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## COMMUNITY BOARD No. 2, MANHATTAN

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### FULL BOARD MINUTES

**DATE:** April 23, 2009  
**TIME:** 6:00 P.M.  
**PLACE:** St. Vincent's Hospital, 170 W. 12<sup>th</sup> Street, Cronin Auditorium

**BOARD MEMBERS PRESENT:** Steve Ashkinazy, Keen Berger, Tobi Bergman, Makrand Bhoot, Carter Booth, Sigrid Burton, Maria Passannante Derr, Doris Diether, Ian Dutton, Sheelah Feinberg, Amanda Kahn Fried, Elizabeth Gilmore, Edward Gold, Alison Greenberg, Sasha Greene, David Gruber, Jo Hamilton, Anne Hearn, Brad Hoylman, Chair, Community Board #2, Manhattan (CB#2, Man.), Mary Johnson, Zella Jones, Susan Kent, Arthur Kriemelman, Raymond Lee, Ke-Wei Ma, Jason Mansfield, Jane McCarthy, Rosemary McGrath, Judy Paul, Lois Rakoff, David Reck, Robert Riccobono, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Shirley H. Smith, James Solomon, Richard Stewart, Sean Sweeney, Elaine Young, Jin Ren Zhang

**BOARD MEMBERS EXCUSED:** Lisa Cannistracci, Renee Kaufman, Edward Ma, Rocio Sanz, Annie Washburn,

**BOARD MEMBERS ABSENT:** Harriet Fields, Evan Lederman, Erin Roeder, Carol Yankay,

**BOARD STAFF PRESENT:** Bob Gormley, District Manager, and Florence Arenas, Community Coordinator

**GUESTS:** Erin Drinkwater, Congressman Jerrold Nadler's office; Crystal Gold-Pond, Senator Tom Duane's office; John Raskia, Sen. Daniel Squadron's office; Angelica Crane, Man. Borough President Scott Stringer's office; Matt Borden, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Noah Isaacs, Council Speaker Christine Quinn's office; Paul Nagle, Council Member Alan Gerson's office; Kate Mikuliak, Council Member Rosie Mendez's office; Charlene Barker, Chenault Spence, Peter Wang, Robin Rothstein, Johana Teran, Andrea Nikolay, Jacqueline Duran, Geoffrey Knox, Zack Winestine, Mark Gibson, James Miller, Terri Cude, Arlene Martin, Vera Lutter, Kevin Fagan, Desiree Marshall, Rudy Rosado, Liberty Richards, Cheyenne Rosado, Larry Goldberg, Vera Lutter, Maryann Amici, Lise Corcoran, Shelly S. Friedman, Scott Alper, Seth Wright, Michael Sillerman, Daniel Ferris, S. Gail

### MEETING SUMMARY

Meeting Date - April 23, 2009  
Board Members Present - 41  
Board Members Excused-5  
Board Members Absent - 4

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### YMCA Update

Johana Teran updated everyone on the new events going on at the YMCA.

#### NY Public Library

Andrea Nicolay, from the Mulberry St. Library, spoke in favor of support for city libraries to be spared budget cuts.

#### General

Larry Goldberg spoke.

#### Violence Prevention

Kevin Fagan spoke regarding violence prevention.

#### NYU Events

Daniel Ferris spoke regarding the Small Business Form that was held last month, and the Conversations Series.

### **SLA Licensing Items**

#### AB Green Gansevoort LLC, 844-848 Washington St.

Vera Lutter, Maryanna Amici, Zack Winestine, and Lise Corcoran, spoke in favor of the resolution recommending stipulations for the proposed alteration. S. Gail did not speak but was also in favor of the resolution.

## **Traffic and Transportation Items**

Memorial Co-Naming of Bedford St. bet. Barrow St. and Grove St. in honor of Firefighter Bobby Beddia  
Shelly S. Friedman and James Miller spoke in favor of the street co-naming

Proposed Bicycle Route on Washington Square North, MacDougal St. and Thompson St.  
Jacqueline Duran did not speak but was against the proposed bicycle lane on Thompson St.

## **Waterfront**

### Hudson River Park

Liberty Richards, Cheyenne Rosado, Rudy Rosado, and Desiree Marshall, all representing FIERCE, spoke in favor of better representation of the gay community on the HRPT Board.

## **Zoning and Housing Items**

150 Charles Street, City Planning App. for a special permit to allow the construction of an attended, 110-space public parking garage in the cellar of a new residential development in a C1-7 zoning district.  
Michael Sillerman, Seth Wright, and Scott Alper, representing the applicant, spoke in favor of the application.

Geoffrey Knox spoke in favor of the proposed application.

## **III. ADOPTION OF AGENDA**

## **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Erin Drinkwater, Congressman Jerrold Nadler's office

Crystal Gold-Pond, Senator Tom Duane's office

John Raskia, Sen. Elect Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Angelica Crane, Man. Borough President Scott Stringer's office

Matt Borden, Assembly Member Deborah Glick's office

Noah Isaacs, of Council Speaker Christine Quinn's office , introduced himself as the new CB2 liaison.

Paul Nagle, Council Member Alan Gerson's office.

Kate Mikuliak, Council Member Rosie Mendez's office.

## **V. ADOPTION OF MINUTES**

Adoption of February minutes and distribution of March minutes.

## **VI. EXECUTIVE SESSION**

1. **Chair's Report** Brad Hoylman reported

2. **District Manager's Report** Bob Gormley reported.

## **STANDING COMMITTEE REPORTS**

### **CHINATOWN WORKING GROUP**

#### **CB2 Resolution in Support of Chinatown Working Group**

**Whereas,,** The Chinatown Working Group is a community-based planning initiative on the future of Chinatown whose goal is to support the community's residents, businesses and visitors, and

**Whereas,,** The Chinatown Working Group members include Chinatown's stakeholders, representatives of community groups, Community Boards #1, 2 & 3, which contain portions of Chinatown within their boundaries, and interested parties whose focus is on issues of shared concern throughout Chinatown including but not limited to affordability, preservation, revitalization and the social and economic well being of families, youths and seniors, and

**Whereas,,**The Chinatown Working Group objective is to articulate common goals for Chinatown's future and work with City agencies to formulate and implement a community-based plan, now

**Therefore, be it resolved** CB#2, Man. supports the Chinatown Working Group and its community-based initiative, which is as inclusionary as possible, as a participating member with CB #s 1 and 3, and community stakeholders.

Vote: Unanimous, with 37 Board members in favor.

## **LANDMARKS AND PUBLIC AESTHETICS**

### **1<sup>ST</sup> LANDMARKS MEETING**

**Item 1 - 101 Spring Street** (NE Mercer) - SoHo-Cast Iron Historic District A cast iron store building with Classical and neo-Grec style details designed by N. Whyte and built in 1870-1871. Application is to install rooftop mechanical equipment, and modify storefront infill. Zoned M1-5B

**Whereas,,** the irony is not lost that it takes a non-profit to present the most extensive, laudable and justifiable 74-711 Request for Change Of Use that this community board has ever been presented, towering over all prior commercial requests in its scope, sensitivity and adherence to the spirit of the law. This application would make Dorothy Miner proud; and

**Whereas,** we note in particular the detailing and effort expended in removing and restoring each and every piece of cast iron, the restoration of the delightful diamond-shaped vault lights, the creative solution avoiding an unsightly handicap ramp by simply (but expensively) lowering the interior vestibule to grade, to name but a few of the extraordinary restoration efforts; now

**Therefore, be it resolved** that CB#2, Man. recommends unequivocal approval of this application and praises the Judd Foundation for its contribution to the historic district.

Vote: Unanimous, with 40 Board members in favor.

**Item 2 - 101 Spring Street** (NE Mercer) - SoHo-Cast Iron Historic District A cast iron store building with Classical and neo-Grec style details designed by N. Whyte and built in 1870-1871. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. ZonedM1-5B

**Whereas**, the preservation effort here clearly justifies the request for a change of use. Would that other 74-711 applications perform a fraction of the efforts and work this project encompasses; and

**Whereas**, as per standard protocol, we remind the applicant that approval of the landmarks portion of the application in no way implies approval of the zoning portion; now

**Therefore, be it resolved** that CB#2, Man. recommends unqualified approval of this application for LPC to issue a report to CPC relating to ZR Section 74-711.

Vote: Unanimous, with 40 Board members in favor.

**Item 3 - 53 Mercer Street** (Broome/Grand) - SoHo-Cast Iron Historic District A brick store and loft building built in 1868. Application is to remove a fire escape and install new storefront infill.

**Whereas**, the proposed scope of work will serve a preservation purpose, by installing within this much-altered front facade an attractive storefront that reflects the style, scale, symmetry and materials within the historic district, contributing to the building as well as to the district; and

**Whereas**, removing the fire-escape is also be a welcomed effort; but

**Whereas**, the paint presented on the rendering was a yellow green, a bit out of character, although the applicant stated a cream color would be the color eventually presented to the Commission; and

**Whereas**, the shutters on the rear façade, although they are not original, are certainly iconic to the historic district and their loss would detract from the building and the district. We further feel that the supposition that they might fall off and injure someone is belied by the fact that long-time SoHo residents have never heard of such an incident with falling shutters nor was any engineer's report provided that would substantiate the danger claim. Finally, the rear yard is only 3-feet wide, not a place where a human would be in harm's way from errant shutters; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application with the exception of the proposed color of the façade that was originally presented to the committee; and,

**Further, be it resolved** that CB#2, Man. recommends denial of the request to remove the historic shutters at the rear.

Vote: Unanimous, with 40 Board members in favor.

**Item 4 - 53 Mercer Street (Broome/Grand) - SoHo-Cast Iron Historic District** A brick store and loft building built in 1868. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B

**Whereas**, this application serves a preservation purpose that warrants a change of use, particularly the uses proposed by the non-profit applicant; and

**Whereas**, as per standard protocol, we remind the applicant that approval of the landmarks portion of the application in no way implies approval of the zoning portion; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application for LPC to issue a report to CPC relating to ZR Section 74-711.

Vote: Unanimous, with 40 Board members in favor.

**Item 5 - 40 Charlton Street - Charlton-King-Vandam Historic District** A Gothic style school building built in the 1920s. Application is to construct a barrier-free access ramp.

**Whereas**, the needs of children in this case override the detraction from the building and the district that these ramps often cause; but

**Whereas**, we did not feel that the applicant explored all solutions thoroughly. All our creative suggestions at a solution were dismissed off-hand; and

**Whereas**, the school already has a handicapped-accessible entrance on the side of the building, and so we thought the school should use that ramp until it comes up with a better design for the front, one that respects the symmetry of the building with matching ramps being one suggestion; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application.

Vote: Passed, with 39 Board members in favor, and 1 abstention (Z. Jones).

**Item 6 - 113 Jane Street (West Street) - American Seamen's Friend Society Sailor's Home - Individual Landmark** A neo-Classical style building designed by William A. Boring and built in 1907-08. Application is to construct rooftop additions. Zoned C6-2

**Whereas**, there were present residents from the building as well as the surrounding neighborhood in united opposition to this request; and

**Whereas**, if ever an application was based on form following function, this is it. This application reflects the desire by the applicant to alter dramatically and extensively the roofscape visible from the street by installing a structure that the applicant asserts was original to the building but, oddly, cannot be shown to have existed by the presentation of photographs or documentation or other proof, in order to transform the roof into a public area and entertainment space with a bar and seating area for the guests of the hotel as well as the general public. Unlike a 74-711 whereby a renovation or restoration serves a preservation purpose, this project serves only the interest of this applicant; and

**Whereas**, as historic justification for the request, the applicant provided only a single architectural rendering with a roof trellis shown; but

**Whereas**, this is likely one of many imagined concepts for the structure that were considered and discarded; and

**Whereas**, it is incredible and perhaps disingenuous to claim that there is no other evidence available that such a structure existed on top of this 20<sup>th</sup> century building at a time when photography and film was so common. This is such a famous structure, being noted for, among other things, the location where some of the survivors of the Titanic were taken. Surely the distinguished historical preservation firm hired by the applicant could find at least one image of the trellis it claims to have existed; and

**Whereas**, whenever we approve a rooftop addition, it is always the least noticeable and obtrusive. This proposal is anything but that, with the bold and obvious presence of the roof structure detracting from the final vision that the architect had for this individual landmark; and

**Whereas**, other portions of the application were acceptable: namely, moving the roof bulkhead, the extension the existing rooftop hotel rooms for storage space, and the work proposed on the side alley; now

**Therefore, be it resolved** that CB#2, Man. strongly recommends denial of the major portion of this application, namely the rooftop addition; but

**Further, be it resolved** that CB#2, Man. recommends approval of the other portions of the application.

Vote: Unanimous, with 40 Board members in favor.

## **2<sup>ND</sup> LANDMARKD MEETING**

**Item: 1 - Canal Street and Broadway** – SoHo-Cast Iron Historic District. A commercial thoroughfare first laid out as a canal in 1805 and filled in as a roadbed circa 1815. Application is to install flood-mitigation measures in select areas.

**Whereas**, the MTA presentation for mitigating subway flooding in low-lying areas in the city was thorough and convincing, with a need to have subway ventilation grates raised as much as 18” off the sidewalk to hold back excess rain surges; and

**Whereas**, the MTA’s architect presented a modern “street furniture” concept: hammered, 30”-wide, stainless-steel furniture with an undulating design, including slits on the sides for decoration, and perhaps a metal bench at one end; but

**Whereas**, the ventilation platform’s design does not reflect the materials or style of the two historic district involved: SoHo and NoHo. For example, something more rectilinear, perhaps with diamond plating, would suit better; and

**Whereas**, although the design is appealing, it’s a one-size-fits-all solution - a generic approach for flood-prone areas throughout the city, not with historic districts in mind; and

**Whereas**, these structures will be installed on Canal and Broadway, on Broadway near Broome, and on Broadway near Bond; and

**Whereas**, we understand that the MTA has a city-wide plan for these flood-mitigation devices; however, consideration has to be given to historic districts and reflect the aesthetics and context of those districts; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of this application, urging the MTA not install structures that would detract from the Historic District, to return instead with a more appropriately historic concept.

Vote: Unanimous, with 40 Board members in favor.

**Item 2 - 82 Christopher Street** (Bleecker/7<sup>th</sup>) – Greenwich Village Historic District

An apartment building built in 1892. Application is to legalize the installation of a bracket sign installed without Landmarks Preservation Commission permits and to install a second bracket sign.

**Whereas**, the application is to legalize a sign installed without a permit, but that applicant failed to appear, and in those cases, we automatically recommended denial of the application; but

**Whereas**, however, the owner of the adjacent storefront in the same building appeared instead, presenting a design for a metal foot-square metal sign for his store that we felt did not detract from the building; now

**Therefore, be it resolved** that CB#2, Man. recommends denial for legalizing the sign installed without a permit because the applicant failed to appear; and

**Further, be it resolved** that CB#2, Man. recommends approval for the requested blade sign for the other storefront.

Vote: Unanimous, with 40 Board members in favor.

**Item 3 - 247 West 4th Street** (Charles St)- Greenwich Village Historic District A Federal style rowhouse built in 1828. Application is to excavate the rear yard, to construct a rear yard addition, and modify an existing rooftop addition. Zoned R6

**Whereas**, the portion of work on the front façade will improve the appearance of the building; but

**Whereas**, the pervasive use of white on the front fixtures might prove a bit too monochromatic; say, a different shade for the shutters or door; and

**Whereas**, the modification of the rooftop addition did not detract from the building; and

**Whereas**, the spiral staircase to the roof is barely visible; but

**Whereas**, the work proposed at the rear of the house presents some problems because it removes historic masonry from the bottom two floors in order to extend the living room out into the back yard, as well as undertaking potentially damaging cellar-excavation work; and

**Whereas**, at least the upper two floors are being retained; and

**Whereas**, we expect due diligence will be adhered to in the excavation work; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 40 Board members in favor.



**Item 4 - 145 Perry Street (Washington St.)**– Greenwich Village Historic District A two-story building used as a freight loading station since 1938. Application is to demolish the existing building and construct three buildings and create curb cuts. Zoned C6-1

**Whereas**, several members of the nearby community attended and presented some suggestions for the design; and

**Whereas**, the presentation brought a fresh and improved proposal over the prior application; and

**Whereas**, the materials and design will add to the district and the building, particularly the Roman brick; but

**Whereas**, we agreed with the community that some more variation or articulation is needed in the hotel portion of the application; and

**Whereas**, if the architect is using Roman brick, perhaps he could utilize other possibilities that Roman brick affords; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application overall, but recommends the applicant explore adding some variation to lessen the appearance of bulkiness.

**Be it further resolved**, that CB#2, Man. recommends this application be moved to the Traffic & Transportation Committee on the issue of the curb cuts and their placement.

Vote: Unanimous, with 40 Board members in favor.

**Item 5 - 97-99 7th Avenue South (W.4<sup>th</sup>) (The Garage)**- Greenwich Village H.D. A converted garage building built in 1919. Application is to modify a fence installed without Landmarks Preservation Commission permits.

**Whereas**, the Cyclone fence was installed on the side of the roof by a prior owner to prevent neighbors from trespassing and barbecuing, which could start a fire on the roof; and

**Whereas**, the fence is barely visible and painting it might draw unwelcomed attention; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of this application, further suggesting that it not be painted at all.

Vote: Unanimous, with 40 Board members in favor.

### **SIDEWALKS, PUBLIC FACILITIES AND ACCESS**

#### **New App. for revocable consent to operate an Unenclosed sidewalk café for:**

**1. 110 Varick St. Corp. d/b/a Amelia’s Restaurant Coffee Shop**, 110 Varick St., NE corner at Broome, Block: 491, Lot: 1, Police Precinct: 1, City Address, ZIP Code: 558 BROOME STREET, 10013, with 13 tables & 26 seats, **DCA# 1312498**

**Whereas**, the area was posted, community groups notified and there was no community correspondence, and the applicant was present, and,

**Whereas**, this lot has frontage of 48.17 feet and depth of 65.25 feet, with one building of six stories, built in 1900 (estimated), with 20 residential units of a total 25 units in a Mixed Residential and Commercial Buildings area; Zoning: M1-6, Zoning Map #12A, and

**Whereas**, this restaurant has existed in this location without complaints for a number of years, and

**Whereas**, there are few sidewalk café's in this area, and

**Whereas**, the current fixed awning will be replaced with a retractable awning and the plans show specific accommodations for handicapped seating, and

**Whereas**, there are no outside heaters planned or in the plan,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of a NEW application for revocable consent to operate an enclosed sidewalk café for **110 Varick St. Corp. d/b/a Amelia's Restaurant Coffee Shop**, 110 Varick St., NE corner at Broome, Block: 491, Lot: 1, Police Precinct: 1, City Address, ZIP Code: 558 BROOME STREET, 10013, with 13 tables & 26 seats, **DCA# 1312498**

Vote: Unanimous, with 40 Board members in favor.

**2. Houston Restaurant Manager, LLC** Bar 108, 108 West Houston Street, NW corner at Thompson, Block: 525, Lot: 25, Police Precinct: 6, with 15 Tables & 30 Seats, **DCA# 1312564**.

**Whereas**, the area was posted, community groups notified and there was no community correspondence, and the applicant was present, and

**Whereas**, this lot has frontage of 25 feet and depth of 68 feet, with one building of five stories, built in 1900 (estimated), with 7 residential units of a total 10 units in a Mixed Residential and Commercial Buildings area; Zoning: R7-2, Zoning Map #12A, and

**Whereas**, sidewalk cafes are not allowed in R7-2 zones that do not have commercial overlays, and this was confirmed by the Department of City Planning, by the CB#2 office,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of a NEW application for revocable consent to operate an enclosed sidewalk café for **Houston Restaurant Manager, LLC** Bar 108, 108 West Houston Street, NW corner at Thompson, Block: 525, Lot: 25, Police Precinct: 6, with 15 Tables & 30 Seats, **DCA# 1312564** because it is in a zoning envelope that PROHIBITS sidewalk cafes.

Vote: Unanimous, with 40 Board members in favor.

**3. Noodle Bar, LLC**, 26 Carmine Street, betw Bleecker and Bedford Sts., Block: 527, Lot: 69, Police Precinct: 6, with 6 tables & 12 tables, **DCA# 1312750**

**Whereas**, the area was posted, community groups notified and there was no community correspondence, and the applicant was not represented or in attendance, and

**Whereas**, this lot, which is shared by another ground-floor restaurant, has frontage of 50 feet and depth of 75 feet, with one building of six stories, built in 1900 (estimated), with 26 residential units of a total 28 units in an area of Mixed Residential and Commercial buildings; Zoning: R6-2 Residential, Zoning Map #12A, and

**Whereas**, the applicant was not present to address the issue of zoning that would not allow a sidewalk cafe, and

**Whereas**, this committee requests the applicant appear in May to answer, but understands the Department of Consumer Affairs does not recognize Community Board requests for later hearings or lay-overs and proceeds with regular public hearings without Community Board advisories, and,

**Whereas**, it is the practice of this Community Board to automatically deny any application for which the applicant does not appear,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **Noodle Bar, LLC**, 26 Carmine Street, betw Bleecker and Bedford Sts., Block: 527, Lot: 69, Police Precinct: 6, with 6 tables & 12 tables, **DCA# 1312750, CONDITIONAL UPON:**

1. The appearance of the applicant before this Committee in May to explain any reason that would otherwise allow a sidewalk café in an R6-2 zone that would otherwise disallow it.
2. The attention of City Council District 3 in approval or disapproval of this application subsequent to the DCA hearing and prior to final approval, in consideration of Community Board #2 advisory opinion as a result of a May hearing.

Vote: Unanimous, with 40 Board members in favor.

**4. ZRG Operations Company, Inc., d/b/a Qdoba Restaurant** 184 Bleecker Street, SW corner at MacDougal, Block: 526, Lot: 56, Police Precinct: 6, City Address, ZIP Code: 186 BLEECKER STREET, 10012, with 15 tables & 30 seats, **DCA# 1313407.**

**Whereas**, the area was posted, community groups notified and there was no community correspondence, and the applicant was present, and

**Whereas**, this lot has frontage of 43.75 feet and depth of 75.5 feet, with three buildings of five stories, built in 1910 (estimated), with 7 residential units of a total 8 units in an area of Mixed Residential and Commercial Buildings area; Zoning: R7-2 with a Commercial Overlay, Zoning Map #12A, and

**Whereas**, the MacDougal St. side has a sidewalk no greater than 11'9" and no less than 11'6" at any given point, which would otherwise disallow a new sidewalk café, and

**Whereas**, there previously existed a sidewalk café operating as Le Figaro under a different owning entity, for many years, and

**Whereas**, this new applicant has agreed to reduce the number of tables and chairs to allow a full 8' pedestrian clearance, and a new configuration that would allow service from areas other than the sidewalk, **and,**

**Whereas**, the available sidewalk on the Bleecker St. side is 13'9", and,

**Whereas**, the configuration on the Bleecker St. side did not allow for a 3' service aisle and a remaining 8' pedestrian right of way, and,

**Whereas**, the applicant has agreed to reduce the tables and chairs to one row, thereby allowing a 3' service aisle without violating the pedestrian right-of-way, and

**Whereas**, the applicant has already submitted a revised sidewalk plan showing the above configurations and a sidewalk plan for a total of 6 tables and 21 seats, to be submitted to DCA as a revision, and

**Whereas**, the applicant will not have outside heaters in this sidewalk café,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **ZRG Operations Company, Inc., d/b/a Qdoba Restaurant** 184 Bleecker Street, SW corner at MacDougal, Block: 526, Lot: 56, Police Precinct: 6, City Address, ZIP Code: 186 BLEECKER STREET, 10012, with 15 tables & 30 seats, **DCA# 1313407 CONDITIONAL UPON** a fully executed Change Order specifying:

1. The new sidewalk plan showing the configuration that would allow 8' pedestrian right-of-way on MacDougal and Bleecker Sts.
2. And the reduction to a total of 6 tables and 21 seats

Vote: Unanimous, with 40 Board members in favor.

**Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe:**

**5. Brass Monkey**, 55 Little West 12<sup>th</sup> St., betw Washington St. and 10<sup>th</sup> Ave., Block: 645, Lot: 23, Police Precinct: 6, with 3 tables & 6 seats, **DCA# 1199470**

**Whereas**, the area was posted, community groups notified and there was no community correspondence, and the applicant was not represented or in attendance, and,

**Whereas**, this lot has frontage of 25 feet and depth of 103.25 feet, with one building of three stories, built in 1900 (estimated), with 0 residential units of a total 3 units in a Commercial and Office Buildings area; Zoning: M1-5, Zoning Map # 08B, and

**Whereas**, there have been temporary Certificates of Occupancy dating from the late 1990s to the latest issued in January 2009, all stating there are 11 outstanding requirements, and,

**Whereas**, there is an ECB Violation Number: 34758318K – issued 1/16/09 on the premises, and,

**Whereas**, the applicant was not present to address the C of O and ECB violation issues, and,

**Whereas**, this committee requests the applicant appear in May to answer, but understands the Department of Consumer Affairs does not recognize Community Board requests for later hearings or lay-overs and proceeds with regular public hearings without Community Board advisories, and,

**Whereas**, it is the practice of this Community Board to automatically deny any application for which the applicant does not appear,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of a NEW application for revocable consent to operate an Unenclosed sidewalk café for Brass Monkey, 55 Little West 12<sup>th</sup> St., bet. Washington St. and 10<sup>th</sup> Ave., Block: 645, Lot: 23, Police Precinct: 6, with 3 tables & 6 seats, **DCA# 1199470, CONDITIONAL UPON:**

1. The appearance of the applicant before this Committee in May to explain the ECB violation and temporary C of O for the eating and drinking establishment upon which the sidewalk café is appended.

2. The attention of City Council District 3 in approval or disapproval of this application subsequent to the DCA hearing and prior to final approval, in consideration of Community Board #2 advisory opinion as a result of a May hearing.

Vote: Unanimous, with 40 Board members in favor

**6. Da Silvano Corp.,** 260 6th Avenue, betw Bleecker and West Houston Sts., with 27 tables & 57 seats, **DCA# 1187717**

**Whereas**, this application was submitted for review after April 1<sup>st</sup>, and did not appear on the Calendar until after April 9<sup>th</sup>, and

**Whereas**, the applicant's representative, Mike Kelly, requested a layover to the May CB#2 calendar, and

**Whereas**, this application renews a sidewalk café with sidewalk plans of 2005 submitted showing no changes, and

**Whereas**, this café has heaters not in a design or configuration currently recommended by the City of New York, but states in item #15 that there are NO HEATERS, and does not show them on the plans submitted, and,

**Whereas**, there is an ECB Violation # 34751957P served on 2/09/09 stating that there is occupancy other than that allowed by the C of O that does not state an allowance for outdoor seating, and

**Whereas**, this committee requests the applicant appear in May to review this application, but understands the Department of Consumer Affairs does not recognize Community Board requests for later hearings or lay-overs and proceeds with regular public hearings without Community Board advisories, and,

**Whereas**, it is the practice of this Community Board to automatically deny any application for which the applicant does not appear,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **Da Silvano Corp., 260 6th Avenue**, betw Bleecker and West Houston Sts., **with 27 tables & 57 seats, DCA# 1187717 CONDITIONAL UPON:**

1. The appearance of the applicant before this Committee in May to explain the ECB violation and the heater placement and permits.
2. The attention of City Council District 3 in approval or disapproval of this application subsequent to the DCA hearing and prior to final approval, in consideration of Community Board #2 advisory opinion as a result of a May hearing.

Vote: Unanimous, with 40 Board members in favor.

**6. Gadberry Pizza Inc.,** 69-71 7th Avenue South, SE Corner at Bleecker St, with 3 tables & 6 seats, **DCA# 1183527.**

**Whereas**, this application was submitted for review after April 1<sup>st</sup>, and did not appear on the Calendar until after April 9<sup>th</sup>, and

**Whereas**, the applicant's representative, Mike Kelly, requested a layover to the May CB#2 calendar, and

**Whereas**, this committee requests the applicant appear in May to review this application, but understands the Department of Consumer Affairs does not recognize Community Board requests for later hearings or lay-overs and proceeds with regular public hearings without Community Board advisories, and,

**Whereas**, it is the practice of this Community Board to automatically deny any application for which the applicant does not appear,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of a NEW application for revocable consent to operate an Unenclosed sidewalk café for **Gadberry Pizza Inc., 69-71 7th Avenue South**, SE Corner at Bleecker St., **with 3 tables & 6 seats, DCA# 1183527 CONDITIONAL UPON:**

1. The appearance of the applicant before this Committee in May.
2. The attention of City Council District 3 in approval or disapproval of this application subsequent to the DCA hearing and prior to final approval, in consideration of Community Board #2 advisory opinion as a result of a May hearing.

Vote: Unanimous, with 40 Board members in favor.

**Renewal App. for revocable consent to operate an Enclosed sidewalk cafe:**

**7. Amedeo Buona Sera Corp. d/b/a Buona Sera, 94 University Place, SW corner at East 12<sup>th</sup> St., Block: 569, Lot: 21, Police Precinct: 6 with 12 tables & 24 seats, DCA# 0883648**

**Whereas**, the area was posted, community groups notified and there was no community correspondence, and the applicant was present, and,

**Whereas**, this lot has frontage of 40.25 feet and depth of 25.25 feet, with one building of four stories, built in 1900 (estimated), with 3 residential units of a total 5 units in a Mixed Residential and Commercial Buildings area; Zoning: C1-7, Zoning Map #12C, and

**Whereas**, there are no complaints and the café has been operating, unchanged for over 14 years,

**THEREFORE BE IT RESOLVED** that Community Board #2 Manhattan recommends **APPROVAL** of a RENEWAL application for revocable consent to operate an enclosed sidewalk café for **Amedeo Buona Sera Corp. d/b/a Buona Sera, 94 University Place, SW corner at East 12<sup>th</sup> St., Block: 569, Lot: 21, Police Precinct: 6 with 12 tables & 24 seats, DCA# 0883648.**

Vote: Unanimous, with 40 Board members in favor.

**SLA LICENSING**

**1. Spring Restaurant, LLC, d/b/a Fiamma, 206 Spring Street (between 6<sup>th</sup> Avenue and Sullivan)**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an alteration to an existing On Premise license for an upscale Italian restaurant located in a commercial building located on Spring Street between 6<sup>th</sup> Avenue and Sullivan streets with a maximum legal capacity of 233 persons; **to include a 3<sup>rd</sup> Floor space with 64 tables seats and 1 bar with no bar seats; and,**

**Whereas**, the applicant stated the hours are 12:00 p.m. – 4:00 a.m. seven days a week; there is no sidewalk café and no backyard garden; music is background and D.J. only; and,

**Whereas**, the applicant has a history of running successful operations in the community; and,

**Whereas**, a member of the community appeared to express concerns with black cars and limousines idling during private events; and,

**Whereas**, the applicant has agreed to assign staff member(s) to monitor traffic and parking during private events; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed alteration to an On Premise license for **Spring Restaurant, LLC, d/b/a Fiamma, 206 Spring Street** unless the condition agreed to by applicant relating to the sixth “whereas” clause above is incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed with 40 Board members in favor and 1 recusal (W. Schlazer)

## **2. MMRA NY Corp., 73 8<sup>th</sup> Ave. (Greenwich Avenue and West 14<sup>th</sup> Street), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a mixed use building on 8<sup>th</sup> Avenue between Greenwich Avenue and West 14<sup>th</sup> Street for a 5,000 s.f. piano bar and cabaret club d/b/a Don’t Tell Mama with 140 table seats, 1 bar with 10 seats, and a maximum legal capacity of 200 persons; and,

**Whereas**, the applicant stated the hours of operation for the bar are 12:00 p.m. – 2:00 a.m. Sunday, Tuesday, Wednesday, Thursday and 4:00 p.m. – 2:00 a.m. Monday and 12:00 p.m. – 4:00 a.m. Friday and Saturday; there will be no sidewalk café application and no backyard garden; music is background and live piano only; and,

**Whereas**, the applicant has successfully operated a similar establishment in midtown Manhattan; and,

**Whereas**, the previous 2 operations at this site has been very problematic in the neighborhood; and,

**Whereas**, this location has several pending ECB violations on record; and,

**Whereas**, a petition with over 500 signatures opposing this application has been submitted to this committee; and,

**Whereas**, several members of the community appeared in strong opposition of the proposed establishment; citing quality life concerns in a residential area; and the proliferation of bars and restaurants in the area; and,

**Whereas**, this Committee has strong concerns with a piano bar and cabaret club in a residential area but recognizes the applicants good intentions in running a reputable and successful operation; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed On Premise license for **MMRA NY Corp., 73 8<sup>th</sup> Ave.**

Vote: Unanimous, with 41 Board members in favor.

### **3. 130 Seventh Avenue South Inc. (West 10<sup>th</sup> and Charles Street), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a commercial building on 7<sup>th</sup> Avenue between West 10<sup>th</sup> and Charles Streets for a 6,000 s.f. (3,000 s.f. Ground Floor and 3,000 s.f. Basement) restaurant with 66 table seats, 2 bars with 26 seats, and a maximum legal capacity of 92 persons; and,

**Whereas**, the applicant stated the hours of operation are 7:00 a.m. – 4:00 a.m. seven days a week; there will be a sidewalk café application but no backyard garden; music is background and DJ (weekends) only; and,

**Whereas**, a letter was submitted by the Neighbors of Charles, West 4<sup>th</sup> and West 10<sup>th</sup> Street stating their concerns with the hours of operation and saturation with other licensed establishments; and,

**Whereas**, a member of the community appeared expressing concerns with the use of the roof deck; and,

**Whereas**, the applicant has agreed to prohibit the use of the roof deck; to never seek a cabaret license; to install soundproofing; and to close the sidewalk at 11:00 p.m. daily; and,

**Whereas**, this committee has strong concerns with a light fare menu in a large establishment with late operating hours and a D.J.; and no valid Certificate of Occupancy or Public Assembly permitting a large operation; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed On Premise license for **130 Seventh Avenue South Inc.**

Vote: Unanimous, with 41 Board members in favor.

### **4. 10 Downing LLC, 10 Downing (6<sup>th</sup> Avenue and Downing Street), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for upgrading to an On Premise license for an upscale restaurant located in a 3,920 s.f. premise in a mixed use building located on the corner of 6<sup>th</sup> Avenue and Downing Street, with 76 table seats, 1 bar with 19 seats and a maximum legal capacity of 95 persons; and,

**Whereas**, the applicant stated the hours are 8:00 a.m. – 1:00 a.m. Sunday – Wednesday and 8:00 a.m. – 2:00 a.m. Thursday - Saturday; there is a sidewalk café but no backyard garden; music is background only; and,

**Whereas**, the applicant has been operating successfully with a restaurant beer and wine license and has a good standing history from operating other establishments within the community; and,

**Whereas**, the applicant met with members of the community prior to the hearing to address all concerns and issues; and,

**Whereas**, the applicant has demonstrated good will by cooperating with Community Board 2, SLA Licensing Committee and Sidewalks Committee; and,



**Whereas**, the applicant has agreed to the following stipulations for the On Premise license:

1. Post “Respect Neighbors” signs on Downing and 6<sup>th</sup> Avenue
2. Schedule daily garbage pick-up during daytime hours within their control
3. Reduce hours of operation to 1am close Sunday – Wednesday
4. Community outreach by way of quarterly meeting during the 1<sup>st</sup> year of operating with an On Premise license
5. Assign a Manager to the sidewalk café operation
6. Establish only one form of public ingress to the establishment
7. Provide menu and food items up until 1 hour prior to closing (menu and food items will be available until 12:00 a.m. Sunday – Wednesday and 1:00 a.m. Thursday – Saturday)

**Whereas**, the applicant will continue to perform the set of stipulations established by the Sidewalks Committee in August 2007; reduce sidewalk café seating to 18 seats; install sound mitigating awnings over the sidewalk café, if and when approved by the Department of Buildings, NYC; reduce sidewalk hours to 11pm Sunday – Thursday and 12am Friday and Saturday; prohibit the placement of benches on the perimeter of this establishment; and provide adequate clearance for wheelchair access; and,

**Whereas**, several members of the community appeared in support; and,

**Whereas**, several support letters were submitted to this committee; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **10 Downing LLC, 10 Downing**, unless the conditions agreed to by applicant relating to the seventh and eighth “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous with 41 Board members in favor.

**5. Café Martignetti, 199 Lafayette St./406 Broome St. (Centre and Lafayette Streets), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an alteration to an On Premise license for a bar and restaurant d/b/a Café Martignetti in a 2,500 s.f. premise in a commercial building located at the corner of Centre and Broome Streets with 20 table seats, 1 bar with 13 seats and a maximum legal capacity of 144 persons; **to relinquish the 1<sup>st</sup> floor bar to another operator under a sub-lease agreement; and,**

**Whereas**, the applicant stated there are no plans to change the previously approved operation; the applicant stated the hours are 11:00 a.m. – 4:00 a.m. seven days a week; there is no sidewalk café and no backyard garden; music is background and DJ only; and,

**Whereas**, several members of the community appeared in opposition of the existing operation; citing nightclub operations in the basement; overcrowding the streets; noise issues; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed alteration to an On Premise license for **Café Martignetti, 199 Lafayette St./406 Broome St.**

Vote: Unanimous, with 41 Board members in favor.

**6. Burak Karacam or Corp to be formed, 199 Lafayette St. (Broome and Lafayette)**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a mixed use building on Centre and Broome Streets a/k/a 199 Lafayette Street for a 2,700 s.f. bar and restaurant d/b/a Pera with 98 table seats, 1 bar with 12 seats, and a maximum legal capacity of 140 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment are 12:00 p.m. – 4:00 a.m. Monday – Friday and 10:00 a.m. – 4:00 a.m. Saturday and Sunday; there will be a sidewalk café application but no backyard garden; music will be background only; and,

**Whereas**, the currently licensed establishment d/b/a Café Martignetti is proposing to relinquish its 1<sup>st</sup> floor license and sub-lease the space to this applicant; and,

**Whereas**, several members of the community appeared in strong opposition of the application and existing establishment d/b/a Café Martignetti; citing quality life concerns in a residential area; overcrowding issues in the neighborhood and the proliferation of bars and restaurants within a 500-foot radius; and,

**Whereas**, the committee recognized that there are over 20 On Premise licensed establishments within 500 feet; and,

**Whereas**, this committee has strong concerns with the saturation of on-premise licenses in a residential area; and expressed concerns with no proper means of ingress and egress for 2 distinct and licensed operations; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial to the proposed On Premise license for **Burak Karacam or Corp to be formed, 199 Lafayette St.**

Vote: Unanimous, with 41 Board members in favor.

**7. 35 W. 8<sup>th</sup> Naan, LLC, 35 W. 8<sup>th</sup> St. (5<sup>th</sup> and 6<sup>th</sup> Avenues), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an On Premise license in a mixed use building on West 8<sup>th</sup> between 5<sup>th</sup> and 6<sup>th</sup> Avenues for a 2,200 s.f. (1,600 ground floor and 600 basement) restaurant with 50 table seats, 1 bar with 12 seats, and a maximum legal capacity of 68 persons; and,

**Whereas**, the applicant stated the hours are 5:00 p.m. – 2:00 a.m. seven days a week; there will not be a sidewalk café application and no backyard garden; music is background only; and,

**Whereas**, a letter of support has been issued by West 8<sup>th</sup> Street Block Association; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends approval of an On Premise license for **35 W. 8<sup>th</sup> Naan, LLC, 35 W. 8<sup>th</sup> St.**

Vote: Passed, with 40 Board members in favor and 1 opposed.

**8. PMB, LLC d/b/a Pera Mediterranean, 54 Thompson St., NYC (at Broome Street)**

**Whereas**, the applicant re-appeared before the committee; and,

**Whereas**, this application is for an On Premise license for a Mediterranean restaurant located in a 4,700 s.f. premise (3,500 interior and 1,200 exterior) in a mixed use building located on the corner of Thompson and Broome Streets at with 200 table seats (27 interior tables and 15 exterior tables), 1 bar with 16 seats, and a maximum legal capacity of 200 persons pending the issuance of a revised Certificate of Occupancy and Public Assembly Permit, which will not exceed said capacity; and,

**Whereas**, the applicant stated the hours of operation for the restaurant are 11:30 a.m. – 12:30 a.m. Sunday – Thursday and 11:30 a.m. – 1:30 a.m. Friday and Saturday; there will not be a sidewalk café application but will include a backyard garden; music will be background only; and,

**Whereas**, the applicant has agreed to the following set of stipulations to address community concerns

1. No sound system or music of any kind in the exterior space
2. Agreed to confirm with the New York City codes and requirements if heated lamps are used in the exterior space
3. Will make umbrellas available in the exterior space to muffle the noise
4. Close backyard garden space at 12:00 a.m. daily
5. No catered and private events in the backyard garden
6. No bar in the backyard garden

**Whereas**, the applicant has reached out the several members of the community to discuss the intended use of the unenclosed garden and has submitted two letters of support; and,

**Whereas**, this Committee recognizes the good faith efforts made by the applicant but have concerns that the backyard garden space does not conform to zoning regulations; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premise license for **PMB, LLC d/b/a Pera Mediterranean, 54 Thompson Street** unless the conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license AND the applicant can supply written evidence that the backyard garden conforms with NYC Zoning laws and regulations.

Vote: Passed, with 40 Board members in favor and 1 opposed.

**9. Artifakt 54, Inc., 54 Watts St., NYC 10013**

**Whereas**, the applicant re-appeared before the committee; and,

**Whereas**, this application is for an On Premise liquor license; and,

**Whereas**, the applicant was not considered for an On Premise liquor license by the Committee; and,

**Whereas**, the Committee has previously denied this application for an On Premise license; and,

**Whereas**, the State Liquor Authority has previously denied this application for an On Premise license; and,

**Whereas**, the applicant did not modify the application nor address the concerns of the community from the previous hearing; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **Artifakt 54, Inc., 54 Watts St., NYC 10013** **and requests that the SLA does not re-consider the application.**

Vote: Passed, with 40 Board members in favor and 1 recusal (T. Bergman).

**10. Mendared, LLC d/b/a Orchid, 510 LaGuardia Place (Bleecker and Houston), NYC.**

**Whereas**, the applicant re-appeared before the committee; and,

**Whereas**, this application is for an alteration to an On Premise license for a bar and restaurant located in a 3,600 s.f. premise in a commercial building located on LaGuardia Place between Bleecker and Houston Streets at with 120 table seats, 2 bars with 12 seats, and a maximum legal capacity of 127 persons; and,

**Whereas**, the applicant stated the hours of operation for the establishment are 4:00 p.m. – 4:00 a.m. seven days a week; there will be a sidewalk café application but will not include a backyard garden; music will be background and D.J. only; and,

**Whereas**, the applicant has agreed to the following stipulations for the On Premise license:

1. Provide menu and food items up until 1 hour prior to closing (menu and food items will be available until 3:00 a.m. seven days a week)
2. Operate as a full service restaurant at all times
3. The applicant has agreed to implement proper noise and crowd control procedures, especially during late night hours.

**Whereas**, the applicant has submitted a petition of support with over 250 signatures; and,

**Whereas**, no one appeared in opposition from the community; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed alteration to an On Premise license for **Mendared, LLC d/b/a Orchid, 510 LaGuardia Place** unless the conditions agreed to by applicant relating to the fourth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 40 Board Member in favor and 1 recusal (L. Rakoff).

**11. AB Green Gansevoort, LLC et al, 844-848 Washington St (at West 13<sup>th</sup>), NYC.**

**Whereas**, the applicant appeared before the committee; and,

**Whereas**, this application is for an alteration to an On Premise license for a restaurant and third floor event space located in a 6,475 s.f. premise (4,200 s.f. outdoor garden café and 2,275 s.f. third floor terrace) in an upscale hotel located on the corner of Washington and West 13<sup>th</sup> Streets, with 192 table seats in the outdoor garden cafe, 1 bar with 12 seats and a maximum legal capacity of 354 persons (204 in the outdoor garden café and 150 in the 3<sup>rd</sup> floor terrace); and,

**Whereas**, the applicant stated the hours of operation for the outdoor garden café are 7:00 a.m. – 12:00 a.m. Sunday – Thursday and 7:00 a.m. – 1:00 a.m. Friday and Saturday; and

**Whereas**, the applicant has been operating successfully with other hotel establishments within the community; and,

**Whereas**, the applicant met with members of the community prior to the hearing to address all concerns and issues; and,

**Whereas**, the applicant has agreed to the following stipulations for the On Premise license:

1. Operate the outdoor garden café with sidewalk hours
2. No music whatsoever in the backyard garden and 3<sup>rd</sup> Floor terrace
3. Close the 3<sup>rd</sup> Floor terrace space by 2:00 a.m. daily
4. The 3<sup>rd</sup> Floor event space will be used as an auxiliary event space only

**Whereas**, several members of the community appeared in opposition of the application; citing quality life concerns; overcrowding and noise issues with the possibility of the amplified music outside; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of the proposed alteration to On Premise license for **AB Green Gansevoort, LLC et al, 844-848 Washington St** unless the conditions agreed to by applicant relating to the sixth “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

#### **12. Vallat, Inc. d/b/a Café Noir, 199 Lafayette St./406 Broome St., NYC 10012 (1<sup>st</sup> Floor)**

**Whereas**, this application is for an On Premise liquor license; and,

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, the applicant has made no attempts to notify this committee or members of the community of layovers or postponements for the 2<sup>nd</sup> time; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **Vallat, Inc. d/b/a Café Noir, 199 Lafayette St./406 Broome St., NYC 10012 (1<sup>st</sup> Floor)** **and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

#### **13. Vallat, Inc. d/b/a Café Noir, 32 Grand Street, NYC 10013**

**Whereas**, this application is for an On Premise liquor license; and,

**Whereas**, the applicant failed to appear before the committee or request a layover of consideration of the application to the next hearing; and,

**Whereas**, the applicant has made no attempts to notify this committee or members of the community of layovers or postponements for the 2<sup>nd</sup> time; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends denial of an On Premise liquor license to **Vallat, Inc. d/b/a Café Noir, 32 Grand Street, NYC 10013** **and requests that the SLA send this applicant back to CB2 should this application proceed in order that this important step not be avoided and that the concerns of the Community be fully heard.**

Vote: Unanimous, with 41 Board members in favor.

### **STREET ACTIVITY & FILM PERMITS**

**1. 6/5 – City-As-School H.S./NYCDOE, Clarkson St. between Hudson and Varick Sts. (New)**

Setup: 11am

Breakdown: 2:30pm

**Whereas**, the applicant is a NYC public High School that seeks a permit to close Clarkson St. between Varick and Hudson Sts. on June 5, 2009, for a combination field day/barbeque as a celebration for their graduating seniors; and

**Whereas**, this event has been located in their interior courtyard for the past 15 years but has to be moved for this year only because of construction; and

**Whereas**, the barbeque will be open from 12pm to 2:00pm and the street closure request is between 11am and 2:30 pm; and

**Whereas**, this new street activity request meets the Board’s Street Activity Permit Guidelines in that it directly benefits a non-profit educational institution within our community and that Clarkson St. has not had more than one other closure this year or within the past six months; now

**Therefore Be It Resolved** that CB#2, Man., supports the Street Permit request for City-As-School High School, on June 5, 2009, for Clarkson St. between Varick and Hudson Sts.; and

**Be It Further Resolved** that this application is being approved for this year only due to the construction issues noted above, and shall not be considered a precedent for a recurring annual event.

Vote: Passed, with 39 Board members in favor, and 1 recusal (A. Kahn-Fried).

**2. 6/6 – Housing Works Bookstore Cafe, Crosby St. between Prince and Houston Sts.**

Setup: 8am

Breakdown: 8pm

**Whereas**, the applicant seeks a permit to close Crosby St. between Prince and Houston Sts. on June 6, 2009, for an open air book fair to benefit Housing Works; and

**Whereas**, the book fair will be open from 10am to 6pm and the street closure request is between 8am and 8 pm; and

**Whereas**, the only amplified sound will be from the stereo system inside the bookstore; and

**Whereas**, this fair has been in operation at this location for many years and there have been no complaints from the community; and

**Whereas**, Housing Works is a non-profit organization located within our community that is committed to ending the twin crises of AIDS and homelessness; now

**Therefore Be It Resolved** that CB#2, Man., supports the Street Permit request for Housing Works Bookstore, on June 6, 2009, for Crosby St. between Prince and Houston Sts.

Vote: Passed, with 39 Board members in favor, and 1 recusal (A. Kahn-Fried).

**3. 6/13 – ISKCON – Hare Krishna**, Washington Sq. South between LaGuardia Pl. and Washington Sq. East.

Setup: 7am

Breakdown: 8pm

**Whereas**, the applicant seeks a permit to close Washington Sq. South between LaGuardia Pl. and Washington Sq. East on June 13, 2009, for religious/cultural festival; and

**Whereas**, the event will be from 12pm to 7pm, and the street closure request is 7am to approximately 8pm; and

**Whereas**, this festival has been held within the boundaries of Washington Square Park since 1976, and is only seeking a street closure because of the construction in that park; and

**Whereas**, the applicant estimates 1200 people will attend and states that the festival consists of cultural dancing, chanting, and flute music with minimal amplification and offers a free feast to members of the public, and that there will be no live animals; now

**Therefore Be It Resolved** that CB#2, Man., supports the Street Permit request for ISKCON – Hare Krishna, on June 13, 2009, for Washington Square South between LaGuardia and Washington Square East; and

**Be It Further Resolved** that this application is being approved for this year only due to the construction issues noted above, and shall not be considered a precedent for a recurring annual event; and

**Be it further resolved**, that CB#2, Man. requests that additional support thru SAPO in traffic enforcement, since this will be the second fair setting up within 24 hours at the south of Washington Square Park. This pertains to vehicular and pedestrian supervision.

Vote: Passed, with 39 Board members in favor, and 1 recusal (A. Kahn-Fried).

**4. 6/21 – Composers Collaborative, Inc.**, Cornelia St. between West 4<sup>th</sup> and Bleecker Sts.

Setup: 12pm

Breakdown: 9pm

**Whereas**, the applicant seeks a permit to close Cornelia St. between West 4<sup>th</sup> and Bleecker Sts. on June 21, 2009, for a free professional music performance on four pianos that will include participation from the public; and

**Whereas**, this event is part of Make Music NY, which is an annual citywide event that celebrates the making of music and includes free concerts in public spaces throughout the five boroughs of New York City; and

**Whereas**, the event will be from 12pm to 8pm, and the street closure request is between 10am and 9pm; and

**Whereas**, the only amplified sound will be from a PA system for announcements and will be kept to a minimum; and

**Whereas**, this is the third year for this event and there have been no community complaints; now

**Therefore Be It Resolved** that CB#2, Man., supports the Street Permit request for Composers Collaborative, Inc., on June 21, 2009, for Cornelia St. between West 4<sup>th</sup> and Bleecker Sts.

Vote: Passed, with 39 Board members in favor, and 1 recusal (A. Kahn-Fried).

**5. 6/28 – Heritage of Pride (HOP) – Pridefest, (multi block), Hudson St. between Bethune & 13<sup>th</sup> Sts.**

Setup: 6am

Breakdown: 11pm

**Whereas**, the applicant seeks a multi-block permit to close five blocks of Hudson St. between Bethune & 13<sup>th</sup> Sts. on June 29, 2009 for a street fair/festival to coincide with the Gay Pride Parade and other activities that are a part of the nationally known Gay Pride celebrations in New York City on that day; and

**Whereas**, the event will be from 11am to 7pm, and the street closure request is between 6am and 11pm; and

**Whereas**, there will be 200 vendors, including 20 food vendors, one stage, amplified music, mobile and trailer units and portable generators; and

**Whereas**, CB#2, Man., is proud to host this important event for the gay and transgender community in New York City; and

**Whereas**, this will be the second year for this event at this location and last year there were complaints about the clean up and about the noise from the amplified music; and

**Whereas**, HOP acknowledges that there were problems, and met with the board and community members to address the concerns; and

**Whereas**, applicant has agreed to the following conditions:

- No vendors will be permitted amplification, only the primary stage will be amplified
- A point person has been assigned to lead a special team (including two community groups to be selected by HOP), to coordinate with the NYPD and Department of Sanitation, and train and supervise this team, to ensure a timely and complete clean up after the event
- HOP will invite the Jane Street Block Association to the training sessions to speak to the importance of keeping the neighborhood clean both during and after the event



- On the day of the festival, the coordinators of the festival will be available by cell phone and on site to immediately address any problems that might arise
- HOP will meet with the board and community again before the event to go over final plans and procedures; now

**Therefore Be It Resolved** that CB#2, Man., supports the multi-block Street Permit request for Heritage of Pride – Pridefest, on June 28, 2009, for Hudson St. between Bethune and 13<sup>th</sup> Sts.

Vote: Passed, with 39 Board members in favor, and 1 recusal (A. Kahn-Fried).

**6. 9/12 – West 11<sup>th</sup> St. Block Association**, West 11<sup>th</sup> St. between 5<sup>th</sup> and 6<sup>th</sup> Aves.

LAID OVER TO NEXT MONTH’S MEETING

**7. 9/13 – Global Impact Productions - Braking the Cycle Charity Bike Race**, West 13<sup>th</sup> St. between 7<sup>th</sup> and Greenwich Aves.

Setup: 3pm

Breakdown: 8pm

**Whereas**, the applicant seeks a permit to close West 13th St. between 7<sup>th</sup> and Greenwich Aves. on September 13, 2009, for the closing ceremonies of a 3-day race that ends in New York City at the LGBT Center, and raises money for their HIV/AIDS services; and

**Whereas**, the event will be from 5pm to 7pm, and the street closure request is between 3pm and 8pm; and

**Whereas**, last year this event raised \$415,000 for the LGBT Center; and

**Whereas**, the only amplified sound will be from a PA system for announcements; and

**Whereas**, this will be the seventh year for this event and there have been no community complaints, and the surrounding community is invited; now

**Therefore Be It Resolved** that CB#2, Man., supports the Street Permit request for Global Impact Productions – Braking the Cycle Charity Bike Ride, on September 13, 2009, for West 13<sup>th</sup> St. between 7<sup>th</sup> and Greenwich Aves.

Vote: Passed, with 39 Board members in favor, and 1 recusal (A. Kahn-Fried).

**TRAFFIC AND TRANSPORTATION**

**1. Resolution supporting the memorial co-naming of Bedford St. between Barrow St. and Grove St. in honor of Firefighter Bobby Beddia.**

**Whereas**, a fire in August 2007 at the Deutsche Bank building in Lower Manhattan tragically resulted in the loss of life of two New York City firefighters; and

**Whereas**, one of those killed in the fire was Robert “Bobby” Beddia, who was the senior firefighter in the firehouse containing Engine 24 and Ladder 5 at the corner of W. Houston St. and Sixth Ave., having served there for 23 years and having never requested a transfer or promotion so as to stay in the neighborhood he loved; and

**Whereas**, Bobby Beddia was well known on Bedford St. in the West Village not just for his service at the local firehouse but also as a part-time bartender at Chumley’s, the historic speakeasy-bar at the corner of Bedford and Barrow Sts., and even when not working could always be found at a local café; and

**Whereas**, in addition to the dozen members of the Greenwich Village firehouse who attended the committee meeting to support this co-naming and several unaffiliated members of the public who spoke on behalf of Firefighter Beddia, the firefighters also collected approximately 140 signatures, mostly of local residents, in support of the street co-naming; and

**Whereas**, one local resident told a heartwarming story of Firefighter Beddia’s tradition of loading up a fire truck with leftover holiday meals from Chumley’s and personally going into the subway tunnels to deliver food to some of the city’s most marginalized residents; and

**Whereas**, this request unquestionably fulfills the standards set forth in the CB2 Street Co-Naming Guidelines;

**Therefore be it resolved** that CB#2, Man. strongly supports the memorial co-naming of Bedford St. between Barrow St. and Grove St. as “Firefighter Bobby Beddia Way” in honor of Firefighter Robert Beddia.

Vote: Unanimous, with 39 Board members in favor

## **2. Resolution supporting a proposed bicycle route on Washington Square North, MacDougal St. and Thompson St.**

**Whereas**, the New York City Department of Transportation (DOT) presented a plan to create a southbound link between the existing Fifth Ave. bike lane and the recently-installed Grand St. bike lane, creating a continuous bike route from Midtown Manhattan to Brooklyn via the Manhattan Bridge; and

**Whereas**, this proposal includes a curbside green bike lane on the south side of Washington Square North between Fifth Ave. and MacDougal St., a curbside green bike lane on the east side of MacDougal St. from Washington Square North to Bleecker St., and “sharrows” painted down the middle of Thompson St. from Bleecker St. to Grand St.; and

**Whereas**, the only impact on parking is on MacDougal St., where currently truck loading and unloading is permitted on both sides of the street, truck loading will only be permitted on the west side of the street; DOT parking studies showed that after the change, peak-time loading would only occupy 33% of the available curbside; and

**Whereas**, responding to feedback, DOT also included in the proposal a bicycle “queue-jump” on Thompson St. as it approaches Broome St. and continuing to Watts Sts. which allows bicycles to proceed even when the backup from the Holland Tunnel keeps cars from moving; and

**Whereas**, committee members observed that there are peak times when the sidewalks on MacDougal St. become so crowded that pedestrians overflow into the street and that sidewalk expansion and temporary traffic diversions would create a safer environment and benefit local businesses and residents and further suggested that an additional bike route could be created along Washington Sq. South and then southbound on Thompson St.; and

**Whereas**, it was also suggested by multiple community members that a bi-directional bikeway on West Broadway, as suggested by the NYC Bicycle Master Plan, would be of even greater value, though DOT was hesitant at this time to recommend the parking changes that would be required;

**Therefore be it resolved** that CB#2, Man. supports the proposed bicycle route on Washington Sq. North, MacDougal St. and Thompson St., including the queue-jump on Thompson St. in the vicinity of Broome and Watts St.; and

**Be It Further Resolved that** CB#2, Man. appreciates and accepts the offer of DOT to coordinate with the 60 Thompson Hotel to avoid abuse of the curbside queue-jump by hotel-related vehicles and further requests monitoring of this feature to ensure its proper functioning.

**Be It Further Resolved that** CB#2, Man. requests that DOT further investigate the possibility of a bi-directional bikeway on West Broadway, as suggested by the NYC Bicycle Master Plan; and

**Be It Finally Resolved that** CB#2, Man. asks DOT to consider the possibility of temporary traffic diversions at peak times when overcrowded sidewalks lead to pedestrian overflow on MacDougal St. as well as to look into the creation of an additional bike route along Washington Sq. South and then southbound on Thompson St.

Vote: Passed, with 36 Board members in favor and 2 in opposition and 1 abstention.

### **3. Resolution supporting a proposed bicycle route on Christopher and W. 10<sup>th</sup> Sts.**

**Whereas**, the New York City Department of Transportation (DOT) presented a plan to create a crosstown link between the existing 9<sup>th</sup> St. and 10<sup>th</sup> St. bike lanes and the Hudson River Greenway, creating a continuous crosstown bike route from river to river; and

**Whereas**, regarding Christopher St., this proposal includes a curbside green bike lane on the north side from Sixth Ave. to the existing bike lane on Christopher St. at Greenwich St.; and

**Whereas**, regarding W. 10<sup>th</sup> St., this proposal includes a standard on-street bike lane alongside parked vehicles on the north side of W. 10<sup>th</sup> St. from West St. to Hudson St., “sharrows” painted down the middle of W. 10<sup>th</sup> St. between Hudson St. and Bleecker St. and again between Waverly Pl. and Greenwich Ave., and a curbside green bike lane on the north side from Bleecker St. to Waverly Pl. and again from Greenwich Ave. to Sixth Ave.; and

**Whereas**, there was concern expressed for the alternating protection of a true bike lane and the greater exposure to traffic on blocks with sharrows, but installation of a bike lane on those blocks with sharrows would require that police officers and firefighters reduce their specially-reserved private parking zones and consider using other transit options; and

**Whereas**, the only changes to parking rules are on the blocks with a curbside bike lane installation, where “No Parking Anytime” would become “No Stopping Anytime,” precluding commercial deliveries in those zones; and

**Whereas**, when concern was expressed regarding the availability of commercial delivery parking, DOT responded by identifying available delivery zones whose capacity exceeded measured peak-level delivery needs;

**Therefore be it resolved that** CB#2, Man. supports the proposed bicycle route on Christopher and W. 10<sup>th</sup> Sts.; and

**Be It Further Resolved that** CB#2, Man. requests (1) that DOT conduct outreach to businesses whose deliveries may be impacted by the installation of this bicycle corridor and advise them of nearby legal delivery parking availability, and in special and occasional circumstances where there may be no nearby delivery options, such as with the Lucille Lortel Theater, work with NYPD to allow them to load on the lane, if possible, and (2) monitor compliance with delivery parking regulations, possibly adjusting parking rules in this corridor to reasonably accommodate deliveries.

Vote: Passed, with 38 Board members in favor and 1 in opposition.

## **WATERFRONT**

### **Parking Lot at Pier 40**

#### **WHEREAS:**

1. The parking lot at Pier 40 is an important amenity for people who live on the Lower West Side of Manhattan;
2. The Pier 40 parking lot has lessened the number of cars on the street looking for parking spaces because its rates have always been lower than those of private vendors inland;
3. Conditions for parkers at Pier 40 in recent years have deteriorated due to the need for roof repairs, resulting in a decline in the number of cars parked on the Pier;
4. Pier 40 provides over \$6 million per year in income to the Hudson River Park Trust, which is more than half of the Trust's income, and the loss of parkers could actually lower the Trust's income, from Pier 40;
5. The Trust has not demonstrated to CB2 that it has a need to increase its income by raising the rates at Pier 40, nor has it demonstrated that the increase in rates will benefit Park users in any way;
6. Imposing a 30 percent increase in parking rates in the midst of an economic recession is unfair;
7. CB#2, Man. has received complaints about the service being provided by the current operator at Pier 40.

#### **THEREFORE BE IT RESOLVED:**

1. That CB#2 requests that the Trust hold off on the proposed May 1, 2009 parking rate increase; and
2. That the Trust, in conjunction with CB#1 and CB#2, hold a public hearing where it presents analysis and justification for the rate increase and solicits the opinion of the affected community; and
3. That the Trust not renew the contract of the current service provider until it has had an opportunity, working with CB#1, CB#2, and the Advisory Council, to evaluate the performance of that provider.

Vote: Unanimous, with 41 Board members in favor.

## **ZONING AND HOUSING**

**1. 150 Charles Street, Block 636, Lot 70, City Planning Application pursuant to Sections 13-562 and 74-52 of the Zoning Resolution for a special permit to allow the construction of an attended, 110-space public parking garage in the cellar of a new residential development in a C1-7 zoning district.**

**WHEREAS;** The applicant met with representatives of the community and the Community Board before the Public Hearing, And

**WHEREAS;** Community members expressed support for this application, And

**WHEREAS;** The number of parking spaces has been reduced to 92 spaces and the applicant added parking for 50 bicycles, And

**WHEREAS;** The parking space is well designed with minimal impacts on the surrounding neighborhood, And

**WHEREAS;** The Community recognizes the outstanding nature of this building project and the applicants strong community outreach, And

**THEREFORE BE IT RESOLVED,** that CB#2, Man. is satisfied that the applicant has met the requirements for this special permit, And

**BE IT FURTHER RESOLVED,** That CB#2, Man. thanks the applicant for having reached out to the community and responding to their concerns, And

**BE IT FURTHER RESOLVED,** that CB#2, Man. supports this application for a City Planning special permit to allow the construction of an attended, 92-space public parking garage in the cellar of a new residential development in a C1-7 zoning district.

Vote: Passed, with 39 Board members in favor, and 1 recusal (J.R. Zhang).

**2. City Planning Commission amendment to the Zoning that would add a permanently affordable homeownership option, Update the R10 program and make technical and other administrative improvements that would increase the number of permanently affordable units created, and encourage permanent preservation of existing affordable housing**

**WHEREAS;** This application will add a permanently affordable homeownership option with limited equity and the proper oversight to ensure permanent affordability, And,

**WHEREAS;** This Amendment will update the R10 program and make technical and other administrative improvements that would make this program consistent with the expanded Inclusionary Housing Program, And,

**WHEREAS;** Allow the use of existing public subsidy programs to help finance the Inclusionary Housing.

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports this application for a City Planning Commission amendment to the Zoning that would add a permanently affordable homeownership option, Update the R10 program and make technical and other administrative improvements that would increase the number of permanently affordable units created, and encourage permanent preservation of existing affordable housing.

Vote: Passed, with 39 Board members in favor, and 1 recusal (J.R. Zhang).

**3. Resolution on Request by Community Board 2, Manhattan, to Initiate a Re-zoning of the C6-1 Zone in the Far West Village**

**Whereas**, CB#2, Man. and the NYC Department of City Planning, met on April 1, 2009, with representatives from the local elected officials at City Planning's suggestion to discuss the zoning for the portion of the Far West Village bounded by West 12th Street to the north, West 10th Street to the south, Washington Street to the west, and Greenwich Street to the east, that is currently zoned C6-1; and

**Whereas**, worked together, starting in 2005 to implement a re-zoning of portions of the Far West Village in order to ensure that future development in this neighborhood would be appropriate to its historic, low-scale, residential character; and

**Whereas**, CB#2, Man. thanks the NYC Department of City Planning for their careful and thoughtful approach to planning that honors the history and stability of this community; and

**Whereas** that re-zoning, regrettably, neglected to include a sliver of properties, roughly bounded by West 12th Street to the north, West 10th Street to the south, Washington Street to the west, and Greenwich Street to the east that are currently zoned C6-1; and

**Whereas**, C6-1 zoning allows a commercial FAR of 6, a Community Facility bonus to 6.5, and a residential FAR of 3.44; and

**Whereas**, this imbalance of FAR between commercial and residential uses, encourages out of scale and inappropriate commercial development, such as hotels, dorms and office buildings, in an overwhelmingly quiet residential neighborhood; and

**Whereas**, CB#2, Man. believes that it is imperative that this C6-1 district be re-zoned to C1-6A, a zoning designation that would allow a commercial FAR of 2, a Community Facility bonus to 4, and a residential FAR of 4, or such other appropriate re-zoning that would preserve the character of the neighborhood and conform with the intentions of the 2005 re-zoning; and

**Whereas**, such a re-zoning would support the intentions of the 2005 re-zoning, by discouraging inappropriate commercial development and, because it is contextual, define the same height limitations for the street wall and set-backs that are in place for the properties immediately to the west, limits that are in keeping with the character of this historic and stable residential neighborhood; and

**Whereas** this request has the complete support of the community and CB#2, Man.; and

**Whereas**, because of the imbalance in the zoning, an as of right project is coming before CB#2, Man. and the NYC Landmarks Preservation Commission that will negatively impact the future of this area, and would negate the intent and benefits of the 2005 re-zoning; and

**Whereas**, There have been meetings in the community for about a year that demonstrate strong support.

**Therefore Be It Resolved,** that CB#2, Man., urgently requests that the NYC Department of City Planning to immediately initiate a re-zoning of the area in the Far West Village, roughly bounded by West 12th Street to the north, West 10th Street to the south, Washington Street to the west, and Greenwich Street to the east, from C6-1 to C1-6A, or such other appropriate re-zoning that would preserve the character of the neighborhood and conform with the intentions of the 2005 re-zoning.

Vote: Unanimous, with 40 Board members in favor.

**NEW BUSINESS**

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan