past to a more equitable way of ensuring the city's nightlife is safe, fun, and at minimal nuisance to neighbors. Repealing the Cabaret Law and establishing a more comprehensive approach to the city's nightlife economy can result in less politically-driven enforcement, and more spaces for expression in the city's neighborhoods.

Reforming the way New York regulates nightlife is not only about equity and cultural expression, but is a matter of sound urban planning to create a more vibrant city. A mixture of day and night activities in a city provides the right balance of "eyes on the street" at different times of day, contributing to a safer streetscape even late into the night on streets with thriving restaurant, bar, club, and dance scenes. While regulations are necessary, taking a more holistic approach to the regulation of nightlife can ensure a more equitable process. If established, we would urge the Office of Nightlife to limit regulations on the size and floor plan of social spaces, and instead allow for more flexible spaces that encourage a wide range of social and creative activities.

To create a city that competes on a global stage and recognizes its wealth of locally occurring culture, New York must support spaces for the arts – including smaller, more informal spaces for nightlife and dance. By creating a Nightlife Task Force and Office of Nightlife, perhaps the city can better understand it's valuable arts and culture resources, and therefore better serve them.

New York
One Whitehall Street, 16th Floor
New York, NY 10004
212.253.2727

New Jersey
179 Nassau Street, 3rd Floor
Princeton, NJ 08542
609.228.7080

Connecticut
Two Landmark Sq, Suite 108
Stamford, CT 06901
203.356.0390

www.rpa.org

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Avram Lurkes

Address: 420 Lorimer Ave

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jonah Levy

Address: 2032 Palmetto st

I represent: NYC Artist Coalition

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dr. Derrick Leon Washington

Address: 211 East 210th Street

I represent: myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/18/17

(PLEASE PRINT)

Name: Brenda Neville

Address: 11007 73rd Rd.

I represent: Neville Dance Theatre/self

Address: (same)

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: James Dier

Address: 524 Classon Ave #2 BK 11238

I represent: professional DJ in NY for 20+ years

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: R Hiramen Catalyst

Address: 2 Winding Ln Wilmington, DE

I represent: Myself & the NYC Artist Coalition

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card | 6287

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dominique Keegan

Address: 482 Hancock Ave. #4H

I represent: Self

Address: /

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card | 6287

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: June 19, 2017

(PLEASE PRINT)

Name: Maha Yana Landowne

Address: 1081 Park Place, D2 Bklyn 11213

I represent: Dance Parade

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card |

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6.19.2017

(PLEASE PRINT)

Name: Amit S. Bagga

Address: _____

I represent: Deputy Commissioner, DCA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

6287

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Liah Alonso

Address: 60 Pearl St #5

I represent: around the World in 80 Songs

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

6287

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Gayle Madeira

Address: 3711 28th Ave #14

I represent: newyorktango.com

Address: n/a (website!)

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: TODD PATRICK

Address: 68-14 64th PLACE, RIDEWOOD QNS

I represent: TRANS-PECOS / MARKET HOTEL

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. _____

☐ in favor ☐ in opposition X CONCERNS

Date: June 19, 2017

(PLEASE PRINT)

Name: SUSAN STETZER

Address: _____

I represent: Community Board 3, M.

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Nightlife Task Force Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Melissa Chapman

Address: 2515 Glenwood Road, Brooklyn NY 11210

I represent: Brooklyn Chamber of Commerce

Address: 335 Adams St., Ste. 2700, Brooklyn, NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648/1283 Res. No. _____

☑ in favor ☐ in opposition

Date: 6/19/2017

(PLEASE PRINT)

Name: Molly Martinez -C

Address: 331 W 43rd St, S

I represent: n/a

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 + 6287 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Brendan McGlynn

Address: 50 Park Terrace West Apt 1F

I represent: Pearling.org + The Dysfunctional Swingers

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 6287 Res. No. _____

☐ in favor ☒ in opposition 1648

Date: 6/19/17

(PLEASE PRINT)

Name: Sulia Sinelnikova 11237

Address: 476 Jefferson St 313, BK

I represent: CHASM NYC Multimedia Art Org

Address: 1717 Troutman St #205, 11385

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 6287 Res. No. _____

☐ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Geo Geller

Address: 280 9th Ave apt 20B

I represent: Self

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

of the repeal

Date: 6/19/17

(PLEASE PRINT)

Name: ROBIN SOKOLOFF

Address: 260 W 54th St #22A NY, NY, 10019

I represent: SOKOLOFF ART.ORG

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Nancy Faith Anello

Address: 1288 Halsey St

I represent: NYC Artist's Coalition

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6-19-17

(PLEASE PRINT)

Name: GEAROID DOLAN

Address: 645 EAST 11th ST NYC 10009

I represent: MYSELF

Address:

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. 2017

☐ in favor ☒ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: JULIO SALAZAR

Address: 374 SOUTH 2ND ST #32 BROOKLYN, NY 11211

I represent: CLIFF NYC

Address: 440 W 202 ST NY, NY 10034

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19/2017

(PLEASE PRINT)

Name: Emily S. Vartanian

Address: 609 W 186th St. NYC

I represent: General Mischief Dance Theatre

Address: 520 Eighth Avenue, NYC

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Arelia Tavares/Executive

Address: Latino Bar Lounge Director

I represent: Association

Address: 4160 Broadway

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19/17.

(PLEASE PRINT)

Name: Elvis Silverio

Address: 131-15 11 Ave College Point

I represent: NYS Restaurant Association

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date:

(PLEASE PRINT)

Name: Jimmy Rodriguez

Address: Jimmy's 156 W 38th St NY NY.

I represent:

Address: Don Coglue.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Arielle

Address: 996 E 62nd St #16 NY, NY 10065

I represent: Pearling.org

Address: www.pearling.org

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Christopher Carroll

Address: 322 W. 48th Street

I represent: Local 802 afm

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/19/2017

(PLEASE PRINT)

Name: OLYMPIA KAZI

Address: 616 E 9th St 10009 NY NY

I represent: NEW YORK CITY ARTIST COALITION

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Rud Morales

Address: 4580 Broadway #2P NY NY 10040

I represent: Uptown/Inwood Restaurant Industry

Address: 3803 10 Ave, NY NY 10034

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Erin S Goldman

Address: 125 Ave of Americas, 42 Fl

I represent: Public

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1462

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: MICHELE KRASNE

Address: 317 EAST 10TH ST.

I represent: ANONYMOUS / MICHELE KRASNE

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 6-19-17

(PLEASE PRINT)

Name: Andrew Muchmore

Address: 164 Havemeyer St, Apt. 5, Brooklyn, NY

I represent: Muchmore's

Address: 2 Havemeyer St, Brooklyn, NY

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 7/9/17

(PLEASE PRINT)

Name: Greg Miller

Address: 789 Westminster Rd #1 Brooklyn NY 11230

I represent: Dance Parade.org

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

1648

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: DAVID ROSEN

Address: 302 Bedford Ave, Brooklyn NY

I represent: BABAR/ Brooklyn Nightlife Coalition

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6-19-2017

(PLEASE PRINT)

Name: Diego Vargas

Address: 4263 79st NYC

I represent: House Coalition

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1014 Res. No. _____

☒ in favor ☐ in opposition

Date: 6-19-17

(PLEASE PRINT)

Name: ALAN SUGARMAN

Address: 17 W. 70 St NY NY 10023

I represent: self

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 6287

☐ in favor ☒ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: RIC CEICHTUNG

Address: 267 BLEECKER ST FL. 2! 11237

I represent: ADHOC PRESENTS

Address: 141 SOUTH 5TH ST. OFFICE FL. 11211

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: John Barclay

Address: 88 Suydam St Brooklyn NY

I represent: Myself

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 6287 Res. No. _____

☐ in favor ☐ in opposition

Date: 6/10/17

(PLEASE PRINT)

Name: Julie Mahuy

Address: 20 2 10th St. #3H NYC 10003

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/10/17

(PLEASE PRINT)

Name: JAMES BURKART

Address: 190 Clinton Ave 3D 43 Brooklyn

I represent: NEW YORK CITY ARTIST COALITION

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

1648

I intend to appear and speak on Int. No. 1648 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: BRAWDON HOY

Address: 237 ASHLAND PL

I represent: RAFAEL ESPINILLA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card 6287

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 6/19/2017

(PLEASE PRINT)

Name: FRANKIE HUTCHNSON

Address: BUSHWICK

I represent: DANCE LIBERATION

Address: BUSHWICK

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card 6287

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6-19-17

(PLEASE PRINT)

Name: Rachel Nelson

Address: 211 Myrtle Ave

I represent: Secret Project Robot

Address: 1186 Broadway

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Paul SERES

Address: _____

I represent: NYC Hospitality Alliance

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Kisic

Address: _____

I represent: NYC Hospitality Alliance

Address: _____

2nd Room

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 6287 Res. No. _____

☐ in favor ☐ in opposition

Date: 6/14/17

(PLEASE PRINT)

Name: Arian Torres

Address: 420 Lexington Ave NY NY

I represent: Self

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Cabaret Law - 6287 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Emily Edwards

Address: 615 W. 186th St. Apt. 2A, NY, NY 10033

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Jamala (Jam-uh-lah) Boyd

Address: General Counsel, Consumer Affairs

I represent: NYC Dept. of Consumer Affairs

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JONAS BORRA

Address: 329 E 63 ST APT 4i NY NY

I represent: SQUARES NY

Address: 360 PARK AVE SOUTH

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: JUNE 19, 2017

(PLEASE PRINT)

Name: ALI COLEMAN

Address: 139 GATES AVE

I represent: HOUSE COALITION

Address: 139 GATES AVE

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. _____

☐ in favor ☐ in opposition

Date: June 19, 2017

(PLEASE PRINT)

Name: Shira Gans

Address: _____

I represent: Mayor's Office of Media + Entertainment

Address: 1697 Broadway (6th floor

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: DJ Stat of The Navigator from Production: Stat Blade

Address: 333 E 92nd St #4F, Brooklyn, NY 11212

I represent: Stat Blade Productions

Address: 333 E 92nd St #4F Brooklyn NY 11212

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Pedro Goico

Address: 45-31 Brownell Ln, Brooklyn, NY 11354

I represent: MAMAJUANA CAFE

Address: 33-15 56th Woodside, NY 11354

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1648 Res. No. _____

☐ in favor ☐ in opposition

Date: June 19, 2017

(PLEASE PRINT)

Name: Lindsay Greene

Address: City Hall 10007

I represent: NYC Mayors Office

Address: City Hall 10007

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/19/17

(PLEASE PRINT)

Name: Kristin Sakoda

Address: to Hall

I represent: Dept. Cultural Affairs

Address: _____

Please complete this card and return to the Sergeant-at-Arms