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## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES

**DATE:** February 20, 2014  
**TIME:** 6:00 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Daniel Ballen, Tobi Bergman, Carter Booth, Katy Bordonaro, William Bray, Heather Campbell, Lisa Cannistraci, Tom Connor, Terri Cude, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Joshua Frost, Jonathan Geballe, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Edward Ma, Alexander Meadows, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Maury Schott, Shirley Secunda, Federica Sigel, Richard Stewart, Sean Sweeney, Susan Wittenberg, Robert Woodworth

**BOARD MEMBERS EXCUSED:** Keen Berger, Anita Brandt, Richard Caccappolo, Denise Collins, Dodge Landesman, Judy Paul, Chenault Spence, Shannon Tyree, Antony Wong, Elaine Young

**BOARD MEMBERS ABSENT:** Coral Dawson, Arthur Z. Schwartz

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

**GUESTS:** Celine Mizrahi, Congressman Jerrold Nadler's office Joshua Cole, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Jesse Bodine, Man. Borough President Gale Brewer's office; Sarah Sinchala, Assembly Member Deborah Glick's office, Crystal Feng, NYC Comptroller Scott Stringer's office; Jeffrey LeFrancois, Council Member Corey Johnson's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Ron Wang, Council Member Margaret Chin's office; Elysa Goldman, Jeffrey Dvoretz, Sybil Kossack, Enzo Scavone, Artyein Planov, Bob Tuttle, Debra Zimmerman, Aldrin Bonilla, Josh Azar, Danielle Tcholakian, Brenda Levin, Siggy Raible, Brooke Schafran, Jolaina Peltier, Pete Davies, Edward Shao, Lisa Keenan, Jeff Rowland, Adam Brunk, Meredith Nowikowski, Richard Sablosky, Will Niklas, Andrew Berman

### MEETING SUMMARY

Meeting Date –February 20, 2014  
Board Members Present – 37  
Board Members Excused–10  
Board Members Absent - 2

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### MPIA

Meredith Nowikowski updated everyone on upcoming events.

#### YMCA

Juliana Peltier, from the McBurney YMCA, updated everyone on upcoming events.

#### Edgar Allan Poe Room

Lois Rakoff made an announcement for an upcoming event on April 25<sup>th</sup>.

#### Rent Stabilization

Richard Sablosky spoke in favor of rent stabilization.

### **Environment, Public Safety & Public Health Items**

#### NY Rising

Robert Woodworth reported that NY Rising would be on the agenda for the upcoming Environment Committee meeting.

### **Land Use and Business Development Items**

68 Charlton St. app. to Dept. of Housing Preservation & Development for affordable housing program  
Jeff Dvoretz spoke in favor of the application.

South Village Rezoning proposal for a contextual rezoning of the R7-2 zone in the South Village  
Andrew Berman spoke regarding his request for the contextual rezoning.

Pete Davies spoke in favor of the rezoning proposal.

## **SLA Licensing Items**

Toyota Motor Sales, U.S.A., Inc. or Subsidiary and Dinex NYC Management, LLC, 412 W 14<sup>th</sup> St.  
Will Niklas and Brooke Schafran spoke in favor of the proposed liquor license.

L&L NY5 LLC, 47 Prince St.

Debra Zimmerman spoke against the proposed beer and wine license.

### **III. ADOPTION OF AGENDA**

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

Celine Mizrahi, Congressman Jerrold Nadler's office

Joshua Cole, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

Crystal Feng, NYC Comptroller's office;

Jesse Bodine, Man. Borough President Gale Brewer's office

Sarah Sinchala, Assembly Member Deborah Glick's office

Jeffrey LeFrancois, Council Member Corey Johnson's office

Ron Wang, Council Member Margaret Chin's office;

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

### **V. ADOPTION OF MINUTES**

Adoption of December minutes and distribution of January 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

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

**1 - LPC Item: 10 - 122 Greene Street**, aka 106-108 Prince – SoHo-Cast Iron Historic District. An Italianate style tenement building designed by W.E. Waring and built in 1866-68. Application is to alter the ground floor and install new storefront.

**Whereas**, the restoration on the Greene Street facade is appropriate; and

**Whereas**, the proposed blade and band signs are fine. However, the proposal to have the retail brand-name on every window is unnecessary and detracts from the building and the district, especially considering the retail applicant already has an overkill of three gigantic banners and flagpoles on its adjacent building; and

**Whereas**, the proposal to remove historic masonry fabric and introduce a new showroom window on the Prince Street met with opposition from several members of the committee; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the Greene Street, facade with the exception of the excessive signage on the windows; and, further

**Be it resolved**, CB#2, Man. recommends denial of the removal of historic brick from the Prince Street façade of this building, one of the few Italianate tenement buildings in the historic district.

Vote: Unanimous, with 37 Board members in favor.

**2 - LPC Item:11 - 462 Broadway**, aka 462-468 Broadway, 22-28 Crosby Street, 120-130 Grand Street-SoHo-Cast Iron Historic District. A French Renaissance Revival style store and loft building designed by John Correja and built in 1879-80. Application is to install signage.

**Whereas**, this application will be an improvement upon the existing signage; now

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

Vote: Unanimous, with 37 Board members in favor.

**3 - LPC Item:12 - 25 Bleeker Street** (Bowery/Lafayette) - NoHo East Historic District. A rowhouse built in 1830 and altered with a new facade in 1984. Application is to replace the front facade and alter the rear facade.

**Whereas**, this was a fascinating and well-researched presentation; but

**Whereas**, the proposed 6' high sign-band is far too high; and

**Whereas**, we agree with the applicant that this is an eclectic block; but

**Whereas**, this is a radial departure from every other building on the block.

The extensive presentation explained the inspiration of the design. However, the design appears to ignore most of that historic inspiration, especially the original design of the building's window pattern; and

**Whereas**, the applicant stated that this design is a response to the block's eclecticism. However, this is not a response to anything. It replaces the typology of the neighborhood to the typology of another building, one of cast-iron for example; and

**Whereas**, the openness ratio of glass to solid material is nowhere in keeping with that of the two adjacent three-story masonry townhouses; now

**Therefore, be it resolved** that CB#2, Man. strongly recommends denial of this application, from the 6' high sign-band, to the specious notion that the design is inspired by other historic buildings on the block, to its openness ratio of glass to solid.

Vote: Unanimous, with 37 Board members in favor.

**4 - LPC Item:15 - 385 6th Avenue** (n.w. corner Waverly) - Waverly Diner - Greenwich Village H.D. A Queen Anne style flats building designed by D. & J. Jardine Architects and built in 1877. Application is to legalize facade alterations in noncompliance with Certificate of Appropriateness 10-8039 and Miscellaneous/Amendment 11-6193; legalize the installation of light fixtures, fencing, a stoop gate, and a garbage enclosure without Landmarks Preservation Commission permits; and modify an entrance surround.

**Whereas**, the front entrance is suitable and should be legalized; but

**Whereas**, the louvres should be recessed 18"; and

**Whereas**, the security cameras should be miniaturized and better concealed; and

**Whereas**, the committee was evenly split on the question of changing the neon sign from "restaurant" to "diner"; and

**Whereas**, the garbage enclosure detracts from the building and the district; and

**Whereas**, the fixtures uplighting the building bring undue attention to the structure and detract from the district; and

**Whereas**, the schematic for the door's construction provided insufficient detailing regarding how the door would be built, showed no transom, and inadequately showed how the door would be properly built; and

**Whereas**, the fence detracts from the building and the district; now

**Therefore, be it resolved** that CB#2, Man. recommends approval of the front entrance; could not reach a decision on the appropriateness of changing the wording on the neon signage; and recommended denial of everything else.

Vote: Unanimous, with 37 Board members in favor.

**5 - LPC Item:16 - 829 Washington Street** - Gansevoort Market Historic District. A neo-Grec style market building designed by Joseph M. Dunn, built in 1880 and altered in 1940. Application is to install a hanging sign. Zoned M1-5

**Whereas**, the proposed signage is within proximity of acceptable signage dimensions and is the same size as the existing sign; now

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

Vote: Unanimous, with 37 Board members in favor.

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

**6 - LPC Item: 10 - 21 Perry Street (7th/W4)** - Greenwich Village Historic District. A transitional Greek Revival/Italianate style rowhouse built in 1845. Application is to legalize alterations to window lintels without Landmarks Preservation Commission permit(s).

**Whereas**, inexplicably, the applicant matched the replacement lintels not with those of the buildings in the same row in which 21 Perry is located, namely, numbers 23, 19 and 17, but rather with lintels from 25 and 27 Perry, which buildings are of a different era and appearance; and

**Whereas**, we have regret for the situation in which the well-intentioned applicant is immersed. However, if this application were to have come to us before the new lintels were installed, we would have recommended denial; now

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

Vote: Unanimous, with 37 Board members in favor.

**8 - LPC Item:12 - 208 West 11th Street (@7th)** - Greenwich Village Historic District. A rowhouse with Italianate style elements built in 1856. Application is to construct a stair bulkhead and install rooftop mechanical equipment and railings, and replace windows at the rear facade. Zoned C2-6

**Whereas**, the bulkhead and the repositioned mechanicals and railings are not visible from West 11th Street, only from 7th Avenue South – a busy, cacophonous, idiosyncratic, modern thoroughfare, with many visual distractions; now

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

Vote: Unanimous, with 37 Board members in favor.

**9 - LPC Item:13 - 400 Bleeker Street** - Greenwich Village Historic District. A Queen Anne style apartment house built in 1888. Application is to install storefront infill and an awning.

**Whereas**, the proposed large awning detracts from the building. Moreover, the applicant agreed that it is basically an advertising medium.

Also, its depth is so great that it extends beyond and under the drop-ladder of the fire escape, which ladder, in order to drop unhindered in an emergency, requires an opening in the awning – something very silly looking. Finally, the tax photo showed no awning on the building; and

**Whereas**, the proposal removes the historic rhythm and geometry of the traditional facade by removing one of the doors and rearranging the infill elements.

Traditional infills in Italianate buildings would have had two stores with two doors and two display windows. In combining two spaces to have one large store, this application seeks to have one original display window, one door, and one super-sized display window.

Further, there is something unsettling with every pier having a different style; and

**Whereas**, the tax photo gives many cues to develop more successfully what they have already got going; and other nearby buildings that have well-preserved historic storefront configurations could also provide some solutions; now

**Therefore, be it resolved** that CB#2, Man. recommends denial of the infill that will unnecessarily ruin the harmony and rhythm of this historic Italianate storefront; and, we recommend denial of such a long and deep awning, suggesting instead two smaller, retractable awnings.

Vote: Unanimous, with 37 Board members in favor.

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 68 Charlton Street, south side through lot to Van Dam Street between Varick and Hudson. A presentation was made describing the inclusionary housing component of a new 22-story building in accordance with provisions of the Hudson Square Special District.**

**A resolution supporting an application to the Department of Housing Preservation and Development for participation in an affordable housing program providing an FAR bonus and tax abatement.**

### **Whereas**

1. A presentation of this Affordable Housing Plan was made by Richard Metsky of Beyer Blinder Belle Architects and Kenneth Lowenstein of Holland & Knight for a project at 68 Charlton Street to be developed by Extell Development Company.
2. The application is made in conjunction with a zoning bonus increasing the FAR of the development from 9 to 12 as allowed in the Hudson Square Special District.
3. Twenty-five of the 116 units, or 23%, will be permanently affordable rentals at 60% AMI (Area Median Income) and over 20% of the residential floor area will be for affordable units.
4. Ninety-one units will be market rate coops.
5. The building will apply for a 20-year post construction 421-a partial tax exemption.
6. The affordable units will be 22 two-bedroom units and three studios with initial rents ranging from \$830 to \$1080 per month.
7. The apartment sizes for the affordable units exceed minimum requirements and are comparable to the market rate co-op units.
8. The developer assured the committee that the appliances and finishes of the affordable units will be “very high quality,” although less expensive than those in the coop units.
9. The project will consist of two 22-story towers, one facing Charlton Street and one facing Van Dam, with a lobby in the Charlton tower and a ground level breezeway connecting to an elevator bank serving the Van Dam tower.
10. There will be ground level retail stores facing both streets.
11. There will be ground level parking for 60 bicycles, available to all residents at no charge.

12. There are no affordable units proposed for the Charlton tower and all 22 affordable units in the Van Dam tower are on floors two through 15.
13. In the Van Dam tower, floors two through 12 are 100% affordable units and floors 14 and 15 are 50% affordable units.
14. This distribution meets inclusionary housing guidelines because floors on the same level in separate towers are treated as a single floor of one building, but the goal of mixing affordable units with market rate units might be better served with an alternate distribution.
15. The applicant stated that hallway finishes are the same on all floors and services will be the same throughout the building, but there is still a possibility that services may be provided unequally.
16. CB 2 would prefer a redistribution of units such that no floor on either tower includes only affordable units, such as by moving the affordable units to the Charlton tower, but with no reduction of unit size.
17. Amenities provided for residents include a lounge, landscaped courtyard, and outdoor basketball court on the ground level, and a pool, steam-room, children's playroom, and gym in the basement.
18. The applicant agreed to provide free access to residents of affordable units to the lounge, courtyard, basketball court, and children's playroom;
19. Access to the pool, steam-room, and gym, will be available to all residents of affordable units at a charge not to exceed \$50 per month per two-bedroom unit and \$40 per month per studio unit, to be paid on a month-to-month basis with no minimum membership duration.
20. While a lower monthly charge would contribute to a non-exclusionary atmosphere in the building, the proposed charge represents an 85 percent discount as compared to the line item maintenance charge for amenities to coop owners.
21. The proposed maximum for residents of affordable units is reasonable and generally affordable, and represents an helpful balance to the awkward distribution of units.

**Therefore it is resolved that CB#2, Man. welcomes to the district this high quality residential development including 25 permanently affordable units and recommends approval of this application, but only if access to building amenities by residents of affordable units is provided for in stabilized leases as follows:**

- a. **All residents will have free and equal access to all building amenities including the lounge, courtyard, basketball court, bicycle parking, and children's room, but excluding the pool, gym, and steam-room.**
- b. **The pool, gym, and steam-room will be available to all residents for a maximum fee of \$50 per month per 2-bedroom unit and \$40 per month per studio, offered on a month-to-month basis.**

Vote: Unanimous, with 37 Board members in favor.

**2. South Village Rezoning Proposal. A proposal by the Greenwich Village Society for Historic Preservation for a contextual rezoning of the R7-2 zone in the South Village.**

**A resolution endorsing a proposal for rezoning the R7-2 zone in the South Village and requesting implementation by the Department of City Planning.**

**Whereas**

1. The prevailing built character of the South Village is highly successful, supporting enduring mixed use areas that are among the most popular in the city, with increasing rental and sales values.
2. The current R7-2 zoning, combined with the high values in the area, encourages out-of-scale, high-rise development.
3. This R7-2 zoning offers a large “community facility” bulk bonus, encouraging particularly out-of-scale dormitory and other university development where additional facilities of this kind will be detrimental.
4. Currently, if a site is large enough, such as the NYU Vanderbilt Law School buildings site, the current R7-2 zoning would allow construction of a 300 ft. tall dorm.
5. The South Village has a consistent built environment with mostly two to six story buildings, which the zoning should reinforce, but the R7-2 zoning does not.
6. The South Village has been listed on the State and National Registers of Historic Places, recognizing the importance of this built environment.
7. While just a little more than half of the South Village has been landmarked, nearly the entire neighborhood has been determined “landmark-eligible” by the New York City Landmarks Preservation Commission, further attesting to the importance of its built environment and the desirability of preserving and reinforcing it.
8. In recent years the City has approved contextual rezonings in and around Community Board #2 designed to preserve and reinforce the low-rise character of our neighborhoods, including a 2008 rezoning of the East Village, which had a nearly identical built environment of townhouses and tenements and the same R7-2 zoning.
9. An R7-A zone for wide streets with a maximum floor area ratio of 4 and a maximum height of 80 feet after setbacks would match and in some cases exceed the built environment on these streets.
10. An R7-B zone for narrow streets with a maximum floor area ratio of 3 and a maximum height of 75 feet after setbacks would match and in some cases exceed the built environment on these streets.
11. Much of the area lacks landmark protections, in spite of its historic character, and therefore there are no restrictions upon development on those sites beyond what the zoning allows.
12. The blocks south of Houston Street are particularly vulnerable to out-of-scale development, as development pressure has increased with the recent nearby Hudson Square rezoning.
13. Sites left out of the recently designated historic districts in the South Village, such as the north block-front of Houston Street between MacDougal and Sullivan Streets, facing MacDougal-Sullivan Gardens, and sites along Sixth Avenue, remain vulnerable to inappropriately-scaled development.
14. Landmarked areas would also benefit from more appropriate contextual zoning which reinforces rather than contradicts the goals of landmark designation, by encouraging new development and additions that are in scale and character for the neighborhood.
15. Landmark designation does not always prevent out-of-scale development, and does not regulate uses, thus further highlighting the need for appropriate zoning, even in landmarked areas.
16. The most expeditious means of accomplishing the goals supported herein will be for the Department of City Planning to be the applicant for rezoning this area.
17. Approximately 80 people in attendance at the hearing expressed support for the proposal by a show of hands, and there was no opposition.
18. Representatives of the following neighborhood groups voiced support for the proposal: Bleecker Area Merchants and Residents Association, the Charlton and Van Dam Block Associations, South Village Neighbors, and the Committee to Preserve Our Neighborhood.

**Therefore it is resolved that CB#2, Man.**

1. **Endorses the goals of the proposal by the Greenwich Village Society for Historic Preservation for a contextual rezoning of the South Village’s R7-2 zone.**
2. **Urges the Borough President and the Councilmembers of CD-1 and CD-3, as well as other elected officials who represent this area, to support rezoning this area.**
3. **Calls upon the Department of City Planning to support the goals of this proposal and to become the applicant for a rezoning that accomplishes these goals.**

Vote: Passed, with 35 Board members in favor, and 2 in opposition (D. Diether R. Sanz).

**SIDEWALKS/STREET ACTIVITIES**

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

**1. ABG Standard Operator LLC d/b/a The Standard, 848 Washington St. (btw Little W 12 St. & W 13 St.), with 26 tables and 84 chairs, DCA#13092902**

Block:645 Lot:11                      Lot Frontage:206.5' Lot Depth:200                      Year Built:2006  
 Number of Buildings:1;              Number of Floors:19 Residential Units:0              Total # of Units:1  
 Zoning:M1-5

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant and his representative, Robert Bookman, were present, and

**Whereas**, this café has been operated for four years by this applicant with some issues including the café over-extended to the north on the sidewalk, planters placed outside the café entrance and multiple service stations in the cafe, and

**Whereas**, both the applicant and Mr. Bookman committed to resolving the issues with the café over-extension, and removing the service stations and the planters from outside the entrance to the cafe,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **ABG Standard Operator LLC d/b/a The Standard, 848 Washington St. (btw Little W 12 St. & W 13 St.), with 26 tables and 84 chairs, DCA#13092902**

**UNLESS the issues noted in Whereas 2 are resolved**

VOTE: Unanimous, with 37 Board members in favor.

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

**2. 815 Broadway NYC LLC, d/b/a The Hummus And Pita Co, 815 Broadway (btw E 11 St. & E 12 St.), with 6 tables and 12 chairs, ASWC#243-2014**

Block:563 Lot:33                      Lot Frontage:24.75' Lot Depth:100                      Year Built:1930(estimated)  
 Number of Buildings:1;              Number of Floors:2 Residential Units:0              Total # of Units:2  
 Zoning:C6-1

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s son/manager, Steve Pessa, and their representative, Marc Glazer, were present, and

**Whereas**, this café is proposed for a sidewalk of 18’ width which has subway sidewalk grates which do not further restrict the depth of the cafe, and

**Whereas**, the committee was primarily concerned that this business is obtaining at least a beer and wine license and as such must have wait service to the café, but this is not typical for a fast-food and primarily take-out business such as is proposed, and

**Whereas**, the applicant specifically committed to maintaining wait service to the café during all times of its operation,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **815 Broadway NYC LLC, d/b/a The Hummus And Pita Co, 815 Broadway (btw E 11 St. & E 12 St.), with 6 tables and 12 chairs, ASWC#243-2014**

**CONDITIONAL UPON the applicant providing wait service to the café during all hours of its operation as noted in Whereas 3 & 4**

VOTE: Unanimous, with 37 Board members in favor.

**3. ERJO Company LLC, d/b/a Cafetal, 285 Mott St. (btw Prince St. & E Houston St.), with 6 tables and 12 chairs, ASWC#253-2014**

Block:509 Lot:27                      Lot Frontage:80.08' Lot Depth:90.83                      Year Built:1900(estimated)  
Number of Buildings:1;              Number of Floors:6 Residential Units:54                      Total # of Units:58  
Zoning:C6-2; C6-3

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Joe Perrotta and his representative, Marc Glazer, were present, and

**Whereas**, there were 11 members of the immediate community present to support this application, and **Whereas**, this café is proposed for a sidewalk of 13’2” width with a tree pit opposite the proposed café space which currently has a wooden planter/fence around it which reduces the usable width to 9’6”, and

**Whereas**, the applicant and Mr. Glazer stated that the planter/fence around the tree is to be removed, presumably with the consent of the property owner before the café is approved, and the committee reiterated that if it remained, the unobstructed sidewalk would not be wide enough for a cafe, and

**Whereas**, the applicant was reminded that due to the narrow sidewalk the café seating must be maintained with the chairs oriented parallel to the façade and he committed to doing so,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **ERJO Company LLC, d/b/a Cafetal, 285 Mott St. (btw Prince St. & E Houston St.), with 6 tables and 12 chairs, ASWC#253-2014**

**UNLESS the planter surrounding the tree in front of the premises is, with the approval of the property owner, removed prior to the approval of the café license and the tree pit is consistently maintained as flush with the sidewalk**

VOTE: Unanimous, with 37 Board members in favor.

**4. Claudisal Rest. Corp., d/b/a The Malt House, 206 Thompson St. (btw Bleecker St. & W 3 St.), with 9 tables and 18 chairs, ASWC#679-2014**

Block:537 Lot:37                      Lot Frontage:57.17' Lot Depth:100                      Year Built:1900(estimated)  
Number of Buildings:2;              Number of Floors:6 Residential Units:40              Total # of Units:44  
Zoning:R7-2 ;                      Commercial Overlay:C1-5

**Whereas**, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, Eoin Foyle, and his representative, Marc Glazer, were present, and

**Whereas**, there were 4 members of the immediate community present to support this application, and

**Whereas**, this café is proposed for a sidewalk of 12'6" width with a tree pit opposite the proposed café space which is essentially flush to the sidewalk, and

**Whereas**, this café was operated under the same plan for many years by a previous operator with few known issues, and

**Whereas**, the committee reminded the applicant that the awning over the café must have an opening for a fire escape drop ladder which was not evident on a recent inspection, but the awning was only partially extended and the applicant assured the committee there was a drop ladder opening, and

**Whereas**, the committee noted the current use of two A-frame signs on the sidewalk and reminded the applicant these were illegal unless leaned (folded) against the façade and he committed to resolving the issue, and

**Whereas**, the committee requested the applicant remain vigilant that due to the narrowness of the sidewalk, all service to the 4-seat tables at each end of the café must take place from between the seats as the 'ends' of the tables would be in the public sidewalk,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Claudisal Rest. Corp., d/b/a The Malt House, 206 Thompson St. (btw Bleecker St. & W 3 St.), with 9 tables and 18 chairs, ASWC#679-2014**

**CONDITIONAL UPON the applicant maintaining proper use of signage, which is only leaned up against the façade of the building**

VOTE: Unanimous, with 37 Board members in favor.

**FYI Renewals:**

**Whereas**, the renewals below were posted on the CB#2, Man. website and there were no community members requesting these applications be heard, and

**Whereas**, these cafés have been operated for at least 2 years by this applicant and the Board has not been notified of any issues with their operation,

**5. 247 DELI, LLC, d/b/a Delicatessen, 265 Lafayette St., with 20 tables and 40 chairs, DCA#**

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of the **RENEWAL** applications for revocable consent to operate the indicated sidewalk café for the above applicants

VOTE: Unanimous, with 37 Board members in favor.

**Applications for Street Activities Permits:**

**Whereas**, CB#2, Man. attempts to determine 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**, community groups were notified and the applicant was present regarding the first application below, and

**Whereas**, the remaining items – noted as **FYI – Renewals** below – have been held for 3 or more years, and after the items were published on the CB2 Calendar of Meetings, no members of the community requested a public hearing be held regarding them, so CB#2, Man. has no issue with these applications,

**1. 4/13/14 Cooper Union Alumni Association Founder’s Day, Astor Pl. bet. 4th Ave. & Lafayette St.**

**Whereas**, while this a new event, it is directly associated with Cooper Union and planned for a block on Astor Pl. that will soon be made a pedestrian plaza as part of the DoT reconfiguration of Astor Plaza,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this event on **Astor Pl. bet. 4th Ave. & Lafayette St.**

Vote: Unanimous, with 37 Board members in favor.

**2. 5/23-9/7/14 Little Italy Pedestrian (Mulberry) Mall, Mulberry St. bet. Canal St. & Broome St.**

**Whereas**, the Mall will operate as it has previously and there was no community opposition expressed by anyone at the meeting,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this event on **Mulberry St. bet. Canal St. & Broome St.**

Vote: Unanimous, with 37 Board members in favor.

**3. 7/19/14 Greenwich Village-Chelsea Chamber of Commerce Urban Lawn Party, Charlton St. bet. 6<sup>th</sup> Ave. & Varick St.**

**Whereas**, this event first occurred last year but the CB2 office has received no negative feedback,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this event on **Charlton St. bet. 6<sup>th</sup> Ave. & Varick St.**

Vote: Unanimous, with 37 Board members in favor.

**4. 9/8-9/21/14 Feast of San Gennaro, Mulberry St. bet. Canal & East Houston Sts.**

**Whereas**, the Feast will operate as it has for many years and including some conditions that were added approximately 4 years ago, and

**Whereas**, there was no community opposition expressed by anyone at the meeting,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **APPROVAL** of this event on **Mulberry St. bet. Canal & East Houston Sts.**

Vote: Unanimous, with 37 Board members in favor.

**5. 10/4/14 Log Cabin Republicans of New York/Log Cabin Republicans-Greenwich Village Festival, Greenwich Ave. bet. 6th & 7th Aves**

**Whereas**, the Co-Chair of LCR-NY, Scott Spiegel and his producer, Joe Giovanni of Mardi Gras Productions were present, and

**Whereas**, Mr. Spiegel confirmed that LCR-NY's mailing address is a PO Box in Rockefeller Center and the group has no "indigenous relationship" to CB2 other than hosting networking events at bars, which are occasionally within the CB2 area,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **DENIAL** of this event on **Greenwich Ave. bet. 6th & 7th Aves**

Vote: Unanimous, with 37 Board members in favor.

**FYI Renewals:**

**Whereas**, CB#2, Man. attempts to determine 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 remaining items – noted as **FYI – Renewals** below – have been held for 3 or more years, and after the items were published on the CB2 Calendar of Meetings, no members of the community requested a public hearing be held regarding them, so CB#2, Man. has no issue with these applications,

- 6. 3/8-12/7/14** St. Anthony's Outdoor Market, West Houston St. bet. Thompson St. & Macdougall St.
- 7. 3/14/14** St. Patrick's Old Cathedral Outdoor Market, Prince St. bet. Mulberry St. & Mott St.
- 8. 3/29/14** St. Joseph School/Bailey House Festival, Washington Pl. bet. Grove St. & 6th Ave.
- 9. 4/22/14** Earth Day at NYU, LaGuardia Pl. bet. Washington Square S. & W. 3 St.
- 10. 4/12/14** Ninth Precinct Community Council, Astor Pl. bet. Broadway & Lafayette St.
- 11. 4/19/14** Community Board 2, Broadway bet. E. 8th St. & E. 14th St. **(due to potential conflict of interest, Community Board 2 did not vote on its own street fair).**
- 12. 5/3/14** Cooke Center Street Fair, Macdougall St. bet. W. Houston St. & King St.
- 13. 5/4/14** Urban Bear Street Fair – Little West 12 St. bet. Washington St. & 10 Ave.
- 14. 5/9/14** Strawberry Festival – 29 Annual, LaGuardia Pl. bet. Washington Square S. & W. 3 St.
- 15. 5/10/14** Perry-phernalia, Perry St. bet. Bleecker St. & West 4th St.
- 16. 5/10/14** P.S. 3 Spring Fling 2014, Grove St. bet. Bedford St. & Hudson St.

17. 5/11/14 Our Lady of Guadalupe Mother's Day Celebration, bet. W. 13 St. Hudson St. & 9 Ave.
18. 5/17/14 Ye Olde Village Fair, Bedford St. bet. 7 Ave. S. & Christopher St.
19. 5/17/14 Christopher Street Block and Merchant Association, Christopher St. bet. 7 Ave So. & Hudson St.
20. 5/24/14 Village Committee For Jefferson Area Market, Bleecker St. bet. 7 Ave. & 8 Ave.
21. 6/14-6/21/14 Positively 8th Street, W. 8th St. bet. 5 Ave. & 6 Ave.
22. 6/21/14 BAMRA Bleecker Street Festival, Bleecker St. bet. 6 Ave. & Broadway, Great Jones St. bet. Broadway & Lafayette St.
23. 6/28/14 Our Lady of Pompeii Church, consolidated event, 6 Ave. bet. W. Houston St. & Waverly Pl.
24. 7/12/14 Gay and Lesbian Independent Democrats Festival Co-Sponsored Event, 4 Ave. bet. E. 9 St. & E. 14 St., Astor Pl. bet. Broadway & Lafayette St.
25. 7/19/14 Women's Democratic Club Co-Sponsored Event, Astor Pl. bet. Broadway & Lafayette St.
26. 8/9/14 Village Visiting Neighbors Festival Co-Sponsored Event, University Pl. bet. Waverly Pl. & E. 14th St.
27. 8/16/14 Caring Community, Waverly Pl. bet. 6th Ave. & University Pl.
28. 8/23/14 Greenwich Village Chamber of Commerce Co-Sponsored Event, Broadway bet. Waverly Pl. & E. 14 St.
29. 8/28/14 CAS Closing Block Party, Washington Pl. bet. Washington Square E. & Mercer St.
30. 8/30/14 Andrew Glover Youth Program 4th Avenue Festival Co-Sponsored Event, 4 Ave. bet. E. 9 St. & E. 14 St.
31. 9/6/14 Our Lady of Pompeii Church Bleecker Street Festival consolidated event, 6 Ave. bet. W. Houston St. & Waverly Pl.
32. 9/13/14 Village Reform Democratic Club, Washington Square No. bet. University & 5 Ave. & Waverly Pl. bet. Broadway & University Pl.
33. 9/20/14 Village Center for Care, Bleecker St. bet. 7 Ave. So. & 8 Ave.
34. 10/4/14 Lab Tastes of the Meatpacking District, Gansevoort Plaza & Gansevoort St. bet. Hudson St. & 9th Ave.
35. 10/11/14 Village Crosstown Trolley, Astor Pl. bet. Broadway & Lafayette St.
36. 10/18/14 Village Independent Democrats, W. 4th St. bet. 6 Ave. & MacDougal St. & Washington Square So. bet. MacDougal & LaGuardia Pl.
37. 10/18/14 Marco Polo 2014, Grand St. bet. Mott St. & Mulberry St.
38. 11/9/14 Independent Downtown Republican Club, University Pl. bet. Waverly Pl. & E. 14th St.

Vote: Unanimous, with 37 Board members in favor for all the applications listed above, with the exception of #6.

## **SLA LICENSING**

### **1. Pizza of 32 Spring Street Inc. d/b/a Lombardi's, 32 Spring Street 10012 (existing OP license seeking corporate change among existing shareholders)**

**Whereas**, the applicant appeared before CB2's SLA committee; and,

**Whereas**, the applicant has operated an Italian Pizza Restaurant at 32 Spring Street in a mixed use building at the corner of Mott and Spring Streets for many years and now seeks to transfer shares of ownership among family members; and

**Whereas**, the current hours of operation are from 1130 am to 11 pm from Sunday to Thursday and 1130 am to 12 am on Friday and Saturday, there are 33 tables and 80 seats and one bar with 11 seats, there are no TVs and music will be background only, there is no sidewalk café or backyard garden; and

**Whereas**, upon questioning the operator conceded that he has also been operating the Restaurant in a separate storefront for patron overflow, usually on the weekends, on Mott Street, albeit connected to the interior to the existing Restaurant and kitchen but without signage designating the storefront to the Restaurant; and

**Whereas**, the operator did not place the Mott Street storefront premises on his diagram outlining and describing the premises on his application submitted to CB#2, Man.; and

**Whereas**, the operator further conceded that the above-referenced store front premises was not yet licensed for the service of alcoholic beverages but agreed to immediately return to CB2 and to seek an alteration for its existing license with the SLA to operate and incorporate the storefront premises into its existing SLA license, and further agreed not to serve any alcoholic beverages at the storefront premises without first obtaining the proper license for this portion of the existing premises; and

**Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA beer and wine license as follows:

1. Music will be background only.
2. There will be no live music, promoted events or scheduled performances.
3. There will be no outside area or sidewalk café used for the sale or consumption of alcoholic beverages.
4. Will not have French doors or windows.
5. All doors and windows will be closed by 9pm every night except for patron egress and ingress.
6. Will not serve any alcoholic beverages at the unlicensed Mott Street Storefront premises at all times until and unless a new application to alter the premises is filed with the SLA and until the operator returns to CB2 as to this portion of the existing premises.
7. Will expeditiously return to CB2 and the SLA to apply for an alteration of the existing OP license to add the Mott Street storefront premise to the existing Restaurant and to place the proper signage on the premises to inform the public of its current use.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the full OP license for **Pizza of 32 Spring Street, Inc. d/b/a Lombardi's, 32 Spring Street 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the On Premises License.

Vote: Unanimous, with 37 Board members in favor.

**2. Soseb LLC, d/b/a Cocotte, 110 Thompson St., 10012** (existing Beer and Wine license seeking corporate change among existing shareholders)

**Whereas**, the applicants collectively appeared before CB2's SLA committee; and,

**Whereas**, the applicants have operated a French Bistro Restaurant at 110 Thompson Street in a mixed use six-story building between Prince and Spring Streets since April/2012 and now seeks to transfer shares of ownership among existing shareholders; and

**Whereas**, no one from the public appeared in opposition to the corporate change and no complaints regarding the operation of the Restaurant was brought to the attention of CB2's SLA Committee; and

**Whereas**, the Restaurant currently operates in a 750 SF space occupying a southerly, below grade storefront with 10 tables, 35 seats and 1 stand up bar with 4 seats for a total of 39 seats with a maximum occupancy of less than 75, there is no outdoor seating either in a rear yard or sidewalk cafe; and

**Whereas**, the Restaurant currently operates from 4 p.m. to 1 a.m. seven days a week, music is background only generated from ipod/c.d.'s, there are no tv's, no promoted events, no scheduled performances, no outside promoters and no events for which a cover fee is charged and no private parties, and

**Whereas**, the applicants agreed collectively to operate pursuant to its current method of operations and further agreed to continue to adhere to all existing stipulations previously incorporated into its method of operation on its SLA OP license as of April/2012, as follows:

1. The hours of operation will be from 4 p.m. to 1 a.m. seven days a week. All customers will have vacated the premise at the conclusion of the hours of operation.
2. All Doors and Windows will be closed by 8 p.m.
3. Music will be quiet background music only and there will be no D.J.'s or promoted events.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the existing beer and wine license for **SOSEB, LLC, d/b/a Cocotte, 110 Thompson St. 10012** **unless** the statements the applicants as presented are accurate and that the above-stated conditions and stipulations agreed to by the applicants continue to be incorporated into the "Method of Operation"

Vote: Unanimous, with 37 Board members in favor.

**3. Ed's Lobster Bar LLC, 222 Lafayette St., 10012.** (existing OP – seeking alteration of existing OP license to add adjacent storefront, previously unlicensed)

**Whereas**, the applicant appeared before CB2's SLA committee; and

**Whereas**, the owner is seeking to alter an existing OP license and existing method of operation for a seafood restaurant to add an additional adjacent storefront to increase capacity to his Restaurant in a mixed use six-story building on Lafayette Street between Spring and Kenmare Streets just across from Petrosino Square; and

**Whereas**, the premises to be added was previously operated as a "Subway" sandwich shop and has never been licensed for the service of alcohol or operated as an eating and drinking establishment; and

**Whereas**, the applicant currently operates in a 1000 SF space and seeks to break through an existing wall and create a passageway inside the ground floor to double the size of the space to 2000 SF, seeks to build and add a new bar with 25 seats, a new food counter with 10 seats, 14 tables with 25 seats and seeks to increase seating capacity from 50 to 90; and

**Whereas**, the applicant also seeks to create new egress into and out of the combined restaurant from the front door of the newly added space, will add a new food station within the new space, install new windows that open out to the sidewalk in the new space and will change the front façade of the new space to match the existing premises but does not intend to move the kitchen; and

**Whereas**, the new premises to be added also has a backyard garden which the applicant states he has no current plans to utilize for the business; and

**Whereas**, the premises to be added currently does not have a certificate of occupancy, letter of no objection or permit for Public Assembly which permits an eating and drinking establishment with a proposed occupancy in excess of 75; and

**Whereas**, the applicant states that he will not seek to change the premise's current hours of operation, which are from 12 pm to 9 pm on Sunday, from 11 am to 11 PM Monday and Tuesday, from 11 am to 1 am on Thursday and from 11 am to 2 am Friday and Saturday, there will be no TVs, music will be background only, there will be private parties but no promoted events and the applicant plans on retaining a sound engineer at some point in the future; and

**Whereas**, despite outreach by the applicant to the surrounding community, written objections to the alteration were received from the Condo Board at 210 Lafayette Street, from multiple members of the surrounding community, the "Friends of Petrosino Square" organization, a Petition with sixteen signatures from neighbors opposed to the alteration and five members of the community appeared in opposition to the application; and

**Whereas**, the community objections relate to the overwhelming nature of recently issued liquor licenses in an already saturated neighborhood, where there are already three liquor licenses in three consecutive buildings on one block on the west side of Petrosino Square and if this expansion was granted, there would only be one storefront left on the west side of Petrosino Square that did not already have a liquor license, that there are already seven liquor licenses surrounding the perimeter of Petrosino Square and that by adding more eating and drinking patrons to the area will only add to traffic, noise, public intoxication and environmental hazards already existing and negatively impacting the area; and

**Whereas**, surrounding neighbors in the area also voiced concerns about the rapid rate of applications and approval of new licenses over the last ten years and the potential number of new licenses in the area that will result in an overwhelming impact on the character of the neighborhood; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial for **Ed's Lobster Bar LLC, 222 Lafayette St., 10012**. on its application seeking an alteration to its existing OP license to add an adjacent storefront, previously unlicensed, to the existing OP license and to double the size of its patronage; and

**THEREFORE BE IT FURTHER RESOLVED** that if this application is approved by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB#2, Man. requests that the SLA conduct a 500-foot rule hearing because the storefront premises sought to be combined with the existing license has never been licensed for the service of alcohol at any point in the past.

Vote: Passed, with 36 Board members in favor, and 1 abstention (R. Sanz).

**4. L&L NY5 LLC d/b/a Le Paradis du Fruit, 47 Prince St. 10012** (new beer and wine – previously unlicensed location)

**Whereas**, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a beer and wine license at 47 Prince Street between Mulberry and Lafayette Streets; and

**Whereas**, the premises were previously a 25 by 80 foot vacant lot but there has been construction of a one story and mezzanine building over the past year (2013) but is still incomplete; and

**Whereas**, the applicant has requested zoning designation for use group 6-retail in a M1-5B District and seeks to operate as an eating and drinking establishment with a proposed occupancy of 136; and

**Whereas**, the applicant plans to operate a restaurant with a focus on fruits and vegetables in a 3,698 SF space (1,720 SF on ground floor, 580 on mezzanine and 1,398 in cellar) with two entrances/exits and 14 exterior sliding glass façade doors running along Mulberry Street that will open onto the sidewalk, having 35 tables with 79 seats, 1 bar with 28 seats, there will be two TVs, with background music only; and

**Whereas**, the applicant seeks to operate from 8 am to 1 am Monday through Wednesday and from 8 am to 2 am Thursday through Sunday; and

**Whereas**, the applicant currently does not seek a sidewalk café with this application but did state that one may be requested at some point in the future even though the zoning, M1-5B precludes sidewalk cafes; and

**Whereas**, the stand alone building with the proposed floor to ceiling sliding glass doors along the entire Mulberry St. façade will be located directly across the street from the St. Patrick's Old Cathedral, the St. Michael's Chapel and the Old Saint Patrick's Rectory and the surrounding residential buildings are predominantly 100 year old tenement and loft style buildings which creates a significant impact on quality of life issues for surrounding residential tenants; and

**Whereas**, CB#2, Man. received letters of objection to a beer and wine license at this location from the Little Italy Neighbors Association ("LINA") and Bowery Block Association with concerns of transforming the mostly quiet and tranquil area adjacent to Places of Worship into an more active, party corridor open from the early morning hours until late at night with noise, traffic and music, dramatically changing the character of the neighborhood and for those who worship at the neighboring Places of Worship; and

**Whereas**, five residents from the neighborhood spoke out against the application, including a number of residents who live next door at 49 Prince Street and whose windows face the rooftop and sidewalks surrounding 47 Prince Street, citing quality of life issues and a growing concern that every location on this street has or will become licensed; CB#2, Man. also received a number of letters in opposition; and,

**Whereas**, there are 15 existing on-premise liquor licenses and 12 beer and wine licenses within 500 ft. of this particular premises and CB2 continues to be concerned that the rapid rate of applications and approval of new licenses in the area that will result in an overwhelming impact on the character of the neighborhood; and

**Whereas**, there are significant concerns that the entire façade along Mulberry Street consists of retractable doors leading to an "open air" establishment which creates a significant impact on quality of life issues for surrounding residential tenants who predominantly occupy 100 year old tenement or loft style buildings; and,

**Whereas**, the applicant has already been fined by the Department of Buildings in the amount of \$100,000 for illegal signage at the premises over the last two years; and

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial for **L&L NY5 LLC d/b/a Le Paradis du Fruit, 47 Prince St. 10012** on its application for a beer and wine license; and

**THEREFORE BE IT FURTHER RESOLVED** that should the applicant pursue this license, CB#2, Man. respectfully requests that the Liquor Authority place this item to heard at a regularly scheduled SLA Full Board Meeting so that Community members have an opportunity to voice their concerns and opposition directly to the Commissioners of the New York State Liquor Authority for consideration.

Vote: Unanimous, with 37 Board members in favor.

**5. Mister Buy Corporation d/b/a La Panineria, 1 West 8<sup>th</sup> St., 10011** (new beer and wine – previously unlicensed location)

**Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee for a beer and wine license at 1 West 8<sup>th</sup> Street between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue; and

**Whereas**, the applicant plans to operate an Italian style Panini Shop in a 400 SF space in a mixed use building, having 1 table with 8 seats, 1 food counter with 4 seats, no TVs, with background music only, there will be no sidewalk café or outdoor garden; and

**Whereas**, the applicant will operate from Sunday through Thursday from 7 am through 11 pm and on Friday and Saturday from 7 am through Midnight; and

**Whereas**, the applicant performed outreach with the local community and entered into a stipulation agreement with the West 8<sup>th</sup> Street Block Association and a representative from the West 8<sup>th</sup> Street Block Association appeared in support of the application and the proposed Method of Operation at this location/address because it adds to the retail mix of the Street in that it is a sandwich shop and it will be open for breakfast;

**Whereas**, despite the agreement by the West 8<sup>th</sup> Street Block Association with this particular applicant at this particular location, West 8<sup>th</sup> Street is a Street that has grown from 1 to 16 licensed locations in the last several years and the residents continue to struggle with the negative impacts of such licensed eating and drinking establishments on its street and on its quality of life; 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 Beer and Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a Panini Sandwich Shop/Restaurant.
2. The hours of operation will be Sunday through Thursday from 7 am through 11 pm and from Friday through Saturday from 7 am through Midnight.
3. Music will be quiet, background level inside restaurant only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
4. There will be no televisions.
5. There will be no stand up bar.
6. There will no rear yard.
7. There will be no sales of “pitchers of beer”.
8. There will be no operable windows that open out.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for **Mister Buy Corporation d/b/a La Panineria** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Beer and Wine License.

Vote: Unanimous, with 37 Board members in favor.

**6. Mikaku, Inc., 85 Kenmare St Front A, 10012** (application for a new beer and wine license in a previously unlicensed location)

**Whereas**, the applicant appeared before CB2’s SLA Licensing committee to present an application for a new beer and wine license at a previously unlicensed location for a Japanese-style Sushi Restaurant at 85A Kenmare Street between Mulberry Street and Cleveland Place in a mixed use building; and

**Whereas**, this location has not operated with an OP and/or Beer and Wine license previously but where the applicant has operated a Sushi style Restaurant at the location for a number of years; and

**Whereas**, the storefront premises has a letter of no objection from the Department of Buildings dated January 15, 2014 for an eating and drinking establishment, use group 6 for an occupancy of no more than 74; and

**Whereas**, the space is 440 SF, with a proposed occupancy of 30, there are currently 6 tables and 19 seats, one sushi bar with 1 seat, there will be no TVs, no sidewalk café or backyard garden and music will be background only; and

**Whereas**, the hours of operation the Restaurant will continue to be from 12 pm until 11 pm seven days per week; and

**Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to their method of operation on their SLA Beer and Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service Japanese Sushi Restaurant.
2. The hours of operation will be from 12 pm until 11 pm seven days per week.
3. There will be no backyard garden.
4. There will be no sidewalk café.
5. The applicant will not install French doors or windows and will close all doors/windows at all times except for patron ingress/egress.
6. There will be no televisions.
7. Applicant will abide by all NYC regulations in regards to bicycle deliveries.
8. Music will be quiet, background level inside restaurant only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a Beer and Wine license to **Mikaku, Inc., 85 Kenmare St Front A, 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Beer and Wine License.

Vote: Unanimous, with 37 Board members in favor.

**7. Baz Bagel and Restaurant LLC, 181 Grand St., 10013** (New Beer and Wine License, previously unlicensed).

**Whereas**, the applicant appeared before CB2’s SLA Committee; and,

**Whereas**, this application is for a new Beer and Wine license for a Bagel Sandwich Shop and full service restaurant in a casual environment at a previously unlicensed location in a three story mixed use building on Grand Street between Mulberry and Baxter Streets for a total of 1100 SF with 9 tables and 21 seats, one dinning counter with 11 seats for an overall occupancy of 32; and,

**Whereas**, this location was previously an Italian Deli and has more recently operated as a Juice Bar, but has never been operated as an eating and drinking establishment in the past and will be seeking a letter of no objection from the Department of Buildings for an occupancy no greater than 74; and

**Whereas**, there will be no TVs, no sidewalk café or backyard garden and music will be background only; and

**Whereas**, the hours of operation will be from 7 am until 8 pm seven days per week; and

**Whereas**, the applicant agreed to never seek a full OP license at the premises; and

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA Beer and Wine license and the stipulations are as follows:

1. The premises will operate as a bagel shop.
2. The hours of operation will be from 7 am until 8 pm seven days per week.
3. Will never seek to upgrade to full OP license.
4. There will be no bar on the premises.
5. Music will be background only.
6. There will be no televisions.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a Beer and Wine license to **Baz Bagel and Restaurant LLC, 181 Grand St., 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Beer and Wine License.

Vote: Unanimous, with 37 Board members in favor.

**8. 86 St. AA, LLC, d/b/a Soho Room, 203 Spring St. 10012** (Transfer of OP License at previously licensed location)

**Whereas**, the applicant appeared before CB2’s SLA committee; and

**Whereas**, this application is for a transfer of an existing full new OP License to operate a bar and tavern in a mixed-use building located on the corner of Spring and Sullivan Streets in a 2,626 SF premises (1818 SF for ground and 1008 SF for the basement) with 22 tables with 46 seats, 1 bar with 12 seats and maximum occupancy of less than 74 people; and

**Whereas**, despite new ownership there will be no change in the method of operation for the Soho Room, which has operated in this same space since 1990; and

**Whereas**, the hours of operation are from 10 am to 4 am daily, there are two T.V.s, but there is no sidewalk café or backyard garden; and

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA OP license and the stipulations are as follows:

1. Will operate as a neighborhood Tavern with food menu.
2. Music will be background only.
3. Will close all doors and windows at all times except for egress or ingress only.
4. No patron use of basement.
5. The existing method of operation will remain the same.
6. There will be no DJs, live music, promoted events, cover fees or scheduled performances.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of an On Premises license to **86 St. AA, LLC, d/b/a Soho Room, 203 Spring St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the OP License.

Vote: Unanimous, with 37 Board members in favor.

**9. Jobs Landing, Inc., d/b/a The Little Fox Café, 62 Kenmare St., 10012** (Existing Beer and Wine License seeking upgrade to full OP License)

**Whereas**, the applicant appeared before CB2’s SLA committee; and,

**Whereas**, this application is for an upgrade from an existing Beer and Wine license to a full OP license for a Café in a mixed-use building on Kenmare Street between Mott and Mulberry Street for a for a 600 sq. ft. premise occupying the ground floor and basement with 6 tables and 16 seats and 1 bar with no seats for a total of 16 seats with a proposed occupancy of 20; and,

**Whereas**, the hours are 8:00 am to 11:00 pm Sunday to Wednesday and 8:00 am to 12:00 am Thursday to Saturday, music is background only generated from ipod/c.d.’s; and

**Whereas**, before the applicant first applied for a Beer and Wine License in May/2012 the premises previously operated as a print shop; and

**Whereas**, at that time in May/2012 when the applicant applied for a restaurant wine license, local residents spoke against the application stating concerns about the loss of retail stores that support the daily needs of the residents and a growing concern that every location on this street has or will become licensed and overwhelming traffic issues and other quality of life issues that only continue to grow with each newly licensed location; and,

**Whereas**, when the applicant initially appeared for a new beer and wine license before CB#2, Man. in May/2012, the applicant stipulated and agreed with CB#2, Man. that it would not seek a full OP license at these premises as a part of their presentation for consideration stating that it would not be foreseeable that an OP license would be necessary at all for there method of operation; and

**Whereas**, CB#2, Man. regardless adopted a resolution recommending denial of a beer and wine license at these premises based partially on the rapid growth of licenses including beer and wine licenses in the immediate area which is having a deleterious effect on the immediate area and it appears that many of the newly licensed premises are struggling and the area suffers from a lack of foot traffic earlier in the week and during weekdays; and

**Whereas**, there were over 35 existing licenses within 500 ft. of this particular license and CB 2 continues to be concerned that the rapid rate of applications and approval of new licenses and the potential number of upgraded beer and wine licenses in the area will result in an overwhelming impact on the character of the neighborhood, quality of life issues, traffic and noise concerns; and

**Whereas**, without properly taking into consideration the potential impact of these new establishments prior to licensing additional premises could be catastrophic for the neighborhood; and

**Whereas**, the applicant also previously stipulated and agreed with CB#2, Man. not to hold any promoted events, including art openings at the premises, but thereafter admitted that the basement to the existing premises has been nonetheless used for art showings and the service of alcohol even though the basement is not a part of the diagrammed premise;

**THEREFORE BE IT RESOLVED** that CB2, Manhattan recommends **denial** for **Jobs Landing Inc., d/b/a The Little Fox Café, 62 Kenmare St., 10012** on its application seeking an upgrade from a beer and wine license to a Full OP license.

Vote: Unanimous, with 37 Board members in favor.

**10. International Hospitality Concepts, LLC d/b/a La Loteria, 41 Greenwich Ave, 10014** (Transfer of OP License at previously licensed location)

**Whereas**, the applicant appeared before CB2's SLA committee; and,

**Whereas**, this application is for a transfer of an existing full new OP License to operate a upscale but casual Mexican style Restaurant in a mixed-use building located on Greenwich Avenue between Perry and Charles Street in a 1200 SF premises with enclosed backyard) with 19 tables with 56 seats, 1 bar with 10 seats; and,

**Whereas**, the new owners will upgrade the interior of the premises and change to Mexican cuisine but will not change the existing method of operation or occupancy for the premises; and

**Whereas**, the hours of operation will be from 8 am to 12 am Sunday through Thursday and from 8am through 2 am Fridays and Saturdays, the doors and windows will be closed by 9 pm daily and the rear enclosed garden will be closed daily by 10 pm, there is one T.V., but there will is no sidewalk café, French doors or windows; and

**Whereas**, the applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated in to their method of operation on their SLA OP license and the stipulations are as follows:

1. The premises will be advertised and operated as an upscale Mexican Restaurant.
2. Will operate the enclosed garden no later than 10 pm (lights out) daily.
3. Will not operate the enclosed backyard garden earlier than 11:30 am daily.

4. Will close all doors and windows by 9 pm daily.
5. Will operate from 8 am to 12 am Sunday through Thursday and 8 am to 2 am Friday and Saturday.
6. Music will be quiet, background level inside restaurant only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged

**Whereas**, CB#2, Man. notes that the existing Certificate of Occupancy does not include occupancy of the rear yard garden and CB2 expects that the applicant will address this matter by obtaining correspondence from the NYC Department of Buildings for the Liquor Authority indicating rear yard use for dining purposes is currently allowed at this location and if not will amend the existing Certificate of Occupancy to reflect the actual usage of the rear yard garden for dining purposes and that all emergency egress requirements are met and that they are in compliance with all building codes;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of an On Premises license to **International Hospitality Concepts, LLC d/b/a La Loteria, 41 Greenwich Ave, 10014** unless the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the OP License.

Vote: Unanimous, with 37 Board members in favor.

**11. Black & Tan Restaurant Group LLC d/b/a Lock, Stock & Barrel, 167 Bleecker St. 10012**  
(Existing OP license seeking to transfer license to new owner and alter license to increase occupancy)

**Whereas**, the applicant appeared before CB2's SLA committee; and

**Whereas**, this application states it is seeking only a transfer of an existing full OP License among family members but nonetheless is applying to also alter its method of operation to increase its occupancy, currently operating as "The Village Lantern" in the first floor (2500 SF) and basement (2500 SF) premises of a five-story mixed use building with landmark status at 167 Bleecker Street between Thompson and Sullivan Streets; and

**Whereas**, *the applicant also seeks to alter its method of operation* to increase its occupancy to 130 from 74, revise the seating arrangement, include the basement of the premises for patrons, and plans to apply for a public assembly permit; the applicant failed to provide a letter of no objection from the NYC Building Department and failed to provide a valid certificate of occupancy for the current use and/or occupancy of the premises and failed to provide any explanation of how the change in use of the building will occur as CB#2, Man. requests of all applicants; and

**Whereas**, the hours of operation will continue to be from 7 am to 4 am Sunday through Saturday, there will continue to be live, amplified music and sound system, a stage and DJs, there will be continue to be 10 TVs, there will continue to be one bar with 14 seats, this transfer and alteration will increase the number of tables to 30 tables and 106 seats throughout the premises, security personnel will continue as needed and CB#2, Man. notes that there are large accordion doors on the front façade that open to the sidewalk and this will not change unless and until the Landmarks Preservation Commission approves any changes; and

**Whereas**, despite the live music, TVs and stage, the applicant has always self-identified as a "Restaurant" as its proposed method of operation on its application with CB#2, Man. and the SLA; and

**Whereas**, when the applicant and her family last appeared before CB2 for a transfer of an existing OP license for a Restaurant at these premises on December 22, 2005, CB#2, Man. approved the applicant's transfer and her family agreed that "no changes would be made to the current operation" and that "music would be background only", but that "transfer" was never completed and since 2005 the premises have operated as a late night bar with amplified and live music at entertainment levels, promoted sporting events, comedy club in the basement and with 10 TVs for sporting events and operating indiscriminately with its front doors open to the street across most hours of operation often until late in the evening/early morning; and

**Whereas**, for several years the Village Lantern has been a persistent source of noise and noisy crowds, particularly late at night but also during the day when sporting events occur, and for years have been *operating a comedy club in the basement without any alteration to the existing license which does not include the basement as part of their diagramed premise for patrons*; and,

**Whereas**, the use of the basement for patrons at this premises is highly questionable and there is no indication that it is currently permitted by the New York City Department of Buildings and instead it appears that the New York City Department of Building has on file a letter of no objection for eating drinking use on the ground floor only for 74 or less patrons; and

**Whereas**, because of the persistent noise and music coming from the premises the applicant was requested to appear before CB#2, Man. in April/2012 for its renewal application; and

**Whereas**, at that time in April/2012 the applicant and her family only agreed to close its front accordion or bi-folding doors by 11 PM daily but would not agree to do so during the day or evening hours unless there was "live music performances" or during "big sporting events such as the Super Bowl or World Cup"; and

**Whereas**, the current principles and family members who are also part of the proposed new operation continue to deny that there are noise issues that they are aware of and state that they do not believe there are any issues with noise, nor have there been any issues over the many years of operation; and

**Whereas**, this establishment has been described as one of the most significant contributors to excessive noise by many members of the community during many CB2 SLA Licensing Committee hearings in relation to other applicants over many years; and

**Whereas**, there continues to be persistent noise and music coming from the premises during the day time and evening hours when the front accordion or bi-folding doors are left open; and

**Whereas**, CB2 Manhattan's original resolution in regards to the initial application of the current licensee dated June 19<sup>th</sup>, 1997 states in part:

"**Whereas**, nine feet of French doors kept open in clement weather and a DJ booth (as well as occasional live music) raise the issue of potentially loud noise impacting the street. During considerable discussion, the applicant assured CB2-Man. that it installed soundproofing, will keep the music level down so as not to disturb the residents, and has been and will be responsive to neighbors complaints; and"

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** for **Black & Tan Restaurant Group LLC d/b/a Lock, Stock & Barrel, 167 Bleecker St. 10012** on its application seeking to transfer the existing on-premise liquor license.

Vote: Unanimous, with 37 Board members in favor.

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

**12. Sweet 101 LLC, d/b/a Baby Grand, 161 Lafayette St., 10013**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on February 11, 2014, the applicant's attorney requested that the applicant layover this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for a corporate change to the Beer and Wine or On-Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to Pizza of **Sweet 101 LLC, d/b/a Baby Grand, 161 Lafayette St., 10013** 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 37 Board members in favor.

**13. ADSAD, LLC d/b/a Onegin, 391 Sixth Avenue 10014**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on February 11, 2014, the applicant's attorney requested that the applicant layover this application from consideration until an application and all necessary paperwork was ready for review; and,

**Whereas**, this application is for the alteration to the Beer and Wine or On-Premise license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny any proposed alteration to the Beer and Wine or On Premise license to **ADSAD, LLC d/b/a Onegin, 391 Sixth Avenue 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 37 Board members in favor.

**14. Forks and Parrot LLC, 517-519 Broome St., 10013**

**Whereas**, during this month's CB2 SLA Licensing Committee meeting on February 11, 2014, the applicant and/or his or her attorney requested that the applicant layover this application from consideration until an application and all necessary paperwork was ready for review; and

**Whereas**, this application is for a full OP license;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA **deny** any proposed alteration to the Beer and Wine or On Premise license to **Forks and Parrot LLC, 517-519 Broome St., 10013** 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 37 Board members in favor.

**15. JEC II LLC, d/b/a Bagatelle, 2-8 Ninth Ave. a/k/a 1 Little W. 12th St. 10014 (Corporate Change SN 1143611)**

**Whereas**, the Licensee appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a "corporate change" to reflect that the licensee is now a publicly traded company; this licensee is currently operated as a French Restaurant; and,

**Whereas**, there will be no changes to the existing establishment or method of operation or any other changes; and,

**Whereas**, there were several members of the community in attendance who have previously had issues with the operation of this establishment, but stated that the licensee has made steps to address those issues and that they were currently satisfied that the existing stipulations for this Licensee seem to have addressed outstanding problems; and,

**Whereas**, the Licensee reaffirmed through the execution of a "stipulations agreement" with CB2 in conjunction with this corporate change application that all previous stipulations dated October 2013 and February 2012 and any other stipulations this Licensee has executed continue to remain in effect;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a "corporate change" to the existing On Premise Liquor License, SN1143611 for **JEC II LLC, d/b/a Bagatelle, 2-8 Ninth Ave. a/k/a 1 Little W. 12th 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 4<sup>th</sup> "whereas" clause above and any existing stipulations agreements are incorporated into the "Method of Operation" on the on premise liquor license.

Vote: Unanimous, with 37 Board members in favor.

**16. Greenwich BBQ LLC, d/b/a Mighty Quinn's BBQ, 75 Greenwich Ave. 10014 (New RW)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine License for a full service restaurant which will be a "fast casual barbeque restaurant, serving authentic barbeque"; and,

**Whereas**, this application is for a new Restaurant Wine License in a previously OP licensed location; the premises is in a mixed use commercial/residential building in a mixed use district located on the ground floor on Greenwich Ave. in a space in the corner building with 7<sup>th</sup> Avenue South which is also between Bank St. and West 11<sup>th</sup> St. for a roughly 2,700 sq. ft premise (1,700 sq. ft. ground, 1000 sq. ft. accessory use basement – not patron use) with 18 tables and 60 seats, there is also a food counter with 6 seats and there is one stand up bar which also functions as a service counter (no seats) for a total of 66 interior seats; as a part of this application there is also an existing NYC DCA Licensed sidewalk café which will be assigned with 10 tables and 20 seats; there are no other outdoor seating areas and there is an existing Certificate of Occupancy; and,

**Whereas**, the hours of operation will be Sunday to Thursday from 11:30 am to 11:00 pm and Friday to Saturday from 11:30 am to 12:00 am (midnight), the sidewalk café will close by 11 pm Sunday to Thursday and 12 am Friday to Saturday, all doors and windows including the garage door style will be closed by 9 pm Sunday to Thursday and 10 pm Friday and Saturday, 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; and,

**Whereas**, this location has been a BBQ style restaurant for at least 10 years; and,

**Whereas**, the applicant reached out to several area neighborhood associations but received no response and no one appeared in opposition; and,

**Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the method of operation on the new restaurant wine SLA license stating that:

1. This is a restaurant wine license.
2. The premises will be advertised and operated as a full service BBQ restaurant.
3. The hours of operation will be Sunday to Thursday from 11:30 am to 11:00 pm and Friday to Saturday from 11:30 am to 12:00 am (midnight).
4. The sidewalk café will operate no later than 11 pm Sunday to Thursday and 12 am Friday to Saturday.
5. All Doors and Windows (and garage door style facade) will be closed by 9 pm Sunday to Thursday and 10 pm Friday to Saturday.
6. There will be no dj's, live music, promoted events, any events for which a cover fee is charged or scheduled performances.
7. There will be quiet background music only.
8. There will be no more than 10 Tables and 20 Seats placed in the sidewalk café at any time and placement will be in accordance with the existing sidewalk café plan.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new restaurant wine license for **Greenwich BBQ LLC, d/b/a Mighty Quinn's BBQ, 75 Greenwich Ave. 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 6<sup>th</sup> "whereas" clause above are incorporated into the "Method of Operation" on the new SLA Restaurant Wine license.

Vote: Unanimous, with 37 Board members in favor.

**17. Prime 135 NYC LLC, d/b/a Prime 135, 135 Seventh Ave. South a/k/a 163 W. 10th St. 10014 (New Restaurant OP)**

**Whereas**, the applicant and his attorney appeared before the CB2's SLA Licensing committee to present an application for a new On Premise liquor license for an Italian restaurant, a small portion of the proposed premises was previously licensed for a restaurant wine license; and,

**Whereas**, the proposed premises for Prime 135 NYC LLC is located in a mixed use 5-story rental tenement building (16 residential units) on the ground floor located on 7<sup>th</sup> Avenue South between West 10<sup>th</sup> Street and Charles Street, the building is also known as 163 West 10<sup>th</sup> St. and also fronts West 10<sup>th</sup> St., the premises will be approximately 1,100 sq. ft. with 16 tables and 32 seats, 1 stand up bar with 8 seats, 1 food counter with 4 seats for a total of 44 interior seats; there is also a 600 sq. ft. outdoor patio area which will have 8 tables and 16 seats; there will be in the future, but it is not included in this application, an application for a sidewalk café with 6 tables and 12 seats which will be presented to CB2's Sidewalks and Street Activities before it is presented to CB2's SLA

Licensing Committee in the future; there is an existing temporary certificate of occupancy which indicates “Restaurant in Conjunction with Cellar” and the maximum occupancy on the ground floor (1<sup>st</sup> floor) is indicated as 32 persons (note that the proposed premises exists exclusively on the 1<sup>st</sup> floor with no connection at all to the premises which exists in the basement/cellar; and,

**Whereas**, the applicant stated that the hours of operation would be Sunday to Thursday from 11 am to 1 am and Friday to Saturday from 11 am to 2 am, music will be background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), the applicant states they will install soundproofing as there is no current soundproofing by “install[ing] multiple layers of sheet rock and high density boards, as well as acoustical ceiling panels, there will be no d.j., no promoted events, there will be private parties, no velvet ropes, no movable barriers, no security, there are no plans there will be no T.V.’s, there will be no security; and,

**Whereas**, this application is for a location which has never been previously licensed for an on-premise liquor license, but a portion of the premises has previously been licensed for a restaurant wine license (a small area on the ground floor adjacent to the outdoor area with approximately 300 sq. ft.) which had operating hours ending at 11 pm Sunday to Thursday and midnight Friday and Saturday; the current configuration of the proposed premises for Prime 135 NYC LLC was created by combining 4 retail spaces on the ground floor (portion of previous restaurant, barber shop, hair salon and flower shop), with the exception of the small portion that was previously licensed for the restaurant wine license, the spaces comprising the proposed space were non-eating and drinking uses, the location also includes an outdoor space within the property line which includes approximately 8 tables and 16 seats and will include a future sidewalk café, which is not a part of this application, which will have 6 tables and 12 seats for a total of 28 outdoor seats; the previously licensed restaurant wine license was primarily in the basement of the location and the kitchen was in the basement; the basement space which is now going to be a jazz venue located entirely in the basement which was presented to CB2 Manhattan in January 2014 and the Full On-Premise License is currently pending for Mezzrow LLC with the SLA SN1276530; CB2 recommended deny unless stipulations are adhered to for Mezzrow LLC to the Liquor Authority after extensive community outreach and negotiations, installation of appropriate soundproofing, a number of stipulations and because the principle for Mezzrow LLC has significant experience operating another jazz venue located just one block away with an on-premise liquor license; and

**Whereas**, when asked, the applicant and his attorney stated that the public benefit of his proposed establishment would be the addition of a high end family Italian restaurant and that not many family dining restaurants exist in the area; that his experience consists of private catering for friends; and,

**Whereas**, the applicant performed community outreach by reaching out to local community organizations and posting a notice in the subject building the week prior to CB2’s SLA Licensing Committee meeting inviting tenants to meet with him on two different evenings, several tenants did meet with the applicant but did not express support for the business owner and it was also noted that the posting did not include any contact information for the applicant and also indicated dates (2/6 and 2/7) which did not match the stated days (Wednesday and Thursday), several tenants in the building also tried to go to the premises for the second meeting but the applicant was not present, even though he stated that he would be there before 6 and 7 pm; and,

**Whereas**, the applicant presented a petition in support with 42 signatures, but most were not from the subject block or directly immediate area, though they were mostly located within Greenwich Village, no one appeared to speak in support; and,

**Whereas**, 7 individuals spoke in opposition, all were residents of the building in which the premises will be located or had windows overlooking the outdoor space, 17 letters in opposition were received and a petition with 51 signatures in opposition was presented; the petition in opposition includes 17 out of 21 residents in the building where the premises will be located and 1 signature from a commercial tenant in the building; the Mid West 10<sup>th</sup> Street Block Association, which covers this area and who have supported a large number of applications of new businesses in the area, is in opposition to the issuance of this license ; and,

**Whereas,** those in opposition stated that (1) the applicant has no experience operating a restaurant, (2) that there are already too many liquor licenses in the immediate area, over 30 on premises licenses within 500' and many more beer and wine licenses (3) there are at least 5 family friendly Italian restaurants in the immediate area, meaning located along the section of West 10<sup>th</sup> between Greenwich Ave and 7<sup>th</sup> Ave South which is two blocks long and clearly many more in the immediate area and there was no public benefit of adding one more Italian Restaurant which is "family friendly" with a full liquor license as the area is already well served (4) there are plenty of family friendly restaurants that cater to local residents and there is no practical public benefit of adding another choice through awarding this location an on-premise license (5) that the eventual number of outdoor seats connected with this premises, 28, compared to the number of interior seats, 44, indicates that a good portion of the premises will be operated outdoors which neighbors state has always created problems in the past, especially the space within the property line of the building, with loud patrons drinking and smoking through all hours of operation and smoke, noise and odors drift into the windows of tenants above in particular because of the relation of the outdoor space and building which is on an angle (6) the hours of operation of the outdoor area within the property line is far too late, (7) that because the applicant had not reached out to the tenants in the building prior to beginning work on the space for which he already signed a lease leaves tenants feeling that while renovations are taking place, work on the interior has already passed the point where proper tests could be conducted to properly guide the work in regards to the installation of extensive soundproofing because this is an old tenement style building which has always had noise and odor issues of some form or another from commercial tenants (8) that it is improper to build out a new kitchen where one did not previously exist because the service entrance to the kitchen is through the residential entry hallway to the building and that tenants should not be subject to security concerns through the use of the residential hallway by the applicant and restaurant employees having access to the residential portion of the building and also subject to deliveries and employees moving through the residential portion of the building as a part of the day to day operations (9) that building a new kitchen requires the installation of new kitchen venting and mechanicals in an interior shaft way which has residential units lining it on each floor above (10) that residents were concerned of retaliation from the landlord regarding opposition to the premises (11) that the area already suffers from significant quality of life issues at earlier and later hours and that the impact from patrons of existing late night operations roaming the streets already has a significant impact on quality of life and noise in the area and that this establishment would just further add to the existing situation and in particular place this activity directly below residential windows over the outdoor area which will have service though 1 am during the week and 2 am on the weekends (12) that the menu presented and description of the business by the principle makes it quite clear that the applicant is inexperienced as the food is boilerplate Italian dishes with absolutely nothing unique and as such the likelihood of this business succeeding over time is remote and that the residents would be required to endure yet another licensed premise should this business fail (13) there were concerns that food deliveries to customers would be operated from the service door to the kitchen which is located in the residential entry hall way (14) that it is untenable for a mixed use tenement building to have two full on-premise liquor licenses located on two different floors through combining and splitting various portions of the building and that residents of the building think they were more than fair to allow a jazz venue in the basement after extensive outreach and negotiations but that the request to have a business with a shaky generic business plan was no longer a reasonable request; (15) it appears that the tenants lease was/is not contingent on receiving approval of CB2 or the Liquor Authority for a liquor license and as such the landlord might consider releasing the applicant from his lease should he choose to not continue to pursue a liquor license (16) there were concerns that because a chef/cook would only be present for 8-10 hours a day when the premises would be open 13-14 hours a day (17) that because there are already so many Italian restaurants in the area that this location would need to attract non local individuals some of whom would invariable come by car and for hire vehicles and would stop on 7<sup>th</sup> avenue in the traffic lane and create situations where honking etc. would occur; and,

**Whereas,** CB#2, Man. in addition to the concerns presented above has serious reservations regarding this application in particular in regards to the lack of the applicants forthrightness in engaging residential tenants of the building in which the premises will be located when he has been possession of the space for sometime prior and already begun work, occasionally at inconsiderate hours, and that he had not performed outreach earlier to building residents, that no sound test had been conducted when he should have been aware that this was of paramount concern to building tenants due to the tenement style construction which is over a century old, which even under the guidance of professional sound engineers there is no guarantee that the space will be sound proofed and that there is no public benefit whatsoever to this establishment if even one residents quality of life is impacted at any hour and that no discussions had taken place with building residents to discuss concerns regarding the installation

of mechanical units in the shaft way or the installation of kitchen venting located in close proximity to residential windows up the side of the building and seeking ways to mitigate any future potential issues prior to installation; and,

**Whereas**, CB#2, Man. also has concerns regarding the existing temporary certificate of occupancy which indicates “Restaurant in Conjunction with Cellar”, indicates no kitchen use on the ground floor, indicates no use for patrons of the outdoor space and which indicates the maximum occupancy on the ground floor (1<sup>st</sup> floor) is 32 persons (note that the proposed premises exists exclusively on the 1<sup>st</sup> floor with no connection at all to the premises which exists in the basement/cellar); and,

**Whereas**, it is inconceivable that the eventual 72 seat premise would request a waiver to the two bathroom rule by having only one restroom;

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of a new on-premise liquor license for Prime 135 NYC LLC, d/b/a Prime 135, 135 Seventh Ave. South a/k/a 163 W. 10th St. 10014; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this applicant pursue this license application, CB#2, Man. respectfully requests that a 500 ft. hearing be conducted, and that the item be calendared on the agenda before the Full Board of the State Liquor Authority at a regularly scheduled meeting and that CB#2, Man. be notified of the dates of those hearings.

Vote: Unanimous, with 37 Board members in favor.

#### **18. 10 Downing Restaurant LLC, 10 Downing St. 10014 (Transfer Restaurant OP)**

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

**Whereas**, this application is for a “transfer” of an existing on premise liquor license (previously La Villette LLC, SLA Serial #1263161) for a full service restaurant specializing in fresh healthy food, the applicant will operate according to all stipulations the previous licensed premise had agreed to except for the type of food and any changes as indicated in this resolution; and,

**Whereas**, this is an upscale restaurant located in a 3,920 sq ft premise in a mixed use building located in the North retail unit on the corner of 6<sup>th</sup> Avenue and Downing Street, with 21 tables, 59 seats and 1 stand up bar with 8 seats for a total of 67 seats in the interior, the maximum occupancy is 74 as indicated by the applicant; there is an existing temporary certificate of occupancy, there is no backyard garden; and,

**Whereas**, this application includes a currently licensed outdoor sidewalk café which will be assigned with 28 tables and 59 seats and the applicant will continue to follow any stipulations in place under the DCA Sidewalk Café License #1443856 and any relevant stipulations as indicated in this resolution; and,

**Whereas**, the applicant stated the hours of operation for the interior are 11:30 a.m. – 12:00 a.m. (midnight) 7 days a week, and the hours of operation for the sidewalk café will end at 11 p.m. Sunday to Thursday and will end at 12 a.m. Friday and Saturday, music is quiet background only generated from ipod/c.d.’s, there is existing sound proofing; 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 license stating that they will:

1. Post “Respect Neighbors” signs on Downing and 6th Avenue
2. Schedule daily garbage pick-up during daytime hours.
3. Will close at 12 am (midnight) 7 days a week. The premises will be “dark” at closing.

4. Community outreach to residential tenants by way of quarterly meetings during the 1st year of operating with an On Premise license if needed.
5. Assign a Separate Manager to the sidewalk café operation.
6. Establish only one form of public ingress to the establishment.
7. Provide menu and food items up until closing.
8. There will be no more than 28 tables and 59 seats placed in the sidewalk café, there will continue to be a sound mitigating awning in place over the sidewalk café.
9. The sidewalk Café will be closed (“dark”) at 11 pm Sunday to Thursday and 12 am (midnight) Friday and Saturday, all tables and chairs will be cleared from the sidewalk at closing.
10. There will be no benches surrounding the perimeter of the establishment in areas outside the sidewalk café.
11. The sidewalk café will be wheelchair accessible (service isles will be appropriately maintained).
12. Any live music will be from one standup piano only and will be occasional, doors and windows will be closed when there is live music.
13. All Doors and Windows will be closed by 10 pm every night with the exception of one door as needed for service of the sidewalk cafe.

**Whereas**, a representative of the 10 Downing Street Tenants Association confirmed via email that they had discussed the above referenced stipulations with the current applicant which she stated they had discussed at length and indicated that should the applicant agree to the stipulations in place for the current licensee, the Tenants Association would not be opposed to the issuance of this license; and,

**Whereas**, CB#2, Man. requests that the **Liquor Authority revisit and review whether or not this license would be in violation of the “200 Foot Rule”** as the premises is located across the street from the Little Red School House (LREI.org) located at 272 Sixth Avenue (the proposed license is located at 10 Downing Street aka 263 Sixth Avenue with doors located on the Sixth Avenue side of the establishment) and the doors on the Sixth Ave Side of the establishment appear to be located within 200 ft. of the entrance of the Little Red School House, which is exclusively used as a lower and middle school; should portions of the premises doors be located within 200 ft. of the Little Red School House, **CB#2, Man. respectfully requests that the Liquor Authority add a stipulation of this License that no patrons be permitted to enter the premises except through a specific stipulated door which would be in compliance with the “200 ft. rule”;**

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of the transfer of an on-premise liquor license and the issuance of a new on-premise liquor license for **10 Downing Restaurant LLC, 10 Downing 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 6<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

**19. Toyota Motor Sales, U.S.A., Inc. or Subsidiary and Dinex NYC Management, LLC, 412 W 14th St. 10014 (New Restaurant OP)**

**Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new on-premise liquor license for a “boutique gallery” that is a “space where people can experience the Lexus brand without getting behind the steering wheel of a Lexus vehicle”; the space consists of “a vehicle display area, modest exhibition and event space complimented by a contemporary restaurant, sitting area and café”; “The venue will be a place where people can be entertained, educated and interact with each other and interact with each other and engage with the latest movements of the Lexus brand”; and,

**Whereas**, this application is for a new on premise liquor license in a previously unlicensed location; the premises is located in commercial area located across three floors on 14<sup>th</sup> Street between Ninth Avenue and Washington St. for a roughly 16,500 sq. ft. premise of which approximately 6,700 sq. ft. is public space; there will be a total of 39 tables and 138 seats and 1 bar with 8 seats for a total of 146 seats, there may be additional seating and service bars as needed in the event space located on the third floor, there is no outdoor space in the area to be licensed and the rooftop is specifically excluded from the licensed premise, the current Certificate of Occupancy will be amended to reflect the proposed use, the premises is located within a landmark district and all exterior changes will be submitted for approval to the Landmarks Preservation Commission; and,

**Whereas**, the hours of operation will be from 9 am to 12 am seven days a week, for day-to-day operation of the public space music will be quiet background only, for events there may be a d.j., with music volumes at entertainment levels and live music, there will be private events and there may be scheduled performances, there will be no “promoted” events, additional soundproofing will be installed by adding an additional layer of glass to existing windows and additional sheet rocking where approved; and,

**Whereas**, the interior of the location will consist on the first floor of a café, garage (gallery) and retail space which is 2,350 sq. ft. and will have 5 tables and 25 seats, there will be room for 75 people standing for events, the hours of operation will be from 9 am to 12 am; the second floor will consist of a sitting area and restaurant, the sitting area will be 1,380 sq. ft. and will have 56 seats and 15 tables with room for 29 people standing, the restaurant will be 1,620 sq. ft. and will have 19 tables, 1 standup bar and 65 seats, the hours of operation of the second floor will be from 11 am to 12 am; the third floor will consist an event space, flexible community space and office space, the event space is roughly 1,000 sq. ft. and there will be room for 100 people standing for events and the hours of operation will be as needed with all events ending by 11 pm; All of the above square footages represent areas usable by guests and do not include service areas, restrooms, stairways, offices, kitchens or storage areas, the closing time will be 11 pm for any events that are held anywhere in the premises; and,

**Whereas**, the food and beverage aspect of the premises and restaurant will be overseen and operated by Dinex NYC Management, LLC, whose principles have extensive restaurant experience and whose licensed premises include Daniel, Café Boulud, DB Bistro Moderne, Bar Boulud and DBGB Kitchen and Bar; and,

**Whereas**, this premises is subject to the “500 ft. rule” and there are 25 on-premise liquor licenses within 500 ft.; the applicant provided CB#2, Man. with a detailed 500’ Public Benefit Statement; and,

**Whereas**, the applicant presented a detailed security report, a detailed traffic study and an acoustic report; and,

**Whereas**, the applicant performed extensive community outreach and met with local residents over the course of 5 meetings to discuss their proposal and modified the operation of the premises extensively as a result of those discussions to minimize the impact on the local residential community; letters of support and a petition in support were presented; and,

**Whereas**, 5 members of the community appeared and spoke in support of the proposed premise, one member of the community spoke in opposition citing saturation of licenses, lack of public benefit and traffic impacts; and,

**Whereas**, as a result of the extensive community outreach the applicant provided CB#2, Man. with a list of stipulations which they had discussed with members of the community and which they will adhere to; and,

**Whereas**, the applicant also 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 and the applicant understands that any variation to these stipulations will require re-application and full Community Board and SLA review; the stipulations are as follows:

1. The areas where food and beverages will be served are divided into 3 distinct spaces. No alcohol will be served before 10 am in any area. Food and beverage service will be provided according to the following:

- a. 1<sup>st</sup> floor Café and Garage Gallery: 9am – 12am. The café accommodates 25 seated guests with room for 75 standing patrons between the Café and the Garage Gallery. There will be no alcohol sales or service to the public on the first floor. Alcohol may be served at private/invitation only events.
- b. 2<sup>nd</sup> Floor Sitting Area & Bar: 11am-12am. The sitting area will accommodate 56 seated guests and 29 standing patrons.
- c. 2<sup>nd</sup> Floor Eatery: 11am-12am. The restaurant will accommodate 65 seated guests which includes 11 private dining seats. The last reservation will be at 10pm.
- d. 3<sup>rd</sup> Floor Event Space will accommodate a maximum of 100 guests. All events will end by 11pm
- e. When used for/in conjunction with events, the 1<sup>st</sup> floor and/or 2<sup>nd</sup> floors will close at 11pm rather than 12am.
2. There will be no guest entry after 11pm.
3. All guests will leave by 12am.
4. There will be no more than 350 guests at any one time between all 3 floors.
5. All food and beverage service/catering will be provided by Dinex NYC Management, LLC
6. All 3<sup>rd</sup> Floor events will be programmed/booked by Lexus/Toyota directly– when not programmed the 3<sup>rd</sup> floor Event Space will be closed.
7. 3<sup>rd</sup> Floor office space will be used by the applicant and Lexus/Toyota-based associates. The flexible community space will be made available to community-based organizations.
8. There will be no 3<sup>rd</sup> party promoters
9. There will be no bottle service
10. There will be no queuing on the sidewalk
11. There will be no use of ropes or barricades
12. There will be no application for a cabaret license
13. There will be no application for a sidewalk café
14. There will be no application for alcohol service on the roof
15. There will be no transfer of the license; the on-premise license will be surrendered upon leaving the space
16. Should there be a change in the food service operator, Toyota Motor Sales, USA will select an operator of commensurate quality and reputation and notify the Community Board
17. Proper Security will be employed for events and to address potential noise and traffic concerns
18. Lexus/Toyota will work with neighboring garages to encourage use of valet service away from 14<sup>th</sup> Street proper and investigate providing shuttle bus service
19. Lexus/Toyota will continue to investigate ways to alleviate traffic congestion, both in relationship to its site and for the broader community
20. Appropriate sound proofing measures will be taken as recommended by the contracted sound consultant
21. Signs will be posted adjacent to the main entrance advising patrons to "Please respect our neighbors by lowering your voice", or similar language. (If possible with respect to NYCLPC)
22. There will be a refrigerated garbage room and all waste will be stored in an interior space before it is brought out for removal (exact time of removal will be coordinated with exiting carting companies in conjunction with existing pick up routes).
23. Lexus/Toyota and Dinex will clean 18” into the street
24. Lexus/Toyota and Dinex shall provide neighbors and the Community Board with working telephone numbers and the names of designated persons that may be contacted for questions or complaints.
25. Lexus/Toyota and Dinex are committed to meeting regularly with the Community Board and members of the Community to provide updates and address any open questions.

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends **denial** of a new on-premise liquor license for **Toyota Motor Sales, U.S.A., Inc. or Subsidiary and Dinex NYC Management, LLC, 412 W 14th 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 10<sup>th</sup> “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 37 Board members in favor.

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

**20. CGM-GH LLC & Hotel Gansevoort Group LLC d/b/a Hotel Gansevoort and Plunge Bar and Lounge, 18 9th Ave. 10014 (OP Renewal – No Appearance)**

**Whereas**, the applicant originally was requested to appear at CB2, Manhattan’s SLA Licensing Committee Meeting #2 on January 16<sup>th</sup>, 2014 at which time it was agreed to layover this issue until February 13, 2014 after some discussion to address music emanating from the rooftop and other issues in regards to operating the rooftop establishment which is part of the premises and operates d/b/a Plunge Bar and Lounge under a management agreement with China Grill Management; and

**Whereas**, it was made clear on January 16<sup>th</sup>, 2014 that while the applicant’s representative (the manager of Plunge Bar and Lounge) and the applicant’s attorney were in attendance and able to discuss some of the relevant concerns, both the representative and attorney who appeared at the meeting were not authorized to agree to some requests such as closing the retractable roof at certain times and other steps without first discussing with principals of the establishment and agreed to return in February to CB2’s SLA Licensing Committee meeting after doing so and also meet with members of the community to discuss any other solutions; and,

**Whereas**, on February 13, 2014 the Licensee **DID NOT APPEAR** as they had stated they would do so to resolve the outstanding issues; and,

**Whereas**, the principle concerns with this establishment is loud music emanating from the rooftop venue which is of significant concern because this issues has been repeatedly addressed over and over without a permanent and effective solution; and,

**Whereas**, the licensee has had ongoing problems with music volumes over the years of its operation; the Licensee addressed many problems in 2012 and significant improvement was observed, however, according to community members, problems began to occur again in the warmer months of 2013, specifically music coming from the Western façade of the rooftop nightclub and lounge; and,

**Whereas**, the representative of the Licensee did state in January 2014 that there have been some issues and that they are not perfect but he has been trying to resolve the situation and that these issues seem to occur when he is not physically present at the establishment despite having installed sound limiters and master volumes that were supposed to be under his exclusive control; and,

**Whereas**, it is not acceptable to CB#2, Man. that proper management of this operation only occur when the main manager of the establishment is physically present and CB2 requested additional safeguards to ensure proper “foolproof” operation of the establishment in regard to music emanating from the premises irrespective of the main managers physical presence; and,

**Whereas**, it seems the only effective solution to this problem is that (1) no music be played in any interior areas when the retractable rooftop and/or accordion style façade on the Western side are retracted and (2) the rooftop and accordion style façade on the Western side remain closed after 10 pm when the premises begins its “nightclub” and Lounge operation and (3) the current procedures for the North, East and South Side outdoor areas of the rooftop operation remain enforced at all times; and,

**Whereas**, it is simply not acceptable for any nightclub and lounge rooftop style operation to operate with loud music in any outdoor area or in any interior area open to the outdoors with retractable facades or rooftops when that music can be heard by adjoining residential tenants at any time, but even more so in the late evening and early morning hours; and

**Whereas**, CB#2, Man. respectfully requests of both the Licensee and the Liquor Authority that as a condition of any renewal, the three solutions outlined in the previous whereas clause are added as a stipulation to the method of operation; and,

**Whereas**, CB#2, Man, did not receive a timely notice of renewal from this Licensee and in light of the fact that the Licensee did not appear before CB2's SLA Licensing Committee on February 13, 2014 as they stated they would do so on January 16<sup>th</sup>, 2014 to discuss these issues, CB2 will not grant a waiver of the 30 day notification unless those three solutions above are added as stipulations to the Method of Operation portion of the Liquor License;

**THEREFORE BE IT RESOLVED** that CB#2, Man. strongly recommends that the SLA deny the renewal application for **CGM-GH LLC & Hotel Gansevoort Group LLC d/b/a Hotel Gansevoort and Plunge Bar and Lounge, 18 9th Ave.**

Vote: Unanimous, with 37 Board members in favor.

**21a. Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10011 (Withdraw - RW Alteration)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on February 13th, 2014, the applicant's representative requested to withdraw this application for an alteration to an existing restaurant wine license in conjunction with an "upgrade" application for an existing restaurant wine license to a full 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, transfer, upgrade or changes to any existing license for **Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10011** 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 37 Board members in favor.

**21b. Whynot My Way LLC, d/b/a Whynot Coffee, 14 Christopher St. 10011 (Withdraw - Upgrade from RW to OP)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on February 13th, 2014, the applicant's representative requested to withdraw this application for an upgrade for an existing restaurant wine license to a full 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, transfer, upgrade or changes to any existing license for **Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10011** 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 37 Board members in favor.

**22. Mot Part Two, Inc. d/b/a 's Nice, 45 8th Ave. 10014 (Layover - New RW)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on February 13th, 2014, the applicant's representative requested to layover this application for a new restaurant wine license (transfer) 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, transfer, upgrade or changes to any existing license for **Mot Part Two, Inc. d/b/a 's Nice, 45 8th Ave. 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 37 Board members in favor.

**23. Under the Grove LLC, 49 Grove St. 10014 (Layover - New OP)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on February 13th, 2014, the applicant's representative requested to layover this application for a new on-premise liquor license (transfer) 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 on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Under the Grove LLC, 49 Grove 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 37 Board members in favor.

**24. 246 Hospitality Group LLC, 248 W. 14th St. 10011 (Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on February 13th, 2014, 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, transfer, upgrade or changes to any existing license for **246 Hospitality Group LLC, 248 W. 14th St. 10011** 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 37 Board members in favor.

**25. Merchants 848 Washington Street Hotel LLC, 848 Washington St. 10014 (Layover)**

**Whereas**, prior to this months CB2, Manhattan's SLA Licensing Committee Meeting #2 on February 13th, 2014, the applicant's representative requested to layover this application for a new on-premise liquor license for multiple venues within a Hotel (transfer) 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, transfer, upgrade or changes to any existing license for **Merchants 848 Washington Street Hotel LLC, 848 Washington 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 37 Board members in favor.

**26. LDV Hospitality, d/b/a The Regent Cocktail Club, 17 Thompson St. 10013 (Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting #2 on February 13th, 2014, the applicant's representative requested to layover this application for a new on-premise liquor license (transfer) 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, transfer, upgrade or changes to any existing license for **LDV Hospitality, d/b/a The Regent Cocktail Club, 17 Thompson St. 10013** 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 37 Board members in favor.

## TRAFFIC AND TRANSPORTATION

### **1. Resolution requesting consideration and incorporation of additional community recommendations in DOT's Bowery-Houston-Bleecker Transportation Study.**

**Whereas** the latest draft report of findings and recommendations in the NYC Department of Transportation's (DOT) Bowery-Houston-Bleecker Transportation Study (Boundaries in CB#2, Man.): 8<sup>th</sup> St.-N./Mercer St.-W./Broome, Kenmare Sts.-S./Bowery-E.) that has been ongoing for several years was presented to the community on November 20, 2013; and

**Whereas** in response to this latest report and presentation, members of the community expressed their concerns and suggestions for revisions and improvements at certain locations within the study's boundaries at CB2's Traffic and Transportation Committee's February 6, 2014 meeting, including:

- Houston St. and Crosby St. –Although there are traffic lights on both the west and east sides of Crosby St. at Houston St. (north and south sides), DOT recommends a crosswalk across Houston St. only on the western side. A crosswalk is sorely needed on the eastern side as well. The east side crossing on Houston St. is heavily used by pedestrians, including those entering and leaving the subway station entrances on both the north and south sides there. What's more, there's a subway elevator on the northeast side accessed by numerous disabled people who need a safe crossing right at that spot. There also are two large new buildings coming up at that location which will add substantially greater population there, necessitating both the east and west side crossings on Houston to avoid further crowding. Lack of a crosswalk on the east side will not deter people from crossing there, but it will make it more dangerous.
- Houston St. between Crosby and Lafayette Sts. – On the south side of Houston St. between Crosby and Lafayette Sts. the two subway stairs constrict pedestrian passage on an already narrow sidewalk, creating not only pedestrian congestion and difficulty passing by, but also endangering those trying to walk there. More sidewalk room is needed for pedestrian access in that location.
- Prince St. and Broadway – Improvements are needed at this intersection which is intensively used by pedestrians, yet this problematic area hasn't been addressed. With high pedestrian volumes pouring from the subway, sidewalk crowding is exacerbated, and heavy vehicular traffic compounds this stressful and dangerous situation. A bicycle rack on the southwest corner (just to the west of the SW subway stair) further impedes pedestrians' passage, often forcing them into the street when the rack is filled with bikes. (There also are bike racks on the other three corners of the intersection, all installed behind the subway stairs, but these are not as obtrusive or problematic as the southwest rack, which is overly large for the space there).
- Bleecker St.-Bowery-1<sup>st</sup> St. crossings – Southbound vehicular traffic on the Bowery (much of it heading to the bridges) tends to get backed up from 4<sup>th</sup> St. south to Houston St., which is aggravated by the confluence of traffic coming east on Bleecker St. and west on E. 1st St. both turning south onto the Bowery. While the eastbound Bleecker St. traffic makes a simple right turn south on the Bowery, an opening in the Bowery median allows the westbound 1<sup>st</sup> St. traffic to cross over to and make a left turn in the Bowery southbound lane, causing further congestion and jams. 2<sup>nd</sup> Ave., just one block east of the Bowery, can provide uncongested southbound access for the traffic coming from E. 1<sup>st</sup> St. Northbound Bowery traffic is light.

**Therefore be it resolved** that CB#2, Man. asks that DOT further examine the above locations of concern and consider the following recommendations for incorporation in DOT’s Bowery-Houston-Bleecker Transportation Study:

- Houston St. and Crosby St. – Install a high visibility crosswalk across Houston St. (north-south) on the eastern side of Crosby St. in addition to the western side.
- Houston St. between Crosby and Lafayette Sts. - Widen the sidewalk along the south side of Houston St. between Crosby and Lafayette Sts., preferably for the full block front, so that it matches the width of the sidewalk at the east end of that block (southwest corner of Houston and Lafayette) where a “bulbout” (neckdown) extends out into the street and crosswalk.
- Prince St. and Broadway – Relocate the bicycle rack at the southwest corner of Prince St. and Broadway, possibly to Lafayette St. Look into installing a “bulbout” (neckdown) at the southwest corner and/or at the northeast corner, as well as a dedicated left turn lane on Prince St. into Broadway.
- Bleecker St.-Bowery-1<sup>st</sup> St. crossings – Close off the median on the Bowery at E. 1<sup>st</sup> St. to prevent turning movements south on the Bowery from E. 1<sup>st</sup> St. (but still allow turning movements north on the Bowery from E. 1<sup>st</sup> St.). Create and install signage to alert southbound vehicular traffic coming west on E. 1<sup>st</sup> St. that 2<sup>nd</sup> Ave. is the last southbound access and direct these drivers to turn south on 2<sup>nd</sup> Ave.; and

**Be it further resolved** that CB#2, Man. thanks DOT for conducting this important study and for welcoming our community’s input on it.

Vote: Unanimous, with 37 Board members in favor.

**2. Resolution urging a (traffic light) signal phase change that allows for a separate, conflict free pedestrian crossing on 8th St. at the east side of 5th Ave.**

**Whereas** the traffic signal at 8th St. and 5<sup>th</sup> Ave. permits traffic going south on 5<sup>th</sup> Ave. to turn east (left) on 8th St. when the light is green at the same time pedestrians also have the green light to cross 8th St.; and

**Whereas** this eastbound traffic does not usually give pedestrians the right of way, and crossing pedestrians are put in danger; and

**Whereas** 8<sup>th</sup> St. affords the last opportunity coming south on 5<sup>th</sup> Ave. for motor vehicles to make a left turn to go directly to the east side of Manhattan, consequently there’s a heavy volume of vehicular traffic turning east on this corner, including several fast-moving buses such as the M1, M3, and M5 as well as many taxis and other motorists, often with limited visibility; and

**Whereas** recent census data shows an increase in senior citizens living in the immediate vicinity of this intersection, many who have to cross this street to get to the Caring Community Senior Center as well as to Washington Sq. Park and other destinations; and

**Whereas** many mothers/caretakers and children en route to the Park or school, NYU and other university and lower school students must cross this intersection on a daily basis, while tourists and other neighborhood Park users make frequent use of this crossing; and

**Whereas** the safety of all of these vulnerable users needs to be ensured; and

**Whereas** recent research (Li Chen, Cynthia Chen, Reid Ewing – Journal of Transport Policy) has shown that “**split-phase timing**” of signals involving a third phase of the traffic cycle that stops all turns so pedestrians can cross (but not vehicular movement in all directions as in a “Barnes Dance”) is extremely effective in protecting crossing pedestrians;

**Therefore be it resolved** that CB#2, Man. calls upon the NYC Department of Transportation to change the traffic light signal phase for the left turn from 5th Ave. to 8th St. to “split phase timing” for a separate, conflict-free pedestrian crossing on 8th St. at the east side of 5th Ave., i.e., so that crossing pedestrians and left-turning vehicles don’t get a green “go” signal at the same time.

Vote: Unanimous, with 37 Board members in favor.

Respectfully submitted,

Susan Kent  
Secretary  
Community Board #2, Manhattan