

David Gruber, *Chair*
Bo Riccobono, *First Vice Chair*
Jo Hamilton, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Susan Kent, *Secretary*
Keen Berger, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

FULL BOARD MINUTES

DATE: April 18, 2013
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Tobi Bergman, Carter Booth, Anita Brandt, William Bray, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Terri Cude, Maria Passanante Derr, Cristy Dwyer, Robert Ely, Joshua Frost, Gideon Gil, Robin Goldberg, David Gruber, Chair; Jo Hamilton, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Dodge Landesman, Raymond Lee, Edward Ma, Alexander Meadows, Florent Morellet, Judy Paul, Lois Rakoff, Robert Riccobono, Rocio Sanz, Wendy Schlazer, Maury Schott, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Sean Sweeney, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: Keen Berger, Pier Consagra, Coral Dawson, Doris Diether, Sasha Greene, Anne Hearn, Robin Rothstein, Susan Wittenberg

BOARD MEMBERS ABSENT: Arthur Z. Schwartz

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

GUESTS: Sam Nagourney, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Hannah Friedman, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Matt Viggiano, Council Member Margaret Chin's office; Padmini Parthesarathy, Matt Phillips, Shneta Dalla, Nathan Kornfeld, Pat Kornfeld, Joe Mangram, David Poster, Charles Anflick, Katey Leff, Sandy Russo, Catherine Lee, Tyler Holmes, Sasha Friedman, Katie Briguelet, Arlene Peralta, Meredith Nowikowski, Gregory DeGonzave, Howard Berke, Dominhick Cipolla, Mohammed Lotif, Ari Schwartz, Tom Nikac, Daniel Egers, Carol Blum, Andrew Brokman, Suzan Rosen, Shane Myers, David Berke, Laurah Winder, Andrea Swalec, Freddie Berg, Mike Ahzardi, Bathabile Mthombeni, Williamson Henderson, AnDre Christie, Elton Lowery, Louis Cholders, Mauro Servi, Jason Jones, Renee Schoonbeek, Stephen Becker, Nuri Akgul, Cassandra Jackson, Catheryn Swan, Jordan Levine, George Pastor, Mary Johnson, Louise Raster, Julie Menin, Pete Davies, Peter Bassano

MEETING SUMMARY

Meeting Date –April 18, 2013
Board Members Present – 41
Board Members Excused–9
Board Members Absent – 1

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	2
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
DISTRIBUTION OF MINUTES	4
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
LANDMARKS AND PUBLIC AESTHETICS	4
LAND USE & BUSINESS DEVELOPMENT	11
SIDEWALKS/STREET ACTIVITIES	14
SLA LICENSING	22
TRAFFIC AND TRANSPORTATION	49

II. PUBLIC SESSION

Non-Agenda Items

STONEWALL Veterans Association

Williamson Henderson, AnDre Christie, and Elton Lowery all spoke in favor of the organization and their upcoming street fair.

MeatPacking Improvement Association

Meredith Nowikowski announced several upcoming events.

Red Cross and Sandy Recovery

Suzan Rosen, from the Red Cross, spoke regarding services available to those affected by Hurricane Sandy.

Benefit for Washington Square Music Festival

Lois Rakoff spoke regarding an upcoming event to support the free summer concerts in the park.

Food Truck Legislation

Pete Davies spoke in favor of proposed legislation for food truck vendors.

Performers in Parks

Joe Mangram spoke in favor of this issue.

Land Use Policy

Julie Menin spoke regarding a Land Use proposal for better planning.

Project Hope

Katey Leff spoke regarding the organization.

New York Obscura

Cassandra Jackson spoke.

New Acting Company

Robert Ely spoke in favor of this new acting company in the area.

Edgar Allan Poe Room

Lois Rakoff made an announcement regarding upcoming events in the Poe Room.

Land Use and Business Development Items

110 Waverly Pl. App. 239-02-BZ BSA seeking a 10-year extension of a previous variance allowing an eating & drinking establishment and non-conforming accessory business sign in an R7-2 residential zone
Dan Egers, representing the applicant, spoke in favor of the extension to the variance.

Nuri Akgul spoke against the variance extension to Babbo.

Parks/Waterfront

Washington Square Park

Mary Johnson and Cathryn Swan spoke regarding the park.

Sidewalks/Street Activities Items

Caliente Cab Rest. Co., Inc. d/b/a Caliente Cab Co., 61 7th Ave. South, with 42 tables & 84 seats
Howard Berke, proprietor, and David Poster, spoke in favor of the sidewalk café renewal.

App. to DCA for revocable consent for newsstand on Varick St. near the northeast corner of Charlton St.
Mohammed Lotif, Peter Bassano Tom Nikac, and Renee Schoonbeek, spoke against the proposed newsstand in front of 180 Varick St.

Traffic and Transportation Items

Approving Alternate Side Parking (street cleaning rules) on Greenwich St. bet. Leroy and Morton Sts.
Sandy Russo spoke in favor of the alternate side parking proposal.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Sam Nagourney, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Hannah Friedman, Man. Borough President Scott Stringer's office

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas-Castaneda, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Distribution of March minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** David Gruber reported

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item: 8 - 298-308 Lafayette Street (Houston) - SoHo-Cast Iron H.D. Extension A store building built c.1929, a garage built c. 1930s - 40s and a gas station built c.2000. Application is to demolish the buildings and construct a new building. Zoned M1-5B

Whereas, we reiterate our gratitude to the Commission for its wise decision in 2010 to include this property within the SoHo Extension; and

Whereas, the applicant reached out to community leadership prior to presentation, listening to their opinions, which were generally favorable.

However, there was some concern, understandably, from half a dozen residents of the adjacent building, who testified that the new construction would block views of the Puck Building from Houston Street, that the building's architecture is out of character, that it is bulky, and that it is not in context; and

Whereas, the demolition of the three insignificant buildings presents no problem; and

Whereas, widening of the sidewalk adjacent to the subway is welcomed; and

Whereas, we appreciate the addition of street trees as part of this project, and only wish that the Commission would reconsider permitting further street trees throughout SoHo; and

Whereas, the applicant did not advise CB#2, Man. that the project as currently envisioned depends upon approval by the City Council of a zoning text amendment that CB#2, Man. opposed; and

Whereas, there was some discussion over the appropriateness of such deeply recessed open-areas/balconies on the upper floors, since such a feature has heretofore been alien to the district; and

Whereas, the vegetation proposed for the open areas, like the open areas themselves, is generally alien to the district and could appear peculiar were it located within the core of the Cast-Iron District. But it's not, and, in the hodge-podge that is Houston Street and at the very corner of the historic district, both elements actually add a new, refreshing component to that thoroughfare; and

Whereas, we compliment the applicant for the sympathetic treatment of the massing; and

Whereas, the contemporary materials proposed work well on Houston Street, which has seen so much change in the past ninety years; now

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

It is further resolved that this recommendation to the Landmarks Preservation Commission does not impact the board's separate recommendation regarding an application for this project to the City Planning Commission pursuant to ZR 74-712 ; and

It is further resolved that CB#2, Man. reiterates its opposition to the proposed zoning text amendment that would increase the maximum lot coverage permitted to allow special permits under 74-712 and considers the text amendment a potential risk to contributing buildings within the Soho Landmark District.

Vote: Unanimous, with 41 Board members in favor.

2 - LPC Item:9 – 148 -150-152 Mercer Street, aka 579-581 Broadway - SoHo-Cast Iron H.D.
A storehouse built c.1860. Application is to install storefront infill, signage, and lighting.

Whereas, we were flabbergasted at a proposal that would essentially remove these original, historical, iconic shutters, not only detracting from this building but from the historic district as well; and

Whereas, rear-window shutters have been championed many times by the Commission as a key element in the district's iconography.

Furthermore, so fundamental are shutters to these old manufacturing districts, that contemporary real-estate development has actually introduced shutters on the front façade of new construction; for example, most recently on Bond Street in the NoHo Historic District; and

Whereas, so important are these Mercer Street shutters, surviving since 1860 for over 150 years, that the Designation Report itself focuses on their vital contribution to the three buildings' architecture.

The Report first describes the "very simple and direct architectural treatment" of the three buildings, which serve as rear entrances for the Broadway buildings.

However, the Report continues, this "utilitarian handling is very successful, however, due largely to the one-and-one-half stories of iron shutters, cast by the Jackson Foundry, that cover nearly all of the lower portion of the façade"; and

Whereas, by effectively keeping these shutters permanently open, this proposal would eliminate the harmony that the shutters and the simple façade share, as well as the shutters' contribution to the architecture and history of the district; and

Whereas, the applicant told us that the proposed façade restoration intends to make the three buildings “more uniform”. Yet, paradoxically, removing the shutters would wreck the unity of the very façade that the applicant seeks to unify; and

Whereas, the need for installing a huge 14’ x 6’ expanse of glass for a showroom window is dubious at best. Windows this size above the level of the ground floor are very rare in the historic district, if present at all; and

Whereas, we worry that, were these windows allowed to be installed, they would be not used to display mannequins or merchandise, being so high above the sidewalk and the view of passers-by. Instead, they could merely serve as a medium for huge business or advertising signage, in an attempt to attract shoppers’ attention to the retail use; and

Whereas, the applicants asked us, and may ask the Commission, whether they are to be told that the shutters must remain closed permanently. Our response was in the affirmative, and we trust that will be the Commission’s response as well; and

Whereas, the exculpatory examples presented by the applicant of large, frameless fenestration were specious: the examples were either irrelevant, not legalized, located on a non-contributing building, or a one-off that somehow snuck in before preservationists realized how detracting they are to the historic district. These examples should be passed over by the commission; and

Whereas, further, these shutters are very important, not only for the building, but for the district. There exists only one other example of ground-floor shutters, further down Mercer at 84-94; now

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

Vote: Unanimous, with 41 Board members in favor.

3 - LPC Item: 10 - 41 Charles Street (W4th/7thAve)-Greenwich Village Historic District A rowhouse built in 1869. Application is to replace a window and construct rooftop and rear yard additions. Zoned R6

Whereas, the rooftop addition will not be visible from the street; but

Whereas, demolishing the historic façade, especially above the parlor floor, in is hard to rationalize; and

Whereas, this proposal is basically creating a new façade and is not really an “extension” of the existing one. This is a proposal for a façade that is pretty, but totally different from the historical one; and

Whereas, we applaud the restoration on the front of the building, but cannot condone the existing window being replaced by an essentially identical one. If the applicant is doing a restoration, it should be done right, without a request for a window that is out of character with the rest of the building and the district; now

Therefore, be it resolved that CB#2, Man. recommends approval of the rooftop addition, but denial of the rear-yard addition and the basement window in the front.

Vote: Unanimous, with 41 Board members in favor.

4 - LPC Item: 11 - 247 West 13th Street (7th/Greenwich) - Greenwich Village Historic District

An Italianate style rowhouse built in 1854. Application is to construct rooftop and rear yard additions and excavate the cellar and rear yard. Zoned C1-6/R6

Whereas, adjacent property owners objected to this proposal, not only because it would interfere with their light and views, but also, and far more troubling, because of the potential damage to their foundation; and

Whereas, the committee thought the proposed rear-yard addition was an egregious design that mashes up three different types of windows on the same façade. The stairwell-window fenestration expresses something more like a commercial building than a row house; and

Whereas, the rooftop addition is only visible from a distance away; and

Whereas, whether due to poor subsoil, the general exigencies of construction, or both, some damage – minor or major – to adjacent buildings is inevitable when excavating to the party wall.

The common method of excavating – shoring up and underpinning the neighboring buildings’ foundation – is well intentioned but far from perfect.

A better solution would be not to disturb the foundation, footing and party wall, but instead to excavate a few feet *away* from the shared foundation, respecting the natural, structural “angle of repose”.

This method may result in some loss of desired interior square-footage that the applicant seeks, but is a much more prudent procedure and will greatly mitigate structural damage as well as neighbors’ acrimony; and

Therefore, be it resolved that CB#2, Man. recommends approval of the rooftop addition but denial of the rear extension; and, further,

Be it resolved that CB#2, Man. recommends that the LPC take a more prudent approach and not permit the removal of soil immediately adjacent to the foundation.

Vote: Unanimous, with 41 Board members in favor.

5 - LPC Item: 12 - 11 West 12th Street (5th/6th)-Greenwich Village Historic District. A townhouse originally built in 1847, and altered in the 20th century. Application is to alter the front facades, rebuilt the rear façade, and construct a stair bulkhead.

Whereas, the proposed alteration to the front façade will not detract from it; and

Whereas, this building is an exception, in that there is little historical material and character remaining in the rear façade; and

Whereas, the building is surrounded by tall buildings, with no doughnut to speak of, and no row-house neighbor to complement; but

Whereas, we recommend locating the ventilation stacks of the adjoining building that have been placed on this roof back to the adjoining building; this measure would eliminate the unsightly stacks from public view; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application, but suggests that during such a major building renovation, the ventilation stacks be moved over to the actual building they service, in order to enhance the public's view of this attractive townhouse.

Vote: Unanimous, with 41 Board members in favor.

6 - LPC Item: 13 - 33 Greenwich Avenue, aka 133 West 10th Street- Greenwich Village H.D.

A white brick apartment building built in 1960-61. Application is to remove the existing canopy that was altered without Landmarks Preservation Commission permit(s) and install a new canopy.

Whereas, the work proposed will enhance this building as well as the district; now

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

Vote: Unanimous, with 41 Board members in favor.

7 - LPC Item: 14 - 30 Grove Street-Greenwich Village Historic District. A transitional Greek

Revival/Italianate style townhouse built by Linus Scudder. Application is to excavate the cellar and rear yard. Zoned R6

Whereas, the owner proposes to excavate 18' in order to build a 55' basement swimming pool with a generous 9'6" ceiling in an historic townhouse, which excavation is proposed to reach right up to both adjoining party walls; and

Whereas, neighboring property owners objected to this proposal because of the potential damage to their building; and

Whereas, the proposal to pave over the rear yard would remove an essential element of this rear yard, or, in fact, of any historical rear yard: namely, vegetation, thus affecting the natural character of the doughnut; now

Therefore, be it resolved that CB#2, Man. recommends denial of the proposed pavers and requests greenery instead; and, further

Be it resolved that CB#2, Man. recommends that excavation not be permitted, in order to avoid any potential harm to the historical building next door.

Vote: Unanimous, with 41 Board members in favor.

8 - LPC Item: 15 - 27 Downing Street (6th/Bedford) - Greenwich Village Historic District Extension II

An American Round Arch style stable with apartments designed by Alfred Zucker and built in 1893 with major alterations in 1920, 1924, and 1925. Application is to construct a new rear façade and a rooftop addition, and replace windows. Zoned R6

Whereas, the rooftop addition would be very visible; and

Whereas, little of what was presented had architectural or historical merit: not the choice of materials; not in the arrangement of the fenestration; not in the style of the tilt-and-turn casements windows: and

Whereas, the applicant said that he wants “something new”, so creates an entirely new façade with little historical reference; now

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

Vote: Unanimous, with 41 Board members in favor.

9 - LPC Item: 16 - 410 West 14th Street (Greenwich/Washington) -Gansevoort Market Historic District
An Arts and Crafts style store and loft building designed by Charles H. Cullen and built in 1909.
Application is to install storefront infill, replace the canopy, and install signage

Whereas, the proposal will enhance the building and the district; now

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

Vote: Unanimous, with 41 Board members in favor.

2ND LANDMARKS MEETING

10 - LPC Item:10 - 430 Broome Street (n.e. Crosby) -SoHo-Cast Iron Historic District Extension
A Queen Anne style store and factory building built in the earlier part of the 19th century and altered in 1894-95 by Julius Kastner. Application is to construct a rooftop addition. Zoned M1-5B

Whereas, although the proposed rooftop addition will not be visible or just barely visible from certain sightlines, it will be fully visible along Broome Street from west of Crosby to Broadway; and

Whereas, the applicant stated that a building proposed for the empty lot across from this building would block the view from Broome Street; but

Whereas, that lot has been vacant for decades and we cannot speculate when a building will actually be built there, a current C of A notwithstanding; and

Whereas, usually rooftop additions attempt to differentiate themselves from the original building. However, this calls attention to itself with a bold modernist design – on a Queen Anne building; now

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

Vote: Unanimous, with 41 Board members in favor.

11 - LPC Item:12 - 74 Wooster Street (Spring/Broome) -SoHo-Cast Iron Historic District
A factory designed by Charles Mattam and built in 1869. Application is to install new storefront infill, remove shutters, enlarge a light well and construct a rooftop addition. Zoned M1-5A

Whereas, there was no mock-up constructed by the time of the presentation to the community board; so the applicant could not provide us with data showing how visible the proposed structure would be. We cannot rely on a computer rendering. Thus it is an incomplete application; and

Whereas, regarding the shutters: It is not uncommon in the cast-iron district for some shutters to be missing, or randomly shut or open.

Rather than fabricate ersatz shutters, creating a Disneyfied version and a spurious shutter arrangement, it would be better to simply recycle the four original shutters, randomly deploying them on the rear façade, and making them operable, should the desire to employ them ever arise. There is no need to create an artificial addition; and

Whereas, the storefront looks too crisp and modern; it needs more detailing; and

Whereas, the fire escape has early detail, a Roman motif. Although some fire escapes detract from a building and should be removed, this interesting example should be preserved; now

Therefore, be it resolved that CB#2, Man. recommends denial of the penthouse because the application was incomplete without a mock-up present; but, further,

Be it resolved that CB#2, Man. recommends saving and re-arranging the original shutters, enlarging the light well, preserving the fire escape, but would like to see more detailing in the storefront design.

Vote: Unanimous, with 41 Board members in favor.

12 - LPC Item:14 - 395 6th Avenue (Greenwich/Gay) - Greenwich Village Historic District
A commercial building built in 1876, remodeled in 1958 and again in 1985 by James Polshek.
Application is to alter the facade, install storefront infill, and signage.

Whereas, there is nothing of the original façade remaining and numerous alterations have been done in a haphazard manner; and

Whereas, the new design is appealing and certainly better than the existing storefront; now

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

Vote: Unanimous, with 41 Board members in favor.

13 - LPC Item:15 - 33 Greenwich Avenue (W10/Charles) -Greenwich Village Historic District
An apartment building built in 1960-61. Application is remove a sidewalk cafe enclosure altered without Landmarks Preservation Commission permit(s), and construct a new sidewalk cafe enclosure.

Whereas, two residents of the building appeared. Had they not alerted us, we would never have realized that the proposed fenestration of the storefront, instead of being fixed windows that we originally assumed they would be, has the potential to operate as sliding doors. This treatment would result in the disappearance of most of the storefront, as well as creating the further problem of restaurant noise invading residents' homes; and

Whereas, although unwelcome noise is not a criterion for denying an application, we should be careful when considering an alteration that could generate unneeded public criticism for the landmarking process, an alteration that serves no preservation purpose; and

Whereas, the applicant presented us with a nice treatment of a 1960s building. However, we were not presented with the way it may look, that is, wide open with little façade and storefront present; and

Whereas, were the multiple doors allowed to be open during business hours, we would have a void where there should be a storefront. We don't approve voids. Architecture is about space, not about voids; and

Whereas, such an open storefront is not characteristic of buildings of this style and era; and

Whereas, wire-mesh glass is appropriate in manufacturing districts, or in lot-line windows. However, it is wrong in this context. We prefer a solid bulkhead there; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application if, and only if, the fenestration remain closed and permanently fixed at all times. Otherwise, it would detract from the building and the district; and, further,

Be it resolved that CB#2, Man. recommends denial of the proposed meshed wire bulkhead.

Vote: Unanimous, with 41 Board members in favor.

14 - LPC Item:17 - 54 King Street (Varick/6th) -Charlton-King-Vandam Historic District
A Greek Revival style rowhouse built in 1841. Application is to modify the roof and rear facade

Whereas, the rooftop addition and trellis will not be visible, and the work on the rear will be an improvement; and

Whereas, while all this work is being done, it would be nice if the unsightly smokestacks were moved to made less visible; now

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

Vote: Unanimous, with 41 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 126 Leroy Street. Application 52-13-BZ to the Board of Standards and Appeals pursuant to ZR 73-36 to permit a physical culture establishment (Soul Cycle) within an existing commercial building in an M1-5 zone.

Whereas:

(Regarding application information.)

1. The proposal is for a special permit to allow a physical culture establishment within portions of an existing 9-story building in an M1-5 zone.
2. SoulCycle operates a chain of indoor cycling exercise facilities and would occupy portions of the cellar and ground floor.
3. Hours of operation would be Monday – Saturday, 5:30 AM – 11:00 PM and Sunday 7:00 AM – 9:00 PM.
4. Occupancy would be limited to the number of cycles available, between 40 and 60.
5. There would be a staff of 20 – 25 employees with no more than 6 within the facility at any times
6. Plans include installation of required life safety systems and also construction for noise attenuation.
7. No negative impacts are anticipated for the building or neighbors.
8. The use is appropriate and will serve nearby commercial and residential neighbors.

(Regarding applicant statements and community response.)

9. Todd Dale of Rothkrug Rothkrug & Spector LLP appeared before the committee on behalf of the applicant.
10. No one spoke for or against the proposal.

Therefore it is resolved that CB#2, Man.

Recommends approval of this application to allow a physical culture establishment at 126 Leroy Street.

Vote: Unanimous, with 41 Board members in favor.

2. 45 Great Jones Street. Application 77-13-BZ to the Board of Standards and Appeals pursuant to ZR 72-21 to waive ZR 42-10 to allow residential use, ZR 43-43 with regard to front wall height, and ZR 42-14 to allow Use Group 6 below the 2nd story level for the alteration of a 3-story commercial building into an 8-story mixed use building with 7 floors of residential use and ground floor retail in an M1-5B zone.

Whereas:

(Regarding the application information.)

1. The application is to replace an existing 3-story commercial building with an 8-story mixed-use building with 7 floors of residential use and ground floor retail.
2. The existing structure is located on a block that is mostly residential and retail.
3. There is no market in the area for conforming uses either in the existing structure or in a new replacement structure.
4. The new building will include a 30-foot rear yard, exceeding the requirements for a residential structure in the zone.
5. The project will be a ground lease coop.
6. The CB2 Landmarks Committee recommended approval of a design for the building, which was later modified with a higher street wall at the request of the Landmarks Preservation Commission.

(Regarding applicant statements and community response.)

7. The application was presented to the committee on behalf of the applicant by Sasha Friedman of Friedman and Gotbaum; Richard Metsky and Shin-Yau Huang of Beyer Blinder Belle; and the applicants Don and Alex Capoccia of DD45, LLC.
8. The applicant stated willingness to accept a stipulation that there would be no eating or drinking establishments in the retail space.
9. The applicant stated willingness to include in all co-op proprietary leases a statement regarding acceptance by tenants of potential inconvenience or nuisance from conforming manufacturing uses in neighboring buildings, if any.
10. Zella Jones spoke in favor of the applications and submitted a letter for NoHo Bowery Stakeholders in favor of the application

11. A letter supporting the application was received from the NoHo Neighborhood Association.

Therefore it is resolved that CB#2, Man.

Recommends approval of this application to allow a mixed use 8-story building at 45 Great Jones Street subject to a restriction prohibiting eating and drinking establishments as agreed to by the applicant.

Vote: Unanimous, with 41 Board members in favor.

3. 110 Waverly Place. Application 239-02-BZ to the Board of Standards and Appeals pursuant to ZR 22-10 and 52-61 seeking a ten-year extension to the term of a previous variance allowing an eating and drinking establishment (Babbo) and a non-conforming accessory business sign in an R7-2 residential zone [HELD OVER FROM FEBRUARY].

Whereas

(Regarding the application information)

1. The restaurant Babbo is located on the ground floor and part of the second floor of this four story building in an R7-2.
2. The application is for extension of a variance supported by CB2 and granted by the BSA in 2002.
3. The variance, allowing a prior restaurant use that had lapsed for more than two years to resume, was granted even though the site is within the Greenwich Village Historic District.
4. The variance, allowing restaurant use of the site to be continued for ten years, expired on December 17, 2012, but the continued use is allowed while this application is considered and DOB issued a new certificate of occupancy in December, 2012.
5. There were not changes proposed to the prior variance.
6. The application was initially presented to the CB 2 Land Use Committee in February 2013, but was held over because the applicant was not prepared to respond to questions from committee members.

(Regarding the request to extend the variance.)

7. A presentation was made to the committee by Deirdre Carson and Daniel Egers of Greenberg Traurig LLP, representing the applicant, Babbo restaurant.
8. Mark Coseia of Babbo was available to respond to questions regarding restaurant operations.
9. The presentation reviewed a history of nuisances caused by operation of the restaurant dating from before the approval of the variance and recognized by the applicant in documents submitted to the committee.
10. The presentation detailed significant efforts made by the applicant to address the various concerns and summarized planned work to remediate ongoing conditions.
11. These nuisances include noise and vibration from HVAC units on the roof of the site and from a large kitchen exhaust system.
12. These conditions have been brought to the attention of the applicant over a period of years by the owner/resident of 108 Waverly Place, Nurettin Akgul.
13. Mr. Akgul was represented at the hearing by Jacqueline Gewald and Arnold Spellun of the law firm McLaughlin & Stein who were provided an opportunity to fully present the history and current status of ongoing concerns.
14. In testimony to the committee and in a prepared document including various exhibits a credible case was made regarding on-going nuisance from noise and vibration.

15. This testimony also indicated persuasively that the most recent Certificate of Occupancy issued by DOB failed to include restrictions required by the variance, indicating possible failure of applicable agency process needed to protect residential uses where variances are issued for Use Group 6 in residential zones.
16. Additional concerns were raised regarding noise from trash collection and fumes from kitchen exhaust and cleaning of exhaust equipment.
17. The applicant presented current plans to address the nuisance conditions related to noise from the AC units and kitchen exhaust system, and will include replacement of two of the units with quieter models.
18. The presentation did not include a proposal to address vibrations caused by the units because the applicant believes these are adequately addressed by the use of vibration dampers on the HVAC units.
19. Permits for this work, which will require staff review by LPC, have not yet been applied for.
20. Given the long history of failure to adequately address these conditions despite substantial effort and expense at the time of the initial variance application and subsequently, there can be no high level of confidence regarding the success of the proposed changes.
21. The applicant presented credible evidence of a strong and largely successful effort to address other concerns, such as by scheduling trash pick-up for after 8 AM.
22. Another residential neighbor spoke in favor of the application, saying that the restaurant management had been very responsive to her complaints.

Therefore it is resolved that CB#2, Man.

1. Recognizes and appreciates the efforts the applicant has made to address the nuisances it agrees it has caused;
2. Regrets that these efforts have been inconsistent and have not adequately addressed the conditions of noise and vibration affecting 108 Waverly Place.
3. Recommends denial of this application to extend the variance for Babbo restaurant unless detailed restrictions are included to assure the operation of the restaurant in a manner that minimizes impacts on conforming uses and unless such restrictions are included as legal limitations in all future certificates of occupancy and adequately enforced by the Department of Buildings.
4. Recommends delay of approval of this application until the noise and vibration from HVAC and exhaust equipment are fully and successfully addressed.
5. Recommends that any variance to be issued based on the current application be for a 2-year duration only to assure continuous attention by the applicant to the potential nuisances caused by the operation of the restaurant.

Vote: Unanimous, with 41 Board members in favor.

SIDEWALKS/STREET ACTIVITIES

App. to DCA for revocable consent for newsstand:

1. Newsstand on Varick St. near the northeast corner of Charlton St, DCA# 1459930

Whereas, the area was posted, community groups notified, there were community members present regarding this application, and the applicant was present, and

Whereas, there were several emails sent to CB2 strongly opposed to the location for a newsstand due to extensive current availability of all the products a newsstand would provide, including a full-service news dealer, an existing newsstand just one block south and a full-service pizza and deli directly adjacent to this location, and

Whereas, a representative of the owners of the adjacent building, 180 Varick St., appeared in opposition and pointed out that 6 RCNY Ch. 2 Subch. 7 Part 1 (under 2-65 Siting Requirements for Newsstands) states “a 15’ clearance as measured parallel to the curb is required from significant entrances to major buildings, defined as... any entrance to the elevator lobby of a building having non-residential uses above the street level floor and having 16 floors in height or more with a frontage of at least... 140 feet on wide streets...”, and

Whereas, 180 Varick St has 17 floors with a frontage of 201’ and the applicant’s supplied plan shows the distance from the newsstand to the entrance to the elevator lobby of this commercial building to be just 9’9”, and

Whereas, representatives from the Hudson Square Alliance appeared in opposition on the basis that existing merchants fully provide for the products available at a newsstand, and that further encroachments on the Varick St. sidewalks would complicate comprehensive streetscape improvements they soon intend to propose for Varick St. from Houston St. south to Canal St., and

Whereas, the Hudson Square Connection was also concerned about a major ConEd steam line that runs under the sidewalk at this location which has required excavation for maintenance in the recent past,

THEREFORE BE IT RESOLVED that CB#2, Man. **STRONGLY recommends DENIAL** of an application for a **newsstand on Varick St. & near the northeast corner of Charlton St, DCA# 1459930.**

VOTE: Unanimous, with 41 Board members in favor.

2. Newsstand on Hudson St. near the northwest corner of W. Houston St., DCA# 1460136

Whereas, the area was posted, community groups notified, there were community members present regarding this application, and the applicant was present, and

Whereas, a representative of the owners of the adjacent building, 395 Hudson St., appeared in opposition maintaining there is no need for the newsstand in the area, the proposed location has been the home of two food vendors for more than 20 years and negotiations to install a newsstand in the lobby of the building have now been put on hold as the prospective operator is unwilling to sign a lease if a newsstand is to be built just outside the building,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of an application for a **newsstand on Hudson St. near the northwest corner of W. Houston St., DCA# 1460136.**

VOTE: Passed, 40 Board members in favor and 1 against-(F. Morellet)

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

3. Cowgirl Inc., d/b/a Cowgirl and Bark, 519 Hudson St (NW corner W. 10th St), with 11 tables and 22 seats, DCA# 0919917

Block:631 Lot:46 Lot Frontage:106.5' Lot Depth:105.33 Year Built:1888 (estimated)
Number of Buildings:5 Number of Floors:5 Residential Units:90 Total # of Units:96
Zoning:C1-6 Landmark Building: Yes
Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for several years by this applicant with few known issues, and

Whereas, the committee noted that the café barrier is never moved against the façade when the café is not in use and the applicant committed to resolving the issue,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Cowgirl Inc., d/b/a Cowgirl and Bark, 519 Hudson St (NW corner W. 10th St), with 11 tables and 22 seats, DCA# 0919917.**

VOTE: Unanimous, with 41 Board members in favor.

4. Eli-Lilla, Inc. d/b/a Caffè Roma, 385 Broome St (SE corner Mulberry St), with 9 tables & 22 seats, DCA #1388457

Block:471 Lot:36 Lot Frontage:25.58' Lot Depth:99.17 Year Built:1900 (estimated)
Number of Buildings:1; Number of Floors:5 Residential Units:4 Total # of Units:6; Zoning:C6-2G

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this café has been operated for several years by this applicant with relatively few issues, and

Whereas, the committee noted that the applicant has been cited by DCA on several occasions for a large A-frame sign being used at the corner of the building and Mr. Kelly committed to addressing the issue with the applicant,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Eli-Lilla, Inc. d/b/a Caffè Roma, 385 Broome St (SE corner Mulberry St), with 9 tables & 22 seats, DCA #1388457.**

VOTE: Unanimous, with 41 Board members in favor.

5. Da Silvano Corp., d/b/a Da Silvano, 260 6th Ave. (btw W. Houston St & Bleecker St), with 23 tables & 49 seats, DCA #1187717

Block:526 Lot:11 Lot Frontage:40' Lot Depth:100 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:31 Total # of Units:32
Zoning:R7-2 ; Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, after many years of issues caused by a plan that was too dense for the space, the plan was redone two years ago with less seats and the café now appears to be operating with relatively few issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Da Silvano Corp., d/b/a Da Silvano, 260 6th Ave. (btw W. Houston St & Bleecker St), with 23 tables & 49 seats, DCA #1187717**

VOTE: Unanimous, with 41 Board members in favor.

6. St. Jude Enterprises, LLC d/b/a Benito One, 174 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA#1394721

Block:471Lot:34	Lot Frontage:26.08'Lot Depth:99.75	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:7 Residential Units:16	Total # of Units:17
Zoning:C6-2G		

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for several years by this applicant with relatively few issues, and

Whereas, the committee noted that the applicant has been cited by DCA in June 2012 for a podium sign being used on the sidewalk and the applicant committed to removing it,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **St. Jude Enterprises, LLC d/b/a Benito One, 174 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA#1394721.**

VOTE: Unanimous, with 41 Board members in favor.

7. GMT New York, LLC d/b/a GMT Tavern, 142 Bleecker St. (SW corner LaGuardia Pl.), with 24 tables & 51 seats, DCA#1382861

Block:525Lot:7504	Lot Frontage:25'Lot Depth:125	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:5 Residential Units:0	Total # of Units:8
Zoning:R7-2;	Commercial Overlay:C1-5	

Whereas, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant was present, and

Whereas, this café has been operated for two years by this applicant with relatively few issues, and Judith Callet, a long-time member of BAMRA, spoke in favor of the renewal stating the applicant has quickly made themselves a valued member of the community, and

Whereas, the applicant was cited by DCA in May 2012 for several issues including a platform under the café, a separation of greater than 30” and an improper service aisle, all of which have been corrected, and

Whereas, the committee noted the plan was originally approved without adequate clearance or the required awning opening for a fire escape drop ladder and the applicant agreed to quickly remedy both situations,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **GMT New York, LLC d/b/a GMT Tavern, 142 Bleecker St. (SW corner LaGuardia Pl.), with 24 tables & 51 seats, DCA#1382861**

VOTE: Unanimous, with 41 Board members in favor.

8. Caliente Cab Rest. Co., Inc. d/b/a Caliente Cab Co., 61 7th Ave. South (SE corner Bleecker St), with 42 tables & 84 seats, DCA#0670525

Block:587Lot:21 Lot Frontage:47'Lot Depth:72.92 Year Built:1925(estimated)
Number of Buildings:1; Number of Floors:2.5 Residential Units:8 Total # of Units:9
Zoning:C2-6 Landmark Building: Yes
Historic District: Greenwich Village Historic Dist. Ext. II

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for many years by this applicant with relatively few issues, and

Whereas, the committee noted the applicant had an illegal host podium, large food service station with bowls of fruit, etc. and another service station with dirty dishes and a POS terminal on the sidewalk, and

Whereas, the applicant was not willing to admit that there were service stations on the sidewalk,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Caliente Cab Rest. Co., Inc. d/b/a Caliente Cab Co., 61 7th Ave. South (SE corner Bleecker St.), with 42 tables & 84 seats, DCA#0670525**

CONDITIONAL UPON the applicant removing all illegal podiums, service stations and other objects from the sidewalk

VOTE: Unanimous, with 41 Board members in favor.

Re-apply App. for revocable consent to operate an Unenclosed sidewalk cafe for:

9. Jec II LLC, d/b/a Bagatelle, 1 Little West 12th St. (NE corner 9th Ave), with 26 tables & 62 seats, DCA#11618556

Block:628Lot:1 Lot Frontage:77.33'Lot Depth:100 Year Built:1913
Number of Buildings:3; Number of Floors:6 Residential Units:0 Total # of Units:3
Zoning:M1-5 Landmark Building: Yes
Historic District: Gansevoort Market

Whereas, the area was posted, community groups notified and there were several community members present regarding this application, and the applicants were present, and

Whereas, this café is proposed for space on both the 9th Ave and Little W. 12th St side of this building, in space that has previously had a café under a different operator, and

Whereas, the applicant agreed to remove the 2 tables and 4 seats at the corner of the two streets and alter the line of the café barrier to increase the public sidewalk clearance, and

Whereas, several members of the community spoke vociferously in opposition to this application and submitted a petition with more than 120 signatures because of substantial noise issues due to extremely loud music in the interior of the restaurant that spills out to the street and often for blocks around, and

Whereas, the committee was also presented with photos and internet reviews of the restaurant which unequivocally show the applicant is consistently violating NYC law by allowing dancing without a NYC Cabaret License, and

Whereas, the committee received several emails, including one from a nearby restaurant owner, also complaining about the noise issues, and

Whereas, the applicants stated they have spent a substantial amount of money to address the noise issues, but several committee members have seen little abatement in the level of sound, particularly pounding bass, coming from the restaurant, especially late at night and during both Saturday and Sunday brunches,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RE-APPLY application for revocable consent to operate an Unenclosed sidewalk café for **Jec II LLC, d/b/a Bagatelle, 1 Little West 12th St. (NE corner 9th Ave), with 26 tables & 62 seats, DCA#11618556**

FURTHER BE IT RESOLVED that if the café is ultimately approved, **the applicant has agreed to reduce the seating by the 2 tables and 4 seats at the corner of Little W. 12th St and 9th Ave. for a total seating of 24 tables and 58 seats**

VOTE: Unanimous, with 41 Board members in favor.

10. Iridium Restaurant, Corp. d/b/a Bread, 20 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1221130

Block:479Lot:18 Lot Frontage:22.58'Lot Depth:125.33 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:15 Total # of Units:16
Zoning:C6-2C6-1

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for many years by this applicant with relatively few issues but the license was allowed to lapse before renewal paperwork was filed, and

Whereas, the applicant was cited by DCA in August 2012 for having a platform, not maintaining at least 8' clear sidewalk, having an improper service aisle and barriers higher than 30", and

Whereas, the applicant has cured the other conditions, but two large planters, which were the cited barriers that were too high, remain on the sidewalk at all times, and

Whereas, the applicant committed to completely removing the planters and not using them,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RE-APPLY application for revocable consent to operate an Unenclosed sidewalk café for **Iridium Restaurant, Corp. d/b/a Bread, 20 Spring St. (btw Mott St & Elizabeth St), with 2 tables & 4 seats, DCA# 1221130**

CONDITIONAL UPON the applicant removing the two large planters currently extending onto the sidewalk at each side of the café space

VOTE: Unanimous, with 41 Board members in favor.

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

11. 45 Bond Street LLC, d/b/a Circolo, 45 Bond St. (btw Lafayette St & Bowery), with 8 tables and 16 seats, DCA# 1460096

Block:529 Lot:31	Lot Frontage:25' Lot Depth:89.58	Year Built:1899(estimated)
Number of Buildings:1;	Number of Floors:6 Residential Units:0	Total # of Units:1
Zoning:M1-5B	Landmark Building: Yes	
Historic District: NoHo Historic District Extension		

Whereas, the area was posted, community groups notified and there were several community members present regarding this application, and the applicants were present, and

Whereas, this café is proposed for a site with an establishment frontage of roughly 18' on a sidewalk of 16'2" width with no sidewalk obstructions, but requiring clearance in the café for a Siamese connection and a fire escape drop ladder, and

Whereas, the current owners of the restaurant ALSO signed an agreement with CB2 and incorporate same the NoHo Bowery Stakeholders Assn. which included a provision that there would not be a sidewalk café and this stipulation is part of the Method of Operation on the restaurant's SLA license, and

Whereas, the applicants claimed they were not aware of the agreement when they purchased the restaurant and feel they are not bound by it, and

Whereas, several members of the community expressed concern that the applicants were disregarding the agreement made with NoHo Bowery Stakeholders and had substantial concerns about increased noise from a café on this primarily residential block, and

Whereas, the committee noted that 2 tables and 4 seats extended to the east beyond the frontage of the restaurant and the applicants agreed to remove that seating, and

Whereas, the committee felt the remaining seating was laid out in an unmanageable way and the applicant agreed to remove an additional 1 table and 2 seats and alter the layout so there is 1 two-top against the façade bordered by the service aisle and then 4 tables arranged as two 4-tops at the outer periphery of the cafe, resulting in total seating of 5 tables and 10 seats, and

Whereas, as the total depth of the café is 8', all tables must be no more than 1'8" wide to allow for this seating configuration,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **45 Bond Street LLC, d/b/a Circolo, 45 Bond St. (btw Lafayette St & Bowery), with 8 tables and 16 seats, DCA# 1460096**

CONDITIONAL UPON the applicant reducing the seating by 3 tables and 6 seats as noted in Whereas clauses 7 & 8 and using tables of no more than 1’8” width as noted in Whereas 9 for total seating of 5 tables and 10 seats

VOTE: Passed with 29 Board members in favor and 12 against-(J. Hamilton, K. Bordonaro, H. Campbell, R. Stewart, C. Booth, S. Sweeney, R. Goldberg, T. Cude, E. Young, L. Rakoff, J. Frost, B. Riccobono)

10. Florio’s Enterprises, d/b/a Florio’s Restaurant, 192 Grand St (btw Mulberry St & Mott St), with 7 tables and 20 seats, DCA# 1460167

Block:471 Lot:57	Lot Frontage:24.75' Lot Depth:100
Year Built:1901(estimated)	Number of Buildings:1; Number of Floors:3.75
Residential Units:3 Total # of Units:4	Zoning:C6-2G
Landmark Building: Yes	Historic District: No

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for many years by previous applicant with consistent issues related to the previous applicant extending the café to in front of neighboring properties on either side, and

Whereas, the previous applicant was cited several times by DCA for the café ‘spread’ and ultimately for unlicensed activity after the café license expired, and

Whereas, this applicant is actually a member of the original owner’s family who have resumed control of the business and have committed to rectifying the ongoing issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Florio’s Enterprises, d/b/a Florio’s Restaurant, 192 Grand St (btw Mulberry St & Mott St), with 7 tables and 20 seats, DCA# 1460167.**

VOTE: Unanimous, with 41 Board members in favor.

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

12. 120 U Rest. LLC d/b/a Tortaria, 94 University Pl (SW corner E 12th St), with 12 tables & 24 seats, DCA# 1412892

Block:569 Lot:21	Lot Frontage:40.25' Lot Depth:27.25	Year Built:1900(estimated)
Number of Buildings:1;	Number of Floors:4 Residential Units:3	Total # of Units:5
Zoning:C1-7		

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for many years by previous applicants with few known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Enclosed sidewalk café for **120 U Rest. LLC d/b/a Tortaria, 94 University Pl (SW corner E 12th St), with 12 tables & 24 seats, DCA# 1412892**

VOTE: Unanimous, with 41 Board members in favor.

13. Street Activity Permits

APPROVALS

Whereas, CB#2, Man. has determined within its ability that each sponsor is a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both, and

Whereas, the items below have been held for 3 or more years, and after the areas were posted, community groups notified and the items were published on the CB2 Calendar of Meetings, no members of the community requested a public hearing be held regarding them,

(FYI)-Renewals:

- 6/21/13 Make Music New York at Astor Place, Astor Pl. bet. Broadway and Lafayette St.

Vote: Unanimous, with 41 Board members in favor.

- 6/21/13 Make Music New York on Cornelia St., Cornelia St. bet. Bleecker and W. 4th St.

Vote: Unanimous, with 41 Board members in favor.

- 6/22/13 Anniversary Sons of Italy, 203 Grand St. bet. Mulberry St. and Mott St.

Vote: Unanimous, with 41 Board members in favor.

SLA LICENSING

1. Siggy's NYC, Inc., 292 Elizabeth St – Renewal of Beer and Wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the renewal of their Beer and Wine license in a mixed-use building located on Elizabeth Street between Houston and Bleecker Street (Block #521 / lot #65), for a 1,000 sq. ft premise with 23 tables and 50 seats and no bar and the maximum occupancy is 74 people, there will be no sidewalk café and no courtyard use; and,

Whereas, the applicant states that the hours of operation will be Sunday to Saturday from 8:00 a.m. to 12:00 a.m.; with quiet background music consisting of background music from ipod; there will be no scheduled performances and private parties; and,

Whereas, stipulations regarding the method of operation were established with CB2 in April of 2012 and are updated and signed again by the applicant for CB2; and,

Whereas, those stipulations are as follows:

1. Hours of operation will be Sunday to Saturday from 8:00 a.m. to 12:00 a.m.
2. There will be no live music, DJ's, promoted events or events that require a cover charge.
3. Music will be quiet background only.
4. All doors and windows will be closed by 9:00 p.m.
5. Agree to seek a Beer and Wine license exclusively.
6. There will be no outside seating or tree guards that would accommodate seating, now or in the future, in this location.
7. There will be no rear yard use by customers now or in the future.
8. All garbage will be stored inside until closing and will clean up any remaining refuse after garbage pick-up.
9. Agree to abide by the regulations associated with this Landmarked building, including signage, and further agree that an appropriate sign will be permanently affixed at the entrance requesting patrons to respect the neighbors and to be quiet.
10. A Certificate of Occupancy or Letter of No Objection has been secured and is attached to your application
11. An approval has been gained from the NYC Landmarks Commission regarding restoration of the storefront at the first floor of this address and is also attached to the agreement.
12. Agree that neighbors will not suffer deleterious effects of noise, odors or particulate matter from your kitchen.
13. Agree that the occupancy will be no greater than 75 people and that all service will be inside the establishment.
14. Correct deliveries so not to intrude on neighbors at 294 Elizabeth Street.
15. Stop chaining delivery bikes to the living tree and use available bike racks.
16. Employees will cease to be discourteous and rude to residents.

Whereas, there was no one from the community in opposition to this application; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the request to renew a Beer and Wine license for **Siggy's NYC, Inc., 292 Elizabeth St** **unless** those conditions and stipulations agreed to by the applicant relating to 5th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

2. Five Points, 31 Great Jones St. - Renewal of On Premise

Whereas, all three principals appeared before the committee; and,

Whereas, this application is for the renewal of a On Premise license (#796466) in a mixed-use building, located on Great Jones Street (Block #530 / lot #22), for a 2,250 sq. ft premise with 30 tables and 90 seats and 1 bar with 12 seats and a maximum occupancy of 158; there is a sidewalk café and no backyard use; and,

Whereas, the hours of operation will continue to be Sunday 10:30 a.m. – 10:30 p.m., Monday to Friday from 12:00 p.m. to 11:00 p.m. and Saturday from 10:30 a.m. to 11:00 p.m.; the establishment is a family restaurant, music will be background only, there will be no scheduled performances or events with a cover charge; and,

Whereas, the community has complained about the noise from the venting from the kitchen exhaust and the operators have attempted to correct this, after receiving a violation from the Environmental Control Board (violation # 00268005Y) , by replacing the exhaust motor; and,

Whereas, the NoHo Bowery Stakeholders requested this application come before CB2 and presented testimony and a letter referring to the need to control the noises and odors emitting from the kitchen exhaust vent; and,

Whereas, the applicant has agreed to the following stipulations:

1. Hours of operation will continue to be Sunday 10:30 a.m. – 10:30 p.m., Monday to Friday from 12:00 p.m. to 11:00 p.m. and Saturday from 10:30 a.m. to 11:00 p.m.
2. The correction of noise and odors from kitchen exhaust vents.
3. Maintain the correct seating arrangement for the outdoor sidewalk café.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the renewal of the On Premise license for **Five Points, 31 Great Jones St** **unless** those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

3. Fair Folks and a Goat, LLC d/b/a Fair Folks and a Goat, 96 W. Houston St. 10012 – New Beer and wine

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building, located on Houston between Thompson Street and LaGuardia Place (Block #525 / lot #60), for a 1,700 sq. ft premise with 2 tables, 2 benches and a couch that will offer a total of 19 seats and 1 bar with no seats and a maximum occupancy of 40; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will continue to be Sunday to Wednesday from 7:00 a.m. – 12:00 a.m., Thursday to Saturday from 7:00 a.m. to 1:00 a.m.; music will be background only with occasional acoustical live with no amplification, there will be no scheduled performances or events with a cover charge; and,

Whereas, the applicant has agreed to the following stipulations with the neighborhood association called BAMRA and with CB2:

1. Hours of operation will be Sunday to Wednesday from 7:00 a.m. – 12:00 a.m., Thursday to Saturday from 7:00 a.m. to 1:00 a.m.
2. The operator shall obtain all required certificates, permits and related documents
3. The operator shall use reasonable efforts to remedy vehicle and pedestrian traffic.
4. The operator shall have an English-speaking manager or Owner on duty capable of communicating with residents and will follow these stipulations and make their phone numbers available to the community.
5. Music shall be quiet background only. No music will be played outside the establishment nor should music inside the establishment be audible outside the establishment.

6. Operators shall have up to ONE concert per week with no more than three acoustical instruments that are unamplified and played at a level that conforms to the New York City Noise Code and that in no way disturbs the surrounding residences.
7. There shall be no permanent T.V.'s or projection screens.
8. The operator shall not install illuminated signage or lighting on or within the Establishment that would adversely and unreasonably disturb residents living nearby. There is no use of neon signs.
9. The operator shall notify CB2 in the event of a change of ownership as required by law.
10. The applicant will not apply for a Full On-Premise license at any time.

Whereas, this is another location within CB#2, Man. that has never been license by the SLA; and,

Whereas, CB#2, Man. has concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that too many locations have or will become licensed which is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

Whereas, CB#2, Man. and the community have great concerns that applicants are using the Beer and Wine license as a ploy to be licensed by the SLA and change the status of an unlicensed location where there is great community opposition, often with the plans to quickly upgrade to a full On-Premise license; and,

Whereas, the applicant did provide a petition in support with 66 signatures; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the renewal of the On Premise license for **Fair Folks and a Goat, LLC d/b/a Fair Folks and a Goat, 96 W. Houston St. 10012** unless those conditions and stipulations agreed to by the applicant relating to 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

4. 4. My Café LLC d/b/a Kopi Kopi, 68 W. 3rd St. 10012 – New Full On-Premise

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new On-Premise license in a mixed-use building, located on 3rd Street between Thompson Street and LaGuardia Place (Block #537 / lot #17), for a 3,200 sq. ft premise with 15 tables and 40 seats and 1 bar with no seats and a 25 ft coffee counter with no seats and a maximum occupancy of 50; there is no sidewalk café and but **may** have backyard use; and,

Whereas, the hours of operation will be Sunday to Thursday from 7:00 a.m. – 11:00 p.m., Friday and Saturday from 7:00 a.m. to 12:00 a.m.; music will be background only, there will be no scheduled performances or events with a cover charge; and,

Whereas, this application is for a coffee house with a minimum food menu even though the applicant states the method of operation is for a restaurant and states that an Indonesian Coffee house would require a full on-premise liquor license in order to add just a few ounces of liquor to after dinner coffee drinks even though there is no tradition in Indonesia of adding alcohol to coffee drinks; and,

Whereas, a number of months ago this applicant originally spoke to several residents in passing while building out the establishment at which time the residents were told that this would be a beer and wine license and the applicant notified CB#2, Man. that they would be applying for a beer and wine license and requested to be placed on the CB#2, Man. calendar, they subsequently notified CB2 several months later after laying over the original application that they were instead going to pursue a full on-premise liquor license and requested to be placed on the calendar, but did not reach out to local residents before they came before CB#2, Man. in March 2013, at which time it was suggested that in addition to reaching out to immediate neighbors that they also meet with the local neighborhood and business association, Bleecker Area Merchants' and Residents' Association (BAMRA) and then return to CB2; and,

Whereas, the applicant reached out to BAMRA and presented their application on April 2, 2013 in front of BAMRA's SLA Committee and as a result of that meeting, at BAMRA's general meeting the following day, BAMRA voted to recommend denying this application to CB#2, Man. because there was not sufficient public interest or benefit warranting a full On Premise License given the existing conditions in the area, the use of the backyard space, history of operators operating contrary to their proposed method of operation at this location and a generally vague business plan and communicated this to CB#2, Man. with a resolution; and

Whereas, it did not appear that the applicant attempted to do any outreach to the immediately abutting residents and several who appeared in opposition stated that no attempts were made to contact them; and

Whereas, CB#2, Man. agrees with BAMRA, this location has only most recently had a Beer and Wine license for the prior licensee and a coffee house does not justify a full OP at this location because it does not meet elements of the 500 ft rule and there was no benefit or public interest served that rises to the level of issuing a full on-premise liquor license; and,

Whereas, there are several coffee houses in this area/district and Greenwich Village has a long tradition of coffee houses and this application presents no unique addition to the community and many of those coffee houses have no liquor license or even beer and wine license; and,

Whereas, the applicant presented a petition with only 4 signatures in support, however the petition did not correctly represent the hours of operation which claimed they would be operating from 7 am to 10:30 pm, 7 days a week; and,

Whereas, this location has a backyard garden which was a great source of disturbance for residents in the past and those in the surrounding buildings and absolutely no discussions or outreach was conducted with abutting residential buildings and units; and,

Whereas, the operator **did not include the backyard in this application** in the diagramed premises through an oversight and stated they were not sure how they were going to use the backyard just yet but that they may put a tent in, to reduce noise, but it was pointed out that outdoor areas generate some of the most vociferous community complaints and this should be thoroughly explored and researched prior to presenting any application for consideration and the supporting Certificate of Occupancy does not indicate any allowed use of the rear garden; and,

Whereas, this backyard has also been a huge source of rodent issues for the community surrounding this backyard; and,

Whereas, there were 5 community members who attended this hearing in opposition and there were **no** community members in support; and,

Whereas, one of the community members in opposition reminded the committee that in the past, one of the principles in a previously issued license at this location and several of his employees or associates were arrested and were convicted of crimes relating to a previously issued license at the location including kidnapping, extortion and threatening the lives of others and therefore the issuance of any license at this location was very sensitive to area residents; and,

Whereas, there are already 18 OP licenses within 500 ft. of this application and 2 OP licenses currently pending within 500 ft. of this location as well as numerous beer and wine licenses; and additionally there are already 3 bars/restaurants on the block and,

Whereas, this area is already saturated with existing liquor licenses and any additional full on-premise liquor license would only add to additional traffic, congestion, and quality of life concerns; the issuance of this license would add to the existing noise level; it does not appear that the rear yard garden has the proper permits to operate; and,

Whereas, CB2 respectfully request that the SLA conduct a 500 ft. rule hearing;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to a full OP license for **My Café LLC d/b/a Kopi Kopi, 68 W. 3rd St. 10012.**

Vote: Unanimous, with 41 Board members in favor.

5. La Quinta Group, LLC d/b/a Peix, 151B Elizabeth St. 10012– transfer full OP

Whereas, this was operated under the ICA Group, LLC and is requesting a transfer to LA Quinta Group, LLC, d/b/a Peix; and,

Whereas, this application is for the transfer of the current On Premise license (#1190867) in a mixed use building located on Elizabeth Street between Kenmare and Broome Street (Block #479/lot #31), for a 350(???) sq. ft premise with 9 tables with 22 seats and 1 bar with 10 seats; the maximum occupancy is 74 people, there will be no sidewalk café and no backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Wednesday from 12:00 p.m. to 11:00 p.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m.; establishment is a small scale seafood restaurant, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and there will be no TV's; and,

Whereas, in the past the operator did have live music which was not allowed and has promised that it has stopped; and,

Whereas, the applicant agreed to the following stipulations:

1. Operator will provide a contact number to residents.
2. All doors and windows are to be closed no later than 9:00 p.m.
3. There is to be no furniture provided outside for any reason.
4. Hours of operation for the restaurant are Sunday to Wednesday from 12:00 p.m. to 11:00 p.m. and Thursday to Saturday from 12:00 p.m. to 2:00 a.m
5. No live music or D.J.'s at any time. No Promoted events or events that require a cover charge, no scheduled performances.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the transfer of the On Premise license for **La Quinta Group, LLC d/b/a Peix, 151B Elizabeth St. 10012** unless those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 41 Board members in favor.

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:

6. 45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012

Whereas, prior to this month’s CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant’s attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a Corporate Change; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Corporate Change for **45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

7. The Culture Project, Inc. d/b/a The Culture Project, 45 Bleecker St. 10012

Whereas, at this month’s CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover; and,

Whereas, this application is for a new Beer and Wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed new Beer and Wine license for **The Culture Project, Inc. d/b/a The Culture Project, 45 Bleecker St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

8. Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 10012

Whereas, prior to this month’s CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant’s attorney requested to layover the application from consideration; and,

Whereas, this application is for a new Beer and Wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed beer and wine license for **Rivington Slice, Inc. d/b/a La Margarita, 17 Cleveland Pl. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

9. Rockin Raw, LLC, 171 Sullivan St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to withdraw the application from consideration; and

Whereas, this application is for a new Beer and Wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine license for **Rockin Raw, LLC, 171 Sullivan St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

10. Doozo Restaurant, Inc., 216 Thompson St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a Corporate Change;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Corporate Change for **Doozo Restaurant, Inc., 216 Thompson St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

11. La Vecindad Corp. 116 MacDougal St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on March 12th, 2013, the committee requested that the applicant layover the application from consideration until the hearing in May 2013 and the applicant agreed; and,

Whereas, this application is for a new On-Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **La Vecindad Corp. 116 MacDougal St.** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

12. Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway

Whereas, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover the application from consideration; and,

Whereas, this application is for a new On-Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Adam Rosatti on behalf of entity TBD, d/b/a Burgerfi, 704 Broadway** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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. South Village Hospitality Group LLC d/b/a Carroll Place, 157 Blecker St. 10012

Whereas, this applicant did not appear before the committee; and,

Whereas, this application is for a Cabaret license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Cabaret license for **South Village Hospitality Group LLC d/b/a Carroll Place, 157 Blecker St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

14. Lobster Smack, LLC, 90 W. Houston St. 10012

Whereas, prior to this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a new Beer and Wine license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed beer and wine license for **Lobster Smack, LLC, 90 W. Houston St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a

recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

15. Spread NYC LLC, d/b/a Tartinery, 209 Mulberry St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the committee requested that the applicant layover the application from consideration and the applicant through there attorney agreed to do so;

Whereas, this application is for an upgrade to a full On-Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Spread NYC LLC, d/b/a Tartinery, 209 Mulberry St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

16. Victor Sigoura/Brian Crawford d/b/a 100 Mantaditkos/100 Em Franchisee LLC, 176 Bleecker St 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the committee requested that the applicant layover the application from consideration; and,

Whereas, this application is for the transfer of a Beer and Wine license; and,

Whereas, the applicant failed to present a CB2 questionnaire to this committee; and,

Whereas, this transfer includes the use of a backyard garden that has been the source of noise issues for the surrounding residents; and,

Whereas, this applicant stated that he would not wait for a layover and will continue to move forward with the SLA application regardless of CB2's request;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed transfer of a Beer and Wine license to **Victor Sigoura/Brian Crawford d/b/a 100 Mantaditkos/100 Em Franchisee LLC, 176 Bleecker St 10012** until the applicant has presented their application, IN FULL, in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

17. Entity in which Brian Shehairo is Principal d/b/a Crif Dogs, Corner of Houston and Elizabeth Sts. – via Truck and Portable Bathroom – this is an Empty lot

Whereas, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover the application from consideration; and,

Whereas, this application is for a new On-Premise license; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **Entity in which Brian Shehairo is Principal d/b/a Crif Dogs** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

18. West Houston MacDougal LLC, d/b/a Bar Veloce, 146 W. Houston St. 10012

Whereas, at this month's CB2 SLA Licensing Committee meeting on April 9th, 2013, the attorney requested that the applicant layover the application from consideration; and,

Whereas, this application is for an upgrade to a full On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **West Houston MacDougal LLC, d/b/a Bar Veloce, 146 W. Houston St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

19. Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013 (Alteration SN#1265533)

Whereas, the applicant appeared before the SLA Licensing committee for an alteration application to add a NYC Department of Consumer Affairs licensed sidewalk café to the existing on-premise license, SN 1265533; and,

Whereas, the sidewalk café consists of 10 tables and 22 seats as noted on the seating diagram provided by the applicant; and,

Whereas, the applicant's representative stated that there were no other changes to the existing license; and

Whereas, the following resolution was passed by CB#2, Man. on September 20, 2012 at the time of the original license application and forwarded to the Liquor Authority:

11. Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a new restaurant full on premise license in a previously licensed location for a “family style restaurant” that will be a quiet and well run operation “which caters to the immediate residential and commercial buildings in our area of operation” located in 10 story commercial building between Vandam and Charlton Streets for a 3,840 square foot premise (Basement 1,200 sf, 1st floor 2,640 sf patrons in 1st floor only) with 30 tables, 80 table seats, 1 bar with 16 seats for a total of 96 seats and a maximum legal occupancy of 162 persons per the existing Place of Assembly permit, there will be no sidewalk cafe; and,

Whereas, the applicant states the hours of operation will be Sunday-Wednesday from 9 a.m. to 12 a.m. and Thursday-Saturday from 9 a.m. to 1 a.m., there will be no security personnel, there will be no tv’s there will be quiet background music generated from ipod/cd’s, there will never be a dj or live music, no promoted events, no scheduled performances, no outside promoters, and no private parties; and,

Whereas, the applicant runs three other successful restaurants, one of which is located in CB2 at 210 West 10th Street which has not received any complaints that CB2 is aware of; and,

Whereas, the applicant agreed to the following stipulations which they will execute as a stipulations agreement that they agreed will be attached and incorporated in to their method of operation on their SLA license stating that:

- 1. There will be no dj’s, no promoted events, no events for which a cover fee is charged, no scheduled performances.*
- 2. All Doors and Windows will be closed at 10 p.m. The applicant understands there are no exceptions to this.*
- 3. Basement is for storage only – no customer usage.*
- 4. The hours of operation will be Sunday-Wednesday from 9 a.m. to 12 a.m. and Thursday-Saturday from 9 a.m. to 1 a.m.*

Whereas, no one appeared in opposition and no letters were received in opposition, but there are more than 3 licensed on premise liquor licenses within 500 ft.; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends ***denial*** of an on-premise liquor license for ***Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013*** ***unless*** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous with 42 Board members in favor

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the alteration to the existing on premise liquor license SN#1265533 for **Westville Hudson LLC, d/b/a Westville Hudson, 333 Hudson St. 10013** **unless** the statements the applicant has presented are accurate and complete, and that

those conditions and stipulations agreed to by the applicant at the original hearing for this license in September 2012 as outlined in the 4th “whereas” clause continue to be incorporated into the existing “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

20. Dailyfish 33, TBD, 33 Greenwich Ave. 10012 (New Application – Previously licensed)

Whereas, the applicants appeared before the committee for a second time after having originally appeared in July 2012 with an additional principal who is no longer part of the operation under “Jennifer Carrol or Corp. to be formed, TBD”; and,

Whereas, this application is for a new On-Premise Liquor license in a previously licensed location for a “neighborhood approachable seafood restaurant” which will also serve American cuisine and locally sourced produce with a full food menu for a full service, sit down restaurant in a residential cooperative building for 1,900 sq ft premise located on the first floor with 28 tables and 85 seats and 1 bar with 8 seats for a total of 93 seats, the applicant will be updating the certificate of occupancy to reflect eating and drinking use and an appropriate occupancy to match the information presented; and,

Whereas, the applicant has agreed that the hours of operation are Sunday to Thursday from 11 a.m. to 12 p.m. and Friday and Saturday from 11 am to 1 am; at the end of the hours of operation, no patrons will remain in the premises, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be new soundproofing installed by a qualified profession sound engineer, there will be no d.j., no promoted events, no scheduled performances, there may be occasional private parties, a sound engineer will be utilized to install soundproofing, this application does not include a sidewalk café nor any other outdoor space; and,

Whereas, the applicant reached out to the local neighborhood block association, the Mid West 10th St. Block Association prior to the applicant appearing before CB2 Manhattan in July 2012 and had extensive discussions regarding various aspects of this application and the method of operation and reached an agreement on a number of points, but was unable to reach consensus on the hours of operation; and,

Whereas, at CB2’s SLA Licensing Committee meeting in July 2012 a number of residents in the area said they were opposed to the application unless the applicant agreed to stipulate to hours of operation ending at midnight Sunday to Thursday and 1 a.m. Friday and Saturday in addition to the other stipulations that had been agreed to prior to the meeting; community residents also pointed out that a significant number of establishments in the area that are full service restaurants and others close at those hours and there was no reason a full-service, high end restaurant would need to close any later than similar establishments in the area and the high number of liquor licenses and the corresponding late night quality of life issues were noted; it was also pointed out that the previous licensed establishment at this location, Maracas Greenwich Avenue Partners LLC, SLA Serial #1170228, was the subject of a significant number of community complaints and even though it was a “restaurant” operated as a party location and caused significant noise issues in the building in which it was located in because the premise was not sound proofed, even though they operated at the same hours; and,

Whereas, in July 2012 CB2 Manhattan received a large number of emails also stating opposition to this license application unless the applicant agreed to close at midnight Sunday to Thursday and 1 a.m. Friday and Saturday; and,

Whereas, in April 2013, several residents who live immediately above the premises stated that they had significant concerns in regards to soundproofing to the extent that the previous operator had sound leakage coming up through pipes and ventilation systems and they requested total soundproofing to which the applicant stated they were in the process of installing; and,

Whereas, at CB2's SLA Licensing meeting in July 2012, the applicants were able to reach consensus with the local Block Association, the Mid West 10th Street Block Association and CB2 Manhattan and executed a written agreement; and,

Whereas, the applicant executed a stipulations agreement with CB2 in July 2012 that they agreed was still binding in April 2013 and that they would be attached and incorporated in to their method of operation on their SLA license stating that they would adhere to their agreement with the Mid West 10th Street Block Association which states that:

1. **Hours of Operation:** On each Sunday through Thursday, the Establishment shall be open from 8:00AM to 12:00AM (midnight). On each Friday through Saturday, the Establishment shall be open from 8:00AM to 1:00AM.
2. **Certificates, Permits and Related Documents:** The Operator shall obtain all required certificates, permits and related documents including a revised Certificate of Occupancy, or in lieu thereof a letter of no objection from the Department of Buildings.
3. **Traffic:** The Operator will schedule a meeting with the captain of the local FDNY Squad 18 firehouse to determine what, if any, impact the Establishment may have on traffic in the immediate area. The Operator will use reasonable efforts to remedy any traffic issues brought to its attention, to the extent that it can. The Operator will direct staff to monitor the patrons of the Establishment who are gathered outside the Establishment and the staff will direct such persons or traffic going to and from the Establishment to keep the area clear.
4. **Manager:** The Operator shall have an English-speaking general manager or manager on duty, capable of adequately communicating with residents of the community, to be present at the Establishment during all hours of operation. After three (3) months of operation, the Operator will meet with local residents and the Manhattan Community Board 2, if requested, to determine if a security guard is necessary.
5. **Music:** The Operator shall play quiet, background level music inside the Establishment and shall not play any music whatsoever outside the Establishment. The Operator shall not permit DJs, live music or outside promoters in the Establishment except by permit.
6. **Soundproofing:** The Operator shall hire a certified acoustical consultant to make recommendations such that the Establishment will meet or exceed the current New York City Noise Code guidelines for residential areas. The Operator shall use reasonable efforts to soundproof the Establishment, according to said recommendations so that excessive noise (including, but not limited to, noise generated by sound reproduction equipment, by patrons and staff, and by commercial equipment such as HVAC equipment, air handlers, compressors and fans) does not emanate from the Establishment, or its equipment, in any direction and meets or exceeds New York City noise code. Subsequent to any necessary soundproofing, the Operator shall hire a certified acoustical consultant to perform a "Commissioning Test." The Operator shall provide a copy of the Commissioning Test to Manhattan Community Board 2. The Operator also agrees to extend an awning in the rear of the building over the area in which its employees work and its trash receptacles are stored so as to mitigate any noise emanating from this area.
7. **Sidewalk Café:** The Operator agrees to waive the right to set up a sidewalk café for one year after which the Operator will only be able to apply for a sidewalk café should there be no objections from the Mid-West 10th Street Block Association Board members. Should a sidewalk

café permit be consented to by the Mid-West 10th Street Block Association Board members, approved by Manhattan Community Board 2 and granted by the Division of Consumer Affairs, the Operator also agrees that reasonable efforts will be made to attenuate sound coming from the sidewalk café area including the placement of a retractable awning over the sidewalk café, the employment of a full-time manager to supervise the sidewalk café operation so that the operation runs effectively and noise is kept at a minimum (which may be the same manager referred to in para. 4) and the posting of signage easily seen by patrons to be respectful of the residents of the building by keeping noise at a minimum. Prior to any permit for a Sidewalk Café being issued for the Establishment, the Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns. Operator's agreement to have a retractable awning is expressly conditioned upon and subject to Operator first obtaining any and all consents, approvals and permits therefore, including of its Landlord and any City agency or department having jurisdiction thereof. The Operator may retract the awning during all hours of operation prior to 6PM, at which time the awning is to be opened.

8. **Front Door:** The Operator shall construct a double door vestibule to reduce the amount of noise that may escape onto the sidewalk. The Operator shall cause the doors and windows to remain in a closed position when not in use. The Operator shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the Establishment.
9. **Doors and Windows:** The Operator shall not permit any doors or windows to remain open prior to the opening of the Establishment as specified in "Hours of Operation," except for cleaning the sidewalk and the placement and removal of tables and chairs for the sidewalk café which will occur no more than one hour before opening or no later than hour after closing. Should the Operator wish to pursue the alteration of the configuration of the doors and windows, the stipulations listed in "Soundproofing" will apply and all doors or windows will be closed by 9:00PM. If there is a change to the doors or windows, any replacement will be of double paned glass so as to aid the mitigation of noise from within the Establishment. The Operator agrees that it will appear before Manhattan Community Board 2 to address any questions, comments or concerns.
10. **Sanitation:** The Operator will store all garbage at the Establishment inside closed garbage containers which will be kept in the backyard of the Establishment. The Operator shall not place refuse at the curb except as close to pick up as possible. The Operator shall use reasonable efforts to arrange or coordinate trash pick up with a nearby merchant to try to limit the number of trucks that collect trash on the block.
11. **Lighting:** The Operator shall not install signage on or within the Establishment that will be lit by neon lighting or any lighting that adversely and unreasonably disturbs residents living across from the Establishment and residents adjacent to and across the street.
12. **Advertising:** The Operator shall not attempt to steer the public from the sidewalk into the Establishment. The Operator shall not distribute any fliers on the sidewalk or street.
13. **Notification Of Change Of Ownership:** The Operator shall notify Manhattan Community Board 2 in the event of a change of ownership as required by law.
14. **Monthly And Quarterly Meetings:** The Operator shall make available a general manager or manager to attend monthly meetings as requested with representatives of the community during the first six months of operation and quarterly thereafter.
15. **Events:** The Operator shall not host third party private events, meaning an activity by a non-affiliated group or individual where the Operator has no responsibility or staff involved. Nothing herein shall prohibit the Operator from having private events run by Operator.

Whereas, the applicant agreed to execute an additional stipulations agreement in April 2013 with CB2 which they agreed would be additionally attached and incorporated in to their method of operation on their SLA license stating:

1. This application does not include any outdoor area, specifically a sidewalk café.
2. A sound limiter will be installed on the music system and tests will be conducted with any interested residents *prior* to opening the establishment, in particular the applicant will reach out to the residents living immediately above the establishment.
3. If one TV is installed in the immediate vicinity of the bar (behind the bar), it will be no larger than 46” and the intention is not to make that area a sports related area on a regular basis and if any sports programs are broadcasted, those events will not lead to any disruptions that have any impact on area residents.
4. If any reasonable noise complaint arises, additional sound tests and sound attenuation measures will be implemented swiftly to remedy the problem.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new on-premise liquor license for **Dailyfish 33, TBD, 33 Greenwich Ave. 10012** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 9th and 10th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise liquor license.

Vote: Unanimous, with 41 Board members in favor.

21. The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio St. 10014 (New Catering)

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for an On Premise Catering license for a 4,000 s.f. private event facility for a catering hall/event space (2,000 s.f. basement non-patron use, 2,000 s.f. 1st floor) in a mixed use building located on Horatio Street between West and Washington Streets with a maximum legal capacity of 74 persons; and,

Whereas, there were several different seating configurations presented due to the catering nature of the establishment, however the main seating configuration is for 6 tables and 60 seats and 14 seats in lounge/cocktail area where the maximum occupancy for the entire space would never exceed 74 persons; and

Whereas, the applicant stated the hours of operation for alcohol service are Monday - Thursday from 11:00 a.m. – 1:00 a.m. seven days a week that are not open to the public, all events will be private parties and have a previously arranged guest list but there may be operating hours beginning earliest at 8 a.m. without alcohol service, there will be no outdoor space utilized including no backyard or sidewalk café, music is background and D.J. and live only as contracts for catered events dictate, however, DJ’s will bring in their own sound system as needed, however no subwoofers are allowed and bands will use minimal amplification; and,

Whereas, the applicant has been operating this private event facility for over 25 years, operating using outside vendors with 1 day catering licenses; and,

Whereas, a petition in support with 15 residential signatures was presented, the applicant stated that there has been one complaint in their entire history and no one appeared in opposition from the community; and

Whereas, there are at least 11 on premise licenses within 500 feet; and,

Whereas, the applicant executed a signed stipulations agreement with CB2 which they agreed would be attached and incorporated in to their method of operation on their SLA license stating:

1. The premise will be advertised and operated as a full catering premise.
2. The hours of operation will be no later than 1 a.m. 7 days a week or earlier than 8 a.m.
3. The applicant will not apply for a Department of Consumer Affairs Cabaret License that allows dancing, but will have a catering license that allows dancing for catered events.
4. The applicant will only have one main door used for ingress and egress that will not be left open and there will be no operable windows (windows that open).
5. The applicant will only have dj's and live music as described previously for catered events only.
6. The premise will have soundproofing.
7. There will be no licensed areas that are outdoor areas.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new on-premise catering liquor license for **The Upper Crust, Inc. d/b/a 91 Horatio/The Upper Crust, 91 Horatio St. 10014** **unless** the statements the applicant has presented are accurate and that those conditions and stipulations agreed to by the applicant relating to the 4th and 8th “whereas” clauses above are incorporated into the “Method of Operation” on the SLA On Premise liquor license.

Vote: Unanimous, with 41 Board members in favor.

22. Highline Restaurant, LLC, dba TBD, 820 Washington St. 10014 (New Application)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for an “Italian driven restaurant focusing on local products with an emphasis on Pasta”; and,

Whereas, this application is for a previously unlicensed location in a commercial use building located underneath the Highline on Washington St. at Gansevoort St. in a building under construction for on-premise liquor for a roughly 3,444 sq. ft premise on one floor which includes 1,031 sq. ft of outdoor area with 26 tables and 72 seats in the interior, 2 stand up bars with 24 seats and 21 tables with 50 table seats in the exterior area for a grand total of 146 seats, the applicant is in the process of obtaining a Certificate of Occupancy, there is no sidewalk café, but there is an adjoining outdoor seating area within the premises; and,

Whereas, the hours of operation will be Sunday to Thursday from 9 a.m. to 1 a.m. and Friday to Saturday from 9 a.m. to 2 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there are operable French doors that will open to the outdoor space, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.’s; and,

Whereas, the principals are also principals of 4 different restaurants within the confines of CB#2, Man. and in the process of opening each establishment have conducted extensive outreach with the local community and worked with them to address concerns and continue to operate each establishment without complaints; and

Whereas, the applicant presented a petition with 75 residential signatures in support, and several residents appeared in support and in opposition, and,

Whereas, this is a unique application in that the Friends of the Highline own this location and revenue from the rent of the restaurant will support the Highline Park and the applicant was selected from nearly 20 restaurateurs in an extensive, six month competition that included a written application, multiple rounds of interviews and tastings, prior to conducting the competition, the Friends of the Highline also met with CB2 leadership, CB2's Parks and Waterfront Committee and various residents of the area in order to understand the concerns of the area so that they could prioritize these concerns throughout the selection and development process; and,

Whereas, the applicants met with a number of residents in the area and executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premise will be advertised and operated as an Italian restaurant.
2. The hour of operation of the interior will be from 9 a.m. to 1 a.m. Sunday to Thursday and 9 a.m. to 2 a.m. Friday to Saturday.
3. The hours of operation of the outdoor seating area and outdoor standup bar, which has no seats, will be from 9 a.m. to 12 a.m. Sunday to Thursday and 9 a.m. to 1 a.m. Friday to Saturday.
4. All doors and windows will be closed promptly at 10 p.m. without exception.
5. The restaurant's full menu will be served until closing; there will not be a separate "late-night menu."
6. Noise from the establishment will not be audible at any time from any point further than 20 feet from the restaurant's boundaries. The operator will take measures to mitigate noise from the outside space.
7. There will be no line for patrons waiting outside of the restaurant; patrons will either wait inside the restaurant, or be notified that their table is ready by a remote messaging system.
8. There will be no music in the outdoor area at anytime.
9. There will be no live music, dj's, or any events for which a cover fee is charged.

Whereas, there are at least 18 on-premise licenses within 500 ft, and CB#2, Man. respectfully requests that a 500 ft hearing be conducted; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of a new restaurant full on-premise liquor license for **Highline Restaurant, LLC, dba TBD, 820 Washington St. 10014** unless the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 7th "whereas" clause above are incorporated into the "Method of Operation" on the SLA On Premise license.

Vote: Passed, with 39 Board members in favor, and 2 in opposition (S. Aaron, A. Meadows).

23. B.B. NYC, LLC 1-3 Little West 12th St. dba Buddha Bar Restaurant and Lounge (New Application)

Whereas, the applicant and his attorney appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for a "very unique restaurant to serve a blend of Far Eastern (Chinese, Japanese, Thai and other Eastern Flavors) cuisine with Western tastes and influences which will re-invent a new wave of Pacific Rim Cuisine. In addition the restaurant will have a sushi bar and a small sushi dining room. There is no restaurant similar

to the proposed restaurant in this community planning board or in this particular neighborhood. It is strictly a restaurant open for brunch, lunch and dinner. The owner will not file for a Cabaret License with the New York City Department of Consumer Affairs or operate the premises as a Cabaret or Club. Dancing will not be allowed at the premises”; and,

Whereas, this application is for a new On Premise license in a commercial building located on Little West 12th Street between Greenwich and Hudson St., for a 5,472 sq. ft. restaurant (2,800 sq. ft. first floor for patrons and 2,672 sq ft in basement for staff, kitchen bathrooms and storage) which will have 45 tables and 129 seats, 1 bar with 14 seats, 2 bar rails with 12 seats and 12 seats at a sushi bar for a grand total of 167 seats with a maximum capacity of 207, there is no sidewalk café included in this application and no backyard use, the building owner is in the process of acquiring a new Certificate of Occupancy and Public Assembly Permit; and,

Whereas, the hours of operation will be Sunday from 10 a.m. to 1 a.m., Monday to Wednesday from 11 a.m. to 1 a.m. and Thursday to Saturday from 10 a.m. to 2 a.m.; music will be from ipod’s/cd’s played at entertainment level (note not background level), there will be private parties, there will be no security guards, there will be no tv’s, there are no current plans to address vehicular traffic and crowd controls, there will be no live music and it was unclear whether there would be dj’s, but particularly branded “Buddha Bar” music is an essential component to this concept and it seems a dj would be utilized in order to exercise the essential element to this concept, there will no promoted events, no events with cover fees, there will be use of velvet ropes; and,

Whereas, the applicant has no experience operating in NYC but does own a similar establishment in London which operates under another licensing agreement of some sort with Buddha Bar “International”; and,

Whereas, the applicant has apparently purchased the right or licensed the name of Buddha Bar in New York from an international company which apparently owns the rights to this name, but the applicant was unable to explain exactly what was so special about this name or what exactly the parameters were to use this name for a new restaurant except the right to play certain branded music at loud volumes in the restaurant, and it was noted that a previous applicant to CB2 had previously used this name on the same street under license, but the current applicant stated he no longer had the right to use the name and that he was a “bad” operator and was not following some proscribed model that needed to be followed by Buddha Bar “International” but it could not be articulated what exactly he had been doing wrong except than the previous operator was not paying the proper fees to Buddha Bar “International” and because that previous license was approved prior to the neighborhood becoming oversaturated and because that location is still licensed, CB2 could not find any specific benefit to this “better operator” because the other location is still licensed; and,

Whereas, even though the applicant’s attorney stated this was a unique concept, it was noted that many different variables of the presented method of operation exist in this very immediate community if not the same and certainly within CB2 and that there was certainly a creative license utilized in drafting the public interest statement and that nothing described made this particular applicant unique except that it had licensed an international name already used in this neighborhood with a right to play branded music and that by no means rises to meet any public benefit or interest; and,

Whereas, the same attorney representing this applicant had represented a previous applicant at this location that CB2 recommend a “Deny Unless” with specific parameters, but also noted at the time in May 2011 “Whereas, members of the committee have serious concerns with licensing another establishment in a saturated area but comfortable with this upscale, full service restaurant establishment”

and note that the previous applicant never opened their business or completed their build out and therefore, this space is still viewed by CB#2 as previously unlicensed and further more that the previous applicant had a much smaller total capacity, had a kitchen on the ground floor, appeared to be a restaurant only and had no community opposition, did not advertise itself as being a lounge and did not have alcohol “bottle service” for vodka, rum, tequila, etc. which in particular is a signature element in operating in a lounge/nightclub environment which this community is over-run with and contribute to significant quality of life issues; and,

Whereas, the applicant submitted some basic stipulations that they would agree to but were reflected in the application as presented to CB#2, Man. and appeared to be willing to negotiate essential elements to their brand and concept on the fly at the meeting which seemed disingenuous and it was questioned why if the applicant had properly researched this concept, they would have appeared at a meeting willing to so drastically alter their business model without a careful presentation already including those elements and CB#2, Man. felt this was not a stable operation that would maintain a consistent business model, but was instead offering concessions in exchange for support from CB#2, Man. which ultimately would not be followed and for which the Liquor Authority has limited resources to pursue and compel the applicant to live up to their agreed upon operation; and,

Whereas, it is the responsibility of the applicant to present a final presentation of a viable business model for themselves, and not negotiate what appear to be signature elements to their brand that they have licensed which is still not clear; and,

Whereas, even though the applicant submitted stipulations they would agree to, CB#2, Man. does not believe the issuance of this license would be in the public interest; and,

Whereas, this is another location within CB#2, Man. that has never been license by the SLA and in particular in the Meatpacking District which is has a significant amount of liquor licenses and the contiguous block on which this applicant is located on bounded by Little West 12th Street, Ninth Ave, West 13th Street and Hudson St. the ground floor locations are almost all fully licensed on premise facilities; and,

Whereas, there are at least 31 full on premise licenses within 500 feet and 46 within 750 feet and many of those venues are large multi floor locations with significant capacities; and,

Whereas, CB#2, Man.’s SLA Committee notes that the applicant, while providing some requested materials did not present a complete presentation or additional materials which would address the known issues in the area specifically how a self described “international destination location” with very expensive food and drinks, loud music at entertainment levels with bottle service attracting the “jet-set” crowd which are already claimed to be visiting many of the other venues within just a few blocks which presumably would not arrive by foot or subway that has a lounge component would adequately address issues as outline in the 500 ft rule in regards to traffic, existing noise levels, vehicular parking and quality of life concerns among others; and,

Whereas, the concept as presented by the applicant is not a unique concept for CB#2, Man. or for this area and many similar types of “restaurants” with lounge components and sushi bars and “far eastern food” operate in the area in which this premise is located and the applicant did not provide any supporting materials to explain specifically how this was unique and was not able to explain or show or illustrate why this concept as a whole would be unique or somehow add to the public interest and benefit particularly with the disguised lounge component, destination location and entertainment level volumes of music with residential units directly across the street; and,

Whereas, the applicant was willing to enter in to some basic stipulations but CB#2, Man. does not feel that simply complying with the law or standard practices rises to the level of meeting public interest or benefit; and,

Whereas, this establishment does not serve the neighborhood or public interest for an area already inundated beyond its capacity or the capacity of the city to properly provide adequate policing presence, traffic control and other measures to address the impact on quality and safety of life; and,

Whereas, CB#2, Man. and members of the public have repeatedly submitted illustrations and testified at the Liquor Authority regarding the extreme effects of vehicular traffic and pedestrian traffic and parking issues and double parking issues in the meat packing district, and furthermore east bound traffic on this street is critical to allowing traffic to leave the meat packing district efficiently in order to alleviate traffic congestion and the effects of yet another restaurant/lounge/tavern/bar with a large occupancy and turnover with many patrons arriving by taxi, hired cars and/or private vehicles (which require parking) due to the limited public transportation in the area at evening, late evening and early morning hours would further exacerbate an already tenuous and deplorable traffic situation which directly impacts the surrounding residential community due to the fluid nature of traffic movement and even while the applicant did not offer it simply having staff dedicated to ameliorate any traffic situations directly in front of the venue does not address the new volume specifically attributable to this new venue in a previously unlicensed location in an area that is know to have significant traffic issues; and,

Whereas, adding another large establishment operating as a restaurant/bar/lounge/tavern with a high occupancy and turnover in this area would exacerbate the existing noise level in the area, not necessarily from music emanating from the premise which is of concern with “entertainment” level volume, but from the large number of new patrons that would be drawn to this location and because of the self described “international destination location” which suggests patrons would be waiting outside and the increased number of patrons that would be traversing through the area being loud at late hours of the evening and early morning creating quality of life issues, which while each licensee in the area says they do not contribute to this problem, is often intuitively obvious to any casual observer who ventures into the meat packing district during late evening or early morning hours, particularly in the fall and spring during warmer weather where the noise can be heard from a significant distance; and,

Whereas, CB#2, Man. has concerns about the loss of retail stores and promoting diverse business uses in the area which lead to healthy mixed used communities which the meat packing district is becoming with the addition of new retail stores, museums and a new park and that having too many on premise licensed locations is causing overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

Whereas, the applicant did reach out to certain community residents, but was unable to come to any agreements or win their support, the applicant did submit a petition with 180 signatures, they were unable to identify who were residents and who were employees of surrounding businesses and *no one appeared in support at the CB2 SLA Licensing Committee meeting*; and

Whereas, there were concerns from the community regarding this application and over 12 residents appeared in opposition at a late hour to oppose this application and numerous emails in opposition were received (over 20) in particular addressing the saturation of loud nightlife in the Meat Packing District late at night, non uniqueness of another restaurant/lounge and overwhelming traffic concerns in the immediate area and previously mentioned issues and additionally a petition in opposition was presented by verifiable residential residents in the immediate area; and,

Whereas, those in opposition to the issuance of this license were very concerned specifically about the impact on traffic, parking and quality of life in this area, which is a topic very familiar to CB#2, Manhattan and to which no solutions have been implemented despite years of complaints and meetings with City officials and in particular the existing traffic conditions in the evenings and during late night hours are already deplorable and have a direct impact on the quality of life in the immediately adjacent residential communities which result in traffic jams, honking horns, loud patrons arguing about taxi's and livery cars, drunk patrons wandering quiet residential cross streets and screaming as they exit the area at late hours; and,

Whereas, those in opposition wonder how this could possibly be in the public interest given all the concerns and also questioned the applicant's ability to address the impact to the existing traffic and parking conditions and quality of life issues when no other licensee has been able to address these issues successfully as a whole in this community or for each additional license added; and,

Whereas, the community did acknowledge that the applicant was somewhat open about his plans for the location but expressed additional concerns regarding a lack of any illustration of how the concept would be executed because many elements kept being changed or what would make it unique or how it would serve the public interest or benefit; and,

Whereas, those in opposition also stated that there needs to be a line when there are so many licensed venues in the Meat Packing District and that new licenses just exacerbate existing conditions beyond a tolerable level and that enough is enough and the area does not need another restaurant/lounge/bar/tavern playing music at entertainment levels; and,

Whereas, a new license here will in effect grandfather a location through "build out" to forever be a licensed premise; and,

Whereas, in particular, there was unique opposition to this application because of what was perceived by many as an affront to the Buddhist tradition by using the name Buddha Bar and a number of local residents felt this was the antithesis of Buddhist practice and was very offensive, in particular that the very existence of this establishment violates one of the 5 precepts/5 virtues which is "I undertake the training rule to abstain from fermented drink that causes heedlessness." ; and,

Whereas, the stance taken by local residents is not anti-business, but rather a clear argument that it is just too much for this particular area to incorporate more of these types of establishments; and,

Whereas, CB#2, Man. respectfully request that the SLA hold a 500 ft. rule hearing for this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the new On Premise license for **B.B. NYC, LLC 1-3 Little West 12th St. dba Buddha Bar Restaurant and Lounge (New Application.**

Vote: Unanimous, with 41 Board members in favor.

24. Café Nadery, LLC, dba Café Nadery 16 W. 8th St. 10011 (New Restaurant Beer & Wine License)

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Persian cafe restaurant beer and wine license for a "warm and friendly café that will offer a nice variety of appetizers and salads along with sandwiches

and platters”; it “will also offer delectable desserts such as faloodeh ice cream with various fruit sauces and baklava all complimented by a large assortment of hot drinks;” it will also “serve as a community center for cultural and political discussions along with art exhibits”; and,

Whereas, originally presented as an application for an on-premise liquor license, after discussion with the committee, the applicant **agreed to down-grade the application to a restaurant beer and wine license only**; and,

Whereas, this application is for a previously licensed location in commercial use building located on West 8th Street between Fifth Avenue and MacDougal Street for restaurant beer and wine for a roughly 1,100 sq. ft premise on one floor with 8 tables and 40 table seats, 1 stand up bars with 9 seats for a grand total of 49 seats, there is an existing certificate of occupancy and the applicant states the maximum occupancy is less than 50 people, there is no sidewalk café, or outdoor seating area,

Whereas, the method of operation will be a restaurant with hours of operation Sunday to Thursday from 7 a.m. to 12 a.m. and Friday to Saturday from 7 a.m. to 2 a.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.’s, there will be occasional live music from acoustic instruments only and will only occur between 7 p.m. and 10 p.m.; and,

Whereas, the 6 principals have no previous experience of owning or acting as principals on any liquor license; and,

Whereas, the applicant did reach out to the local block association and agreed to a number of stipulations, but the local block association also pointed out that these applicants had no experience running this type of establishment and did express some concerns and the applicant submitted a petition with 56 signatures in support, one member of the community appeared in opposition stating his opposition to a very vague business plan that was predicated on serving sandwiches and alcohol by inexperienced operators and felt it was dangerous to the community to support an unstable and unrefined business plan with full alcohol service, but then supported the application for a beer and wine license; and,

Whereas, there was some concern from members of the committee in regards to a lack of any plans or statements as to how live music would be incorporated into this establishment, as no details were provided as to what type of music would be played or what type of performers would be booked, but was more comfortable after the applicant agreed to downgrade the application to a restaurant beer and wine application and have acoustic non-amplified performances only between the hours of 7 pm and 10 pm and understood the potential for quality of life concerns which exist on this block from a number of loud establishments; and,

Whereas, there are at least 16 on-premise licenses within 500 ft, many of which have been approved recently, including 12 on premises licenses and 3 beer and wine licenses on the same block between 5th and 6th avenues and a pending license for a hotel; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA Restaurant Beer and Wine license stating that:

1. This application is for a beer and wine license.
2. The premises will be advertised and operated as a café.

3. The hours of operation will be Sunday to Thursday from 7 a.m. to 12 a.m., Friday and Saturday from 7 a.m. to 2 a.m.
4. The premises will not operate as a bar, nightclub or disco.
5. The applicant will not seek a DCA Cabaret license.
6. There will be no outdoor areas.
7. Doors and windows will remain closed at all times.
8. There will be no dj's or any events for which a cover fee is charged.
9. Live music performances will only occur between 7 and 10 p.m. and will include acoustic instruments only (not electronic) – there will be no amplification used.
10. There will not be sales of wine or beer by the pitcher.
11. The café is not a club and will not have a DJ, DJ booth, dance floor or other atmosphere or apparatus typical of a club or bar.
12. Television will be limited to that necessary for artistic programming, should they be utilized in the future.
13. Steps will be taken to reduce music leakage when the door is opened if necessary.
14. The establishment will have a hands-on policy regarding outside patron noise – actively moving along and discouraging patrons from “hanging out” outside the space after closing time.
15. The café will make good faith efforts to coordinate trash collection with neighboring businesses and to reduce the noise caused by empty bottles when placed on street for disposal.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new restaurant beer and wine license for **Café Nadery, LLC, dba Café Nadery 16 W. 8th St. 10011** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 2nd and 9th “whereas” clause above are incorporated into the “Method of Operation” on the SLA restaurant beer and wine license.

Vote: Unanimous, with 41 Board members in favor.

25. An Entity which James Haber is Principal (SJM Bar LLC), d/b/a “Double 7”, 63 Gansevoort St. 10014 (“transfer”)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a “transfer” application (previously SN 1223285) for a bar/tavern operating under the trade name of “Double 7” which will remain the same and will have the same method of operation; and,

Whereas, this application is for a previously licensed location in a commercial use building located between 9th Avenue and Washington St. in a commercial building for a new on-premise liquor license via a “transfer” application (temporary license filed in conjunction with a new license application) for a 3,200 sq. ft. premise on one floor which has 23 tables and 108 table seats and 1 stand-up bar with 8 seats, this application does not include a sidewalk café, there is currently no active public assembly permit or certificate of occupancy, both having expired (C of O was only temporary) which must be corrected before issuance of the license in order to comply with ABC laws; and,

Whereas, the hours of operation will be Sunday to Wednesday from 5 p.m. to 3 a.m. and Thursday to Saturday from 5 p.m. to 4 a.m., there will be light food service prepared in a kitchen that will be available at all hours of operation, music will be quiet background only and at entertainment level when all doors and windows are closed and in compliance with NYC Noise Codes consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) if any doors and windows are

open and which may have dj's when doors and windows are closed after 10 p.m., there are operable French doors that will be closed no later than 10 pm on all nights, there will be no promoted events, no scheduled performances or cover fees, there will be velvet ropes or movable barriers, there will be no T.V.'s; and,

Whereas, one of the principles currently is a principle in several licensed establishments in New York City and is a principle in the entity from which the license is being "transferred" and one of the other principles, the "controlling" principle, currently is a principal on 8 on premise licensed establishments, 7 of which are in New York City; and,

Whereas, the attorney for this applicant explained that this "transfer" was in the public interest because the new entity would not include the old "bad" partners and the new controlling principle has a stellar record of operations within New York City and that the original concept of this location would be returned to which would be an "upscale" place to have an after dinner drink and light food and no additional impact would exist because the premises is operating in the exact same was as the previous entity; and,

Whereas, there was outreach to local neighborhood residents and the applicant agreed to stipulations in response to concerns; and,

Whereas, there were a number of residents present to discuss this application including 4 residents in favor and 7 residents who expressed some resignation and opposition of varying degrees with transferring the license and shared deep concerns with which the Liquor Authority is familiar in regards to the meatpacking district including noise, traffic, saturation of licenses, quality of life concerns and increased crime in the area; and,

Whereas, the applicants executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license stating that:

1. The premises will be operated as a tavern/lounge.
2. The hours of operation will end at 3 a.m. Sunday to Wednesday and will end at 4 a.m. Thursday to Saturday.
3. The premises will not operate as a nightclub/disco.
4. The premises will not seek a NYC Department of Consumer Affairs Cabaret License and as such there will be no dancing permitted.
5. There will be security during all hours of operation.
6. All doors and windows will be closed at 10 p.m. everyday of the week without exception.
7. There will be food service until closing.
8. There will be a sound limiter installed and an acoustical engineer will be hired and the principals will work with the neighborhood residents to ensure that there are never violations of NYC Noise Ordinances.
9. Patrons outside in front of the establishment will be properly supervised in order to avoid any disruptions.
10. The premise will prominently display a "please respect the neighbors" style sign.
11. The applicant will secure all necessary permits including a Public Assembly Permit and a Certificate of Occupancy prior to operating.
12. The premises will not have a dj anytime the doors and windows are open and at that time the dj will play music at background volumes that comply with NYC Noise Codes.
13. There will be no use of outside promoters.

Whereas, there are at least 29 on-premise licenses within 500 ft and 3 pending licenses, and CB2 respectfully requests that a 500 ft. hearing be conducted;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a “transfer” for an on-premise liquor license for **An Entity which James Haber is Principal (SJL Bar LLC), dba “Double 7”, 63 Gansevoort St. 10014** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 8th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 41 Board members in favor.

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:

26. ViGu, Inc., 628 Hudson St. 10014 (layover – New Beer & Wine License)

Whereas, prior to this months CB2, Manhattan’s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant’s representative requested to **layover** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and,

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine license, liquor license, alteration, upgrade or changes to any existing license for **ViGu, Inc., 628 Hudson St. 10014** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

27. Even Plate Corp. 82 Christopher St. 10014 (layover – New Beer & Wine License)

Whereas, prior to this months CB#2, Man.’s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant’s representative requested to **layover** this application for a new beer and wine license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed beer and wine license, liquor license, alteration, upgrade or changes to any existing license for **Even Plate Corp. 82 Christopher St. 10014** until the applicant has presented their application in front of CB#2, Man.’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

28. Indie Fork Hospitality, 170 Mercer St. 10012 (layover – new on premise license)

Whereas, prior to this months CB#2, Man.’s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant’s representative requested to **layover** this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, alteration, upgrade or changes to any existing license for **Indie Fork Hospitality, 170 Mercer St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

29. Pearl & Ash, LLC 220 Bowery 10012 (Withdrawn)

Whereas, prior to this month’s CB#2, Man.’s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant’s representative requested to **withdraw** this application for a new on premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, any upgrade to an existing license, any changes to any existing beer and wine license, any corporate changes or any alterations, or upgrade or changes to any existing license for **Pearl & Ash, LLC 220 Bowery 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

30. Laduree SoHo, LLC d/b/a Laduree, 396-398 West Broadway, 10012 (layover – new on premise liquor license)

Whereas, prior to this months CB#2, Man.’s SLA Licensing Committee Meeting #2 on April 11th, 2013, the applicant’s representative requested to **layover** this application for a new on premise liquor license and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Laduree SoHo, LLC d/b/a Laduree, 396-398 West Broadway, 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, 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.

TRAFFIC AND TRANSPORTATION

1. Resolution approving Alternate Side Parking (street cleaning rules) on Greenwich St. bet. Leroy and Morton Sts.

Whereas current parking regulations on Greenwich St. bet. Leroy and Morton Sts. require “No Standing except trucks loading and unloading 8 am-6pm” on the block’s entire eastern side and for two spaces on the block’s western side, regulations that originally accommodated pickups and drop-offs and loading/unloading for industrial and commercial activities that no longer exist there in a neighborhood that is increasingly residential; and

Whereas except for the two spaces cited, the western side of Greenwich St. bet. Leroy and Morton Sts. has alternate side/street cleaning regulations, i.e., “No Parking 11 am-12:30 pm, Mon. and Thurs.; and

Whereas the eastern side of Greenwich St. bet. Leroy and Morton Sts. is in a residential zone with two (one large and one small) currently undeveloped, unoccupied residential buildings, one occupied building with five residential apartments and one commercial tenant (a music studio that occasionally accesses the curb cut there to load and unload items), while the western side is completely residential; and

Whereas representatives of these occupied buildings on both the east and west sides of the street presented their support for substituting alternate side/street cleaning parking where it currently doesn’t exist on both sides; and

Whereas these residents indicated that currently trucks and other commercial vehicles, such as from radio services and other non-resident businesses that don’t do loading/unloading and have no relation to the buildings on the block, park there all day, playing loud music and leaving behind a significant amount of garbage, especially cumbersome on a block that has no cleaning;

Therefore be it resolved that CB#2, Man. approves the request for Alternate Side Parking (street cleaning rules) on Greenwich St. bet. Leroy and Morton Sts., on the western side in the two current commercial loading/unloading spaces at the southern end for a uniform “No Parking 11 am-12:30 pm, Mon. and Thurs.” on that side, and on the entire eastern side to coordinate with the western side’s street cleaning rules; and

Be it further resolved that CB2 requests that the curb cut in front of the one occupied building on the east side (625 Greenwich) with five residential apartments and one commercial tenant (music studio) be retained to accommodate that tenant’s occasional loading and unloading activities.

Vote: Unanimous, with 41 Board members in favor.

2. Resolution in support of Alternate Side Parking (street cleaning rules) on west side of Mott St. bet. Bleecker and Houston Sts. except for the southwest third of the block (approximately 100 feet)

Whereas current parking regulations on the west side of Mott St. bet. Bleecker and Houston Sts. require “No Standing Anytime,” restrictions that originally were for accommodating pickups and drop-offs and loading/unloading for industrial and commercial activities that are mostly long gone (such as Global Storage which has moved out, with its building being converted to residential co-ops); and

Whereas with manufacturing gone and the entire neighborhood becoming residential, not only on Mott St., but on surrounding streets like Elizabeth and Mulberry, residents are requesting that outdated loading/unloading regulations be replaced with alternate side parking/street cleaning rules to accommodate residents; and

Whereas letters of strong support for alternate side parking (street cleaning rules) on Mott St. bet. Bleecker and Houston Sts. have been submitted by residential buildings there (such as 308 and 310 Mott St.) as well as by the Noho Bowery Stakeholders representing 300 members of the local community; and

Whereas some commercial use remains on the west side of Mott between Bleecker and Houston (approximately 1/3 of the southern part of the block/100 feet, near Houston St.); and

Whereas a great deal of automotive traffic speeds down Bleecker, making a swift turn onto Mott St., and then racing down Mott to make it through the traffic light on Houston St., greatly endangering pedestrians; and

Whereas a row of parking on Mott St. would help to slow down this speeding traffic significantly (by narrowing the passageway) and increase pedestrian safety; and

Whereas in a previous resolution, in an effort to promote pedestrian safety conditions on Bleecker St., CB2 requested that crosswalks and stop signs be installed on Bleecker at Mott St. and Elizabeth St;

Therefore be it resolved that) CB#2, Man. supports the installation of Alternate Side Parking (street cleaning rules) on the west side of Mott St. bet. Bleecker and Houston Sts. except for the southwest third of the block (approximately 100 feet); and

Be it further resolved that CB#2, Man. reiterates its request that two stop signs be installed on Bleecker St., one right before Mott St. and one right before Elizabeth St., and that crosswalks be installed on Bleecker St. at Mott and Elizabeth Sts.

Vote: Unanimous, with 41 Board members in favor.

3. Resolution denying a seasonal curbside seating area by Pepe Rosso restaurant, 149 Sullivan St. bet. Prince and Houston Sts.

Whereas Pepe Rosso, a small restaurant in business for 17 years, whose hours are 11:00 am-11:00 pm, has applied to operate a curbside seating area, approximately 12 feet long, with two tables and four seats, as part of the NYC Department of Transportation's (DOT) "Street Seats" program from April 15th to October 14th for two years, with the understanding that this space would be not only for dining but for the general use and enjoyment of neighbors and passersby; and

Whereas the proposal complies with DOT'S basic requirements for the program, such as no metered parking spaces, no fire hydrant, no moving lane of traffic directly next to the curb, no active bus stop, no active driveway, and no alcohol or smoking will be allowed; the applicant is willing to clean and maintain the space; and

Whereas a letter of support was received from the applicant's close neighbor, Shrine Church of St. Anthony of Padua welcoming the opportunity "for people to gather in an area, to sit, relax and enjoy each other's company....a sense of community" and also a petition with approximately 250 signatures of approval, including 107 from neighbors on Sullivan St. and immediately adjacent streets; and

Whereas once a community board supports a street seats location, DOT then thoroughly reviews the application for compliance with technical criteria, especially safety considerations, and if DOT approves, then a design can be created according to DOT Guidelines, and will also be evaluated; and

Whereas Community Board 2, Manhattan (CB2) has concerns as to the safety of installing curbside seating in a No Parking zone, where the natural buffer of parked cars would be missing; and

Whereas required property owner support was not submitted; and

Whereas the applicant has received two summonses for violating the sidewalk café laws, operating without a permit. Someone who shows such disregard for our consumer laws should not be given the privilege of a special outdoor seating area; and

Whereas one street seat location already exists on the same block, and CB2 has concerns about the concentration of too many street seat locations on one block;

Therefore be it resolved that CB#2, Man. denies operation of a seasonal curbside seating area by Pepe Rosso restaurant, 149 Sullivan St. bet. Prince and Houston Sts.

Vote: Passed with 40 Board members in favor and 1 against-(F. Morellet).

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan