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Bob Gormley, *District Manager*



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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 18, 2016
TIME: 6:30 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Daniel Ballen, Keen Berger, Tobi Bergman, Chair; Don Borelli, Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Ritu Chattree, Terri Cude, Doris Diether, Cristy Dwyer, Robert Ely, Susan Gammie, Jonathan Geballe, Sasha Greene, David Gruber, Susan Kent, Maud Maron, Alexander Meadows, Daniel Miller, Lois Rakoff, Robert Riccobono, Robin Rothstein, Sandy Russo, Maury Schott, Shirley Secunda, Kristin Shea, Federica Sigel, Antony Wong, Robert Woodworth

BOARD MEMBERS ABSENT WITH NOTIFICATION: Katy Bordonaro, William Bray, Tom Connor, Coral Dawson, Billy Friedland, Rocio Sanz, Shirley Smith, Sean Sweeney, Susan Wittenberg, Elaine Young

BOARD MEMBERS ABSENT: None

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, Joshua Frost, Robin Goldberg, Edward Ma, Chenault Spence

BOARD MEMBERS PRESENT/LEFT EARLY: None

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

GUESTS: Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Becky White, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Dan Campanelli, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; David Moss, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Ryan McNally, Vincent Yeh, Pete Davies, Scott Saiget, Sheryl Woodruff, Matt English, Dana Kukin, Benjamin Schechner, Nicholas Chelko, Patrick Symoie, Lisa Hendou, Gina John, Jacopo Constanzo, Jenna Papparozzi, Raymond Cline, Sarah Bean Apmann, Sajyad Choudry, Emily Williams, Dimitri Glinski, Jeffrey LeFrancois, Molly Martinez, Donna Skopper

MEETING SUMMARY

Meeting Date – February 18, 2016
Board Members Present –36
Board Members Absent With Notification – 11
Board Members Absent - 0
Board Members Present/Arrived Late - 5
Board Members Present/Left Early – 0

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II. PUBLIC SESSION

Non-Agenda Items

Judson Memorial Church Elevator Funding Request

Donna Skopper and Molly Martinez spoke regarding a request for capital funding for the installation of a new elevator on the premises.

Bellevue Community Advisory Board

Lois Rakoff made an announcement regarding an upcoming legislative breakfast to be held on February 26th, from 9:30 to 11:30 am.

MPIA

Jeffrey LeFrancois updated everyone regarding upcoming activities and events.

Landmarks & Public Aesthetics Items

134-136 Wooster St.-App. is to demolish a 1-story garage building & construct new, 6-story & penthouse

Nicholas Chelko spoke in favor of the Landmarks proposal.

Vincent Yeh and Ryan McNally spoke in opposition to the proposed new building.

Individual Landmark Status for Julius' Bar, 159 West 10th Street (a/k/a 188 Waverly Place)
Sarah Bean Apman, from GVSHP, spoke in favor of individual landmark status for this establishment.

Parks/ Waterfront

Washington Square Park Conservancy
Sheryll Woodruff spoke regarding the park.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Robert Atterbury, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

David Moss, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Aura Olavarria, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Distribution of January minutes

VI. EXECUTIVE SESSION

1. **Chair's Report** Tobi Bergman reported.

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

STANDING COMMITTEE REPORTS

ARTS & INSTITUTIONS

Resolution in support of Judson Memorial Church regarding a request for governmental capital funds to replace its lift with an ADA-compliant elevator

WHEREAS Judson Memorial Church at 50 Washington Square South commissioned a Conditions Study in 2015 to give an estimate of the building's capital needs for the next 25 years, to make realistic Building Fund projections for the future; and,

WHEREAS Rev. Dr. Donna Schaper and Sr. Administrator Molly Martinez, PhD came before CB2's Arts & Institutions Committee to present a request for CB2's support of requests for governmental capital funds to help replace their lift with an ADA-compliant elevator; and

WHEREAS Judson Memorial Church and Judson Hall and Tower were built in 1892, designed by McKim, Mead & White; and

WHEREAS the current lift serves three of the four levels of the building and does not reach the Loft of the Sanctuary which limits potential public programming, is too small to maneuver most wheelchairs and cannot fit some of today's motorized wheelchairs, and is both slow and unreliable; and

WHEREAS hydraulic lifts can go beyond 3 floors, but building preservation needed to be considered and it was determined that an elevator would be less impactful; and,

WHEREAS since the 1950's, Judson has become known as a home for innovative, often avant-garde, artists in many genres - dance, painting, theater and became one of the three founding venues of "Off-Off Broadway" theater, and later housed the Judson Dance Theater collective that is now recognized as the creators of post-modern dance; and,

WHEREAS Judson representatives presented documentation showing:

- Community/non-worship groups currently represent more than 80% of the uses at the facility, and
- Annual community/non-worship attendance is approx. 91,000 visitors (approx. 1,750 people weekly)
- The facility hosts a multitude of arts, educational and justice-related programs and events for community groups with a breakdown of 66% arts, 20% educational/justice, and 14% worship including internal and external religious groups
- Many of these programs include free food in an effort to reach those in need that may be reluctant to visit soup kitchens; and,

WHEREAS several people who run community/non-religious programs at Judson spoke about the benefits they provide to the community and those they serve, including Megan Kendzior of Movement Research, a dance service organization that has offered a Monday night performance series at Judson for more than twenty-five years; and,

WHEREAS Judson representatives presented the results of a recent feasibility study that stated the costs and lost revenue associated with the construction and installation of a new ADA-compliant elevator would be approximately \$1.5 million, and

WHEREAS the Judson representatives explained that they are not seeking capital funds that would represent up to 20% of the cost of the elevator that might represent worship-based uses, but rather only for their strong programming of community-based, non-worship uses,

THEREFORE BE IT RESOLVED that CB2, Man. strongly supports Judson Memorial Church's requests for the allocation of capital funds from government-based sources for portions of up to 80% (representing non-worship use) of the cost of an ADA-compliant elevator to replace the existing lift.

VOTE: Unanimous, with 36 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1. *24 5th Ave. – Application is to install awnings, lighting and signage.

Whereas:

- a. The historical photographs and the current, approved existing condition on the south end of the building are one continuous awning on the Fifth Avenue side; and
- b. The building's design is absolute symmetry between the north and south portions of the facade; and
- c. The proposed three awnings are without historical reference and detract from this classic, contributing building; now

Therefore be it resolved:

That CB2, Man. recommends denial of the application

Vote: Unanimous, with 35 Board members in favor.

2. *26 W. 11th St. - Application is to demolish non-compliant, non-historical wood vestibule and install precast brownstone inframe; repair existing entrance, install new door, glass lights, and wrought iron rail. (corrected description)

Whereas:

- a. The existing vestibule is in violation of landmarks regulations; and
- b. The design copies intact parlor floor examples, is ill proportioned for a typical entryway exposed by removal of the stoop and stairs; and
- c. No attempt has been made so simplify the design or alter the proportions to make it suitable for the existing entryway; now

Therefore be it resolved:

That CB2, Man. recommends denial of this application.

Vote: Unanimous, with 36 Board members in favor.

3. *176 Bleeker St. – Application is to install a 690 sq. ft. addition at the rear yard.

Whereas:

- a. An existing tent in the rear yard used as a dining room is in violation; and
- b. The proposed addition is of reasonable depth and with a height of 9' sloping up to 13' 7" with an artist studio style skylight typical in the district; and

- c. The applicant represents that the skylight will have non-operable glazing and that steps will be taken to minimize reflection from the skylight during the day and spill of light from within in the evening; and
- d. The rear facade is in metal and glass with operable folding doors; and
- e. The addition is set back 20' from the property line; and
- f. The applicant represented that the rear yard will not be occupied for any purpose; and
- g. The addition is minimally visible from the adjacent landmarked MacDougal/ Sullivan garden over a wooden fence, presumably installed and maintained by the Garden; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 36 Board members in favor.

4. *104-110 Greene St. – Application is to alter the ground floor entries, install storefront vitrines at the south bay, repair and restore storefront cornice, and install signage and lighting.

Whereas:

- a. The south entry is to be made accessible by eliminating the steps and lowering the doorway; and
- b. The north and south doorways are to be altered to match the style of the non historical style center entrance, replacing the existing wooden doors with glass doors and modifying the surround to a more contemporary style out of keeping with the building and the district and resulting in the removal of remaining historical and suitable materials; and
- c. A protruding sign band with LED lighting behind the sign and wash lighting on the sides of the entrance are out of keeping with the building and the district; and
- d. Display vitrines 39” high, 36” wide, 13.5” deep on either side of the south entrance necessitate the removal of considerable historic material and are out of keeping with the building and the district; and
- e. The entablature above the ground floor is to be restored and lit with a continuous strip of LED fixtures; and
- f. The considerable lighting system proposed is excessive and, even at a minimal level of illumination would be an eyesore and would call undue attention to itself.; now

Therefore be it resolved:

CB2, Man. recommends:

- a. Approval of the restoration of the entablature; and
- b. Approval of the alteration of the south entrance to provide accessibility provided that it is done keeping the existing look of the door and surround; and

- c. Denial of the alteration of the doorways -including the change of doors, the installation of the vitrines, and the proposed lighting plan.

Vote: Unanimous, with 36 Board members in favor.

5. *134-136 Wooster St – Application is to demolish a 1-story garage building and construct new, 6-story plus penthouse, painted steel and glass commercial building with rooftop bulkheads and water tower.

Whereas:

- a. The existing non contributing garage building that has been altered for retail use is to be demolished; and
- b. A building in glass with recessed arches, which increasingly recede at each floor and diminishing ceiling heights for each floor is proposed; and c. A penthouse is set back 20’ from the front facade and with stair bulkhead and typical wooden water tank on the roof is visible though not intrusive from public thoroughfares; and
- d. The applicant submitted examples of buildings from the district and referenced, in particular, Badger’s cast-iron catalogue, and
- d. The general appearance of the building is one of openness and lightness (lack of weight) unsuitable to the district; and
- e. The design lacks a solid base to establish how it meets the ground, the ground floor façade covers two stories, and the ratio of solid to void lacks historical reference, including examples submitted by the applicant, and is overly intrusive in the streetscape in particular and the district in general.
- f. There was considerable objection to the openness (amount of glazing in the facade) and to the water tank from the public; and
- g. There was written testimony from a member of the Committee who could not attend the meeting and oral and written testimony from the public challenging the legality of retail use of the ground floor and requesting that the application be denied on the basis of a design incorporating a non-legal use of the ground floor; and
- h. There was further testimony from the same quarters challenging the heights of various buildings - both adjacent to the property and removed from it - in the neighborhood referenced by the applicant as a basis for the height of the proposed building with its penthouse and rooftop appurtenances.
- h. The applicant asserted that the use reflected in the design was legal and represented that approval from necessary city agencies would be obtained before the Landmarks Commission hearing and that the measurements of other referenced buildings is accurate; and
- i. *The Department of Buildings has issued a ZRD1: Zoning Resolution Determination for 134-136 Wooster Street on January 26, 2016: “The request to allow commercial uses in Use Group 6 below the floor level of the second story in M1-5A districts is hereby denied.”*

Therefore be it resolved:

That CB2, Man. recommends approval of the demolition of the existing building; and

That CB2, Man. recommends denial of the remainder of the application unless:

- a. The design is modified to include a substantial base, a larger ratio of solid to void in the entire facade, and shows a general regard for the proportions and weight in the cast iron buildings of the district which it purports to reference; and
- b. The building's cornice is aligned with the building at 132 Wooster Street; and
- c. The design of the first story facade is consistent with a legal use of the ground floor
- d. The modified proposal is reviewed by the CB2 Landmarks Committee and a recommendation is then made by CB2, Manhattan's Board to the Landmarks Commission prior to the public hearing before the Commission.

Vote: Unanimous, with 36 Board members in favor.

6. *100 W. 12th St. - Application is to install new entryway, canopy and brickwork at the front lobby facade.

Whereas:

The proposed alterations to the entry, canopy and addition of an accessibility ramp enhance the building and provide compliance with accessibility regulations; now

Be it resolved:

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 36 Board members in favor.

7. *21 Bleecker St. - Application is to renovate façade at street level; removal of non-historic construction, installation of new windows and entrance doors, new iron bars and gates, new sidewalk; restoration of existing cast iron column and replacement of ornamental cornice.

Whereas:

- a. The wooden facade infill to be removed is non-historical, unattractive and in poor condition; and
- b. Cast iron columns revealed by the removal of the facade are to be conserved; and
- c. A new entry door will copy in kind the existing door;
- d. A new facade on the basement and main levels is in glass and wood with a strong vertical thrust divided into a glazed bulkhead at the basement level and tall windows with transoms at the main level.

- d. Paint will be removed from the upper floor facade, windows and lintels will be replaced in kind and painted black; and
- e. A security fence with gates is necessary and in keeping with the district;
- f. The sidewalk will be repaired and, where necessary, replaced with bluestone matching existing; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 36 Board members in favor.

- 8. *353 6th Ave. – Application is to install a new storefront, reconstruct the rear façade and construct a rooftop addition.

Whereas:

- a. Non-historic infill is to be removed and replaced by historically correct infill with bulkhead wood frames and detailing, transom, and replace missing cornice, cast iron columns revealed and restored; and
- b. Paint will be removed upper facade, fire escapes removed and existing 2 over 2 windows replaced in kind; and
- c. The rear wall removed and reconstructed in the manner of the existing wall 5’ toward the front of the building to provide required air and light for residential units and existing historical iron shutters will be incorporated into new rear facade; and
- d. The roof will be lowered and flattened to the lowest existing point.
- e. A one room rooftop addition is set back 20’ from the front facade, is not visible from across Sixth Avenue and is minimally visible from Washington Place; and
- f. Required roof guard rails are glass and minimally intrusive though iron may be more in keeping with the building; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 36 Board members in favor.

- 9. *163 Mercer St. – Application is to replace light fixtures, doors, and windows on the front facade, modify existing openings and brickwork correction at the front parapet, installation of a small ADA ramp, and paint the front facade. (corrected address)

Whereas:

- a. The parapet is to be rebuild to match historical photographs; and

- b. The painting of the facade in white, replacing the upper floor windows with solid glass, enlarging the north show window to the size of the exit door at the south side, and replacing the existing center opening infill that references its use as a garage entrance with a modern, generic glass entry in the aggregate completely alter the condition and style of the building as it was at designation; and
- c. The proposed replacement of the existing lighting with LED fixtures further compromises the recent historical condition; and
- d. The proposed blade sign is appropriate for the building and the district and conforms to landmarks regulations; and
- e. An accessibility ramp of minimal height and width is proposed; now

Therefore be it resolved:

That CB2, Man. recommends:

- a. Approval of the restoration of the parapet and the blade sign, and the ramp and
- b. Recommends denial of the painting of the facade, proposed replacement of infill and enlargement of the window and the lighting all of which serve no useful preservation purpose and are out of keeping with the building and the district.

Vote: Unanimous, with 36 Board members in favor.

- 10. *31 Charlton St. – Application is to restore brick front facade, install new windows, restore cornice, and refurbish entry railing and all decorative grilles; relocate front facade first floor windows, entry door, and stoop, front areaway excavation, and an enlarge rear facade with rear yard excavation.**

Whereas:

- a. The windows and brownstone will be replaced with copies of originals
- b. The areaway and certain windows will be altered to align with #33 and though it alters the original design is not objectionable; and
- c. A historically referenced appropriate rear extension is 17' deep at the basement and first floor levels leaving remaining open garden depth of 40'9"; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 36 Board members in favor.

11. ***66 Bedford St. – Application is to replace entry details to match adjacent properties, replace existing wood cornice in kind, and addition of a 57 square-foot greenhouse addition in rear yard.**

Whereas:

- a. The entry to be restored to original design matching pristine #64 which was built as a twin; and
- b. The rear yard extension is, in principal, enclosure of an existing rear deck similar to the extension recently approved # 64 and is minimally visible; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application.

Vote: Unanimous, with 35 Board members in favor.

12. ***159 West 10th Street (a/k/a 188 Waverly Place) – Julius’ Bar.** Site of the first planned act of civil disobedience for LGBT rights

A resolution requesting LPC to move forward and designate this building as an Individual Landmark

Whereas, 159 West 10th Street is by many accounts the oldest gay bar in New York City history and the oldest continuously operating bar in New York City (since 1864); and

Whereas, on April 21, 1966 three gay men from the New York City Mattachine Society, an organization dedicated to promoting gay rights, organized a “Sip-In” to challenge the State Liquor Authority’s discriminatory regulations; and

Whereas, this protest led to the 1967 state court ruling that reversed years of discrimination and became a key catalyst in the eventual gay rights movement beginning in 1969; and

Whereas, this action is considered by most accounts the very first planned act of civil disobedience on behalf of LGBT rights; and

Whereas, the building is intact and substantially in the same condition from the 1960’s; and

Whereas, although Julius’ Bar is located within the Greenwich Village Historic District, the designation report makes no note of its significance to cultural and civil rights history and as a result enjoys no formal recognition or protection from the Landmarks Preservation Commission on the basis of its LGBT history; and

Whereas, Greenwich Village and CB2, Man. contain many sites of great significance to the history of the LGBT rights movement, few of which have received the formal recognition from the Landmarks Preservation Commission they deserve; and

Whereas, the 50th anniversary of this important civil rights event is approaching; and

Whereas, the Greenwich Village Society for Historic Preservation has requested that the LPC designate this site as well as several other sites in CB 2 as landmarks based upon their significance to LGBT history; and

Whereas, the NYSHPO has already determined the site eligible for the State and National Registers of Historic Places based upon this history and the intact condition of the building and the bar;

Therefore, be it resolved that CB2, Man. Recommends that LPC designate 159 West 10th Street as an Individual Landmark, and

Therefore be it further resolved that CB2, Man. Recommends doing so in time to mark the 50th anniversary of the 1966 “Sip-In” this April.

Vote: Unanimous, with 36 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

Right to Counsel NYC Coalition (RTCNYC) presentation on the bill Intro 214, which provides the right to an attorney in housing court in eviction and foreclosure proceedings for low-income tenants facing eviction.

WHEREAS:

1. The Right to Counsel NYC (RTNYC) is made up of tenant organizing groups, tenant advocates, law school faculty and legal services organizations working to ensure that New York City’s Housing Court is a place of fairness, justice and equity.
2. Intro 214 has been introduced in the New York City Council.
3. Intro 214 would establish a right to counsel for low-income tenants who face losing their homes through eviction proceedings in Housing Court and foreclosure proceedings in Supreme Court. Having this Right to Council would provide an attorney at no cost if the tenant cannot afford one.
4. Garrett Wright, a staff attorney at the Community Development Project (CDP) at the Urban Justice Center and Randy Dillard, a team leader for the Community Action for Safe Apartments (CASA), representing RTCNYC, appeared before the Land Use and Business Development Committee to present the case for adopting Intro 214 because of the detrimental effects of lack of representation on those who face losing their homes through such proceedings.
5. The collection of information that has been assembled by RTCNYC and that was presented to the Land Use and Business Development Committee is attached to this resolution for reference.
6. That collection of information makes clear that lack of representation has dramatically negative consequences for any residents – and especially for low-income residents – who cannot effectively assert their rights without counsel in complex, technical proceedings.

THEREFORE, BE IT RESOLVED THAT

CB2, Man. supports the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings and urges the City Council and the Mayor to adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers in such proceedings.

Vote: Unanimous, with 36 Board members in favor.

SCHOOLS AND EDUCATION

Resolution In Support of Admissions Method(s) for the 75 Morton Middle School that Reflect the Diversity of Demographics and Student Performance in District 2 and the Release of Demographic and Test Data by Program for Three District 2 Middle Schools

Whereas:

1. A new District 2 middle school and District 75 will open at 75 Morton Street in Fall 2017 after ten years of advocacy by Manhattan Community Board 2 (CB2, Man.), Community Education Council District 2 (CECD2), parents and elected officials;
2. In an unprecedented manner, both the New York City Department of Education (DOE) and School Construction Authority (SCA) have been receptive to input from the community throughout the development of 75 Morton;
3. In the Spring of 2016, the DOE will establish the admission method for the new District 2 middle school to open at 75 Morton in Fall 2017;
4. To inform this process, in January 2016, CB2, Manhattan Community Board 4 (CB4), CECD2 and the 75 Morton Community Alliance (75MCA) hosted an envisioning meeting on admissions for 75 Morton;
5. 160 attendees participated in this meeting, including local community members, business owners and representatives from 23 public schools, including 40% from PS 3 and PS 41 in Greenwich Village, 13% from PS 11 in Chelsea, the largest elementary school in CB4 and 10% from PS 234, the largest elementary school in Manhattan Community Board 1 (CB1);
6. Prior to extensive discussion in five breakout groups, participants received an overview of District 2 (D2) middle schools, admissions methods, insights from elementary school guidance counselors and principals, definitions of five characteristics that shape a school and six theoretical middle school admissions models;
 - a. The 23 middle schools in D2 are high performing, ranking 2nd in mean test scores out of 32 NYC districts; are racially diverse with a student population that is 33% White, 31% Asian, 20% Hispanic, 10% Black and 3% Other; are economically diverse with 44% of students qualifying for reduced or free lunch; and, serve 18% of students who have an Individualized Education Program (IEP) and 6% of students who are English Language Learners (ELLs);
 - b. Within D2, there are three admissions methods: Screened, accounting for 65% of D2 seats, where schools select students based on combination of quantitative and/or qualitative screens; Zoned, accounting for 22% of D2 seats, where students living within the school zone are automatically admitted; and, Limited Unscreened, accounting for 13% of seats, where a lottery matches students to the highest ranked limited unscreened school and students who attend a tour, open house or middle school fair receive priority.
 - c. Elsewhere in New York City, other admissions methods include unscreened/100% lottery and diversity “set-aside” where a subgroup of students is prioritized for factors such as socioeconomic status;
 - d. Within D2, three middle schools have multiple admissions methods and multiple tracks once the students are admitted, Baruch, Wagner and Sun Yat Sen, but test performance, socioeconomic and other data for these tracks is not publicly available;

- e. Participants were presented five characteristics that shape a school:
 - i. Diversity of the student population ranging from concentrated in a single demographic group to more representative of the demographics in D2;
 - ii. Academic Pace ranging from a wider range of depth and pace of learning to where all learning occurs at an accelerated pace;
 - iii. Student's Test and Performance at entry, ranging from diverse learners with a broad range of test and report card scores to more homogeneous where learners are selected based on higher test scores and grades;
 - iv. Geographic Proximity ranging from local as measured by proximity via either walking or public transit to more dispersed across D2; and,
 - v. Ease of Admissions ranging from selective admissions based on a variety of screens to open access based on students' interest in the school or residency;

- f. Participants were presented six theoretical middle schools with a combination of admission methods, programs/tracks and how these impact the five characteristics that shape a school:
 - i. Zoned Admissions Method with a Single-Track;
 - ii. Dual Admission Method of Zoned and Screened with a Dual-Track for admitted students;
 - iii. Screened Admission Method with a Single-Track and with a screen for students with advanced academic records;
 - iv. Screened Admission Method with a Single-Track and with a screen for a wider range of academic records;
 - v. Limited Unscreened Admission Method with a Single-Track; and,
 - vi. Dual Admission Method of Screened and Limited Unscreened with a Single-Track for admitted students.

7. Within breakout groups, participants discussed the characteristics that shape a school and theoretical admissions models and voted on their preferences at the end of the evening:
 - a. For the characteristics of the student population, participants received five stickers, numbered 1-3 and two unnumbered to rank and mark their preferred point on the range for each characteristic; and,
 - b. For the theoretical middle school models, each participant voted for one model.

8. Of the school characteristics, attendees top three priorities were #1 Academic Pace with answer clustered to the right of average, but not accelerated, #2 more representative demographic Diversity and #3 a diverse range of Student Test/Performance, while Geographic Proximity and Ease of Admissions ranked #4 and #5, respectively, although there was a strong preference for a local school among a minority of attendees; and,

9. Of the theoretical school models, there was a strong preference for a dual admissions model with a slight overall preference for a single-track academic program once the students are admitted.

Therefore be it resolved that CB2, Man.:

1. Urges the NYC Department of Education to establish admissions method(s) for the new middle school at 75 Morton Street that reflect the community's preferences identified at the January 2016 admissions meeting, specifically to create a middle school that combines strong academics with diversity of demographics and student academic performance in District 2; and,
2. Reiterates its requests that the DOE provide *in a timely manner* demographic and test result data for each program at M104 Simon Baruch Middle School, M131 Sun Yat Sen Middle School and M167 Robert F. Wagner Middle School.

Vote: Moved to table, with 35 Board members in favor, and 1 in opposition (K. Berger).

SIDEWALKS/STREET ACTIVITIES

New App for revocable consent to operate an unenclosed sidewalk cafe for:

1) Spring SoHo, Inc, d/b/a Spring Natural, 98 Kenmare St with 11 tables and 22 chairs (362-2016-ASWC)

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

Therefore Be It Resolved, CB2, Man. Recommends Approval of this Sidewalk Cafe for **Spring SoHo, Inc. d/b/a Spring Natural, 98 Kenmare Street** with 11 tables and 22 chairs.

VOTE: Unanimous, with 36 Board Members in favor

2) 506 LaGuardia Place Restaurant, LLC, d/b/a Freud, 506 LaGuardia Place with 8 tables and 15 chairs, (667-2016-ASWC)

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

Whereas, the owner agreed to remove one table near an existing standpipe, which will leave 7 tables and 14 chairs;

Therefore Be It Resolved that CB2, Man. recommends Approval of this Sidewalk Cafe for **506 LaGuardia Place Restaurant, LLC d/b/a Freud, 506 LaGuardia Place** with 7 tables and 14 chairs.

VOTE: Unanimous, with 36 Board Members in favor.

3) Coriander Factory, Inc. d/b/a Bo Ca Phe, 222 Lafayette Street (South Store) with 4 tables and 8 chairs (647-2016-ASWC)

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

Whereas, the owner was present and agreed to turn tables sideways to create more sidewalk space by turning the tables and placing them against the façade, even though it would mean reducing the size of the sidewalk café to 3 tables and 6 chairs.

Therefore Be It Resolved That CB2, Man. recommends Approval of this Sidewalk cafe for **Coriander Factory, Inc. d/b/a Bo Ca Phe, 222 Lafayette St.** with 3 tables and 6 chairs.

VOTE: Unanimous, with 36 Board Members in favor

4) 289 Bleecker Restaurant, LLC d/b/a Pagani, 289 Bleecker St. with 5 tables and 12 chairs (680-2016-ASWC)

Whereas, there were six community members against this application, and no one in favor of this application; and

Whereas, the sidewalk at this corner location is narrow, busy, and overcrowded; and

Whereas, the restaurant will be installing accordion doors which will be open and music will still be blasting out into cafe.

Therefore Be it Resolved that CB2, Man. recommends **Denial** of this Sidewalk Cafe for 289 Bleecker Restaurant, LLC d/b/a Pagani, 289 Bleecker St with 5 tables and 12 chairs.

VOTE: Unanimous, with 36 Board Members in favor

5) FYI Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed):

Whereas, the renewals below were posted on the CB2, Man. website and there were no community members requesting these applications be heard; and

Whereas, these Cafés have been operating for at least 2 years by these applicants and the Board has not been notified of any issues with their operation.

- G Chew, LLC, d/b/a Ciccio, 190 6th Ave. with 3 tables and 6 chairs (1464338-DCA)
- Angelo Of Mulberry Street, Inc. 146 Mulberry St. with 3 tables & 10 chairs (0964932-DCA)
- Spunto, Inc., 65 Carmine St. with 14 tables & 28 chairs (1325458-DCA)
- 7th & Barrow, LLC d/b/a Sushi Samba, 87 7th Ave. South with 20 tables & 40 chairs (1253042-DCA)

Therefore Be it Resolved, CB2, Man. recommends Approval of the above reference Renewals.

VOTE: Unanimous, with 36 Board Members in favor

Applications for Street Activities Permits:

6) 4/2/16 - Our Lady of Pompeii Church 6th Ave. between West Houston St. and Waverly Place

Whereas, the FDNY has told the Community Board 2 District Manager that this event creates a traffic back-up on 6th Avenue which makes it more difficult for fire trucks to exit Engine Company 24-Ladder Company 5, located at 227 6th Avenue (south of Houston Street).

Therefore Be It Resolved, that CB2, Man. recommends **DENIAL** of this event **UNLESS** the applicant can work out a solution with the Street Activity Permit Office.

Vote: Unanimous, with 36 Board members in favor.

7) 5/14/16 - Spring Fling 2016, Grove St between Hudson St and Bedford St.

Whereas, This event has been held previously, the event will have amplified sound and a NYPD sound permit is required from local precinct.

Therefore Be It Resolved, that CB2, Man. recommends **APPROVAL** of this event.

Vote: Passed, with 34 Board members in favor, and 2 in opposition A. Meadows, L. Rakoff).

8) 5/17/16 - Grad Alley 2016, West 3rd St. between Mercer St and LaGuardia Place, LaGuardia Place between Washington Square South and West 3rd St.

Whereas, this event has been previously held on West 4th Street, but because of the installation of a water main there, the event is relocating to West 3rd Street for one year; and

Whereas, there will be on-sight security and a private security firm hired by NYU Public Safety.

Therefore Be It Resolved that CB2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous, with 36 Board members in favor.

9) 5/22/16 - Children's Museum of the Arts Spring Benefit Charlton St. between Hudson St and Greenwich St.

Whereas, this event has been held previously with no complaints from community; and

Whereas, there will be general vendors and inflatable rides; and

Whereas, there will be private security from Knight Security.

Therefore Be It Resolved that CB2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous, with 36 Board members in favor.

10) 5/26/16 – American Legions Street Fair, Prince St. between Sullivan St. and Sixth Ave.

Whereas, they estimated the attendance at or around 300 people; and

Whereas, general vendors will be participating;

Therefore Be It Resolved CB2, Man. recommends **APPROVAL** for this event.

Vote: Unanimous, with 36 Board members in favor.

11) 5/27/16-9/11/16 - Little Italy Pedestrian Mall, Mulberry St between Canal St and Broome St.

Whereas this event has been held previously, where there have been no complaints from the community; and

Whereas this event has on-sight security and help neighbors get in and out of blocks that are closed to vehicles.

Therefore Be It Resolved CB2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous, with 36 Board members in favor.

12) 6/3/16 – Crosby Street Expo, Crosby St. between East Houston St. and Bleecker St.

Whereas the applicant failed to appear before the committee;

Therefore Be it Resolved that CB2, Man. recommends **DENIAL** of this event.

Vote: Unanimous, with 36 Board members in favor.

13) 7/9/16 – WitchFest USA, Astor Place between Broadway and Lafayette St.

Whereas, in the past, CB2 has denied this event because there are already five street fairs on Astor Place resulting in an inconvenience to residents and businesses there; and

Whereas, Witchfest USA has no nexus with our community;

Therefore Be It Resolved CB2, Man. recommends **DENIAL** of this event.

Vote: Unanimous, with 36 Board members in favor.

14) 9/12/16-9/25/16 – 90th Annual Feast of San Gennaro, Mulberry St. between Canal St. and East Houston St.

Whereas, the Feast will operate as it has for 90 years; and

Whereas, no one appeared in opposition to this event; and

Whereas, the sponsors told the committee that more than \$40,000.00 has been contributed to various charities, schools and churches in the area; and

Whereas, the sponsors stated that a private sanitation company will be hired for trash removal for the entire Feast.

Therefore Be It Resolved CB2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous, with 36 Board members in favor.

15) 9/22/16 – American Legions Street Fair, Prince St. between Sullivan St. and 6th Ave.

Whereas this event is a single block event; and

Whereas, the hours will be from 9:00 am to 6:00 pm.; and

Whereas, There will be general vendors.

Therefore Be It Resolved CB2, Man. recommends **APPROVAL** of this event.

Vote: Unanimous, with 36 Board members in favor.

16) 10/9/16 – Our Lady of Pompeii Church Bleecker Street Festival, 6th Ave. between West Houston St. and Waverly Place

Whereas, the FDNY has told the Community Board 2 District Manager that this event creates a traffic back-up on 6th Avenue which makes it more difficult for fire trucks to exit Engine Company 24-Ladder Company 5, located at 227 6th Avenue (south of Houston Street).

Therefore Be It Resolved, that CB2, Man. recommends **DENIAL** of this event **UNLESS** the applicant can work out a solution with the Street Activity Permit Office.

Vote: Unanimous, with 36 Board members in favor.

17 Applications for Street Activities Permits (LAID OVER / WITHDRAWN):

5/1/16 – Log Cabin Republicans – Greenwich Village Festival, University place between Waverly Place and East 14th St. (withdrawn)

6/19/16 – STONEWALL Veterans’ Association – St. Stephen Our Lady of the Scapular Fair co-sponsored, University Place between Waverly Place and East 14th St. (laid over)

7/3/16 – Pride on Astor Fair, Astor Place between Broadway and Lafayette St. (laid over)

8/20/16 – Washington Square United Church of the Village Festival, West 4th St. between 6th Ave. and Washington Square West. (withdrawn)

9/3/16 – Waverly Block Association Waverly Place Festival Co-Sponsored Festival, Washington Square North between University Place and MacDougal St. (tabled)

9/17/16-9/18/16 – Vegan Street Fair, 4th Avenue between East 9th St. and East 14th St. (withdrawn)

18. FYI Street Activities Renewals:

- **3/26/16 – Flea Market, Bleecker St. between Carmine St. and Leroy St.**
- **4/16/16 – Community Board 2 Broadway Festival, Broadway between East 8th St. and East 14th St.**
- **4/22/16 – Earth Day, LaGuardia Place between Washington Square South and West 3rd St.**
- **5/6/16 – Strawberry Festival, LaGuardia Place between Washington Square South and West 3rd St.**
- **5/7/16 – Cooke Center Street Fair, MacDougal Street between West Houston St. and King St.**
- **5/7/16 – PS 130M Health Fair – Family Day, Hester St. between Mulberry St. and Baxter St.**

- **5/14/16** – Positively 8th Street, West 8th St. between 5th Ave. and 5th Ave.
- **5/14/16** – Perry-phernalia Block Party, Perry St. between Bleecker St. and West 4th St.
- **6/4/16** – Jane St. Block Assoc. Street Sale, Jane St. between 8th Ave. and Hudson St.
- **6/11/16** – Basilica of Old St. Patrick’s Cathedral St. Stephen Our Lady of Scapular Fair Co-Sponsored, University Place between E. 8th St. and E. 14th St.
- **6/11/16** – Village Committee for Jefferson Area Market Greenwich Avenue Festival Co-Sponsored Event, Bleecker St. between Christopher St and Bank St.
- **6/18/16** - BAMRA Bleecker Street Festival Co-Sponsored Event, Bleecker St. between Seventh Ave. and LaGuardia Place.
- **6/25/16** – Greenwich House Waverly Place Festival, Washington Square North between Washington Square West and 5th Ave.
- **7/9/16** – 14th Annual Arab-American Street Festival, Great Jones St. between Broadway and Lafayette St.
- **7/9/16** - 4th Avenue Festival Co-Sponsored Event, 4th Avenue between E. 9th St. and E. 14th St.
- **7/23/16** – P.A. L. FAIR Union Square Partnership Fair co-sponsored, University Place between Waverly Place and East 14th St.
- **8/3/16** – End-of-Summer Celebration, 40 Charlton St. between 6th Ave. and Varick St.
- **8/13/16**- Integral Yoga Day for Health and Vegetarian St. Fair, 227 13th St. between 7th Ave. and 8th Ave.
- **8/6/16** – Andrew Glover Youth Program 4th Avenue Festival C-Sponsored Event, 4th Avenue between E. 9th St. and E. 14th St.
- **9/3/16** – Broadway Autumn Fair C.O.R.E. Union Square Partnership Fair co-sponsored, Broadway between Waverly Place and East 14th St.
- **9/10/16** – Greenwich Village Chamber of Commerce Broadway Festival Co-Sponsored Event, Broadway between Waverly Place and E. 14th St.
- **10/8/16** – Women’s Democratic Club, University Place between E. 14th and Waverly Place.
- **10/15/16** – Marco Polo 2016, Grand St. between Mott St. and Mulberry St.
- **10/16/16** – 6th Police Precinct Explorers, Washington Square North between 5th Ave. and University Place.
- **10/23/16** – Village Independent Democrats Greenwich Ave. Festival Co-Sponsored Event, West 4th St. between 6th Ave. and MacDougal St., Washington Square South between MacDougal St. and LaGuardia Place.
- **10/29/16** – Stonewall Democratic Club Waverly Place Festival, Washington Square North between 5th Ave. and University Place.
- **10/29/16** – Village Reform Democratic Club Waverly Place Festival Co-sponsored Event, Washington Square North between University Place and MacDougal St.

Therefore Be it Resolved, CB2, Man. recommends approval of the above reference renewals.

Vote: Unanimous, with 36 Board members in favor.

SLA LICENSING

1. Laduree Soho LLC, d/b/a Laduree, 396-398 West Broadway 10012 (Renewal of OP license)

A. Whereas, the licensee appeared with his attorney for the renewal of its existing On Premise license (Lic. #1275681, exp. 2/28/2016) at the request of CB2 Man.’s SLA Committee after complaints were raised by neighbors arising from the operator’s late night use of a backyard garden at the premises; and

B. Whereas, 14 residents living adjacent to the premises appeared in opposition to the renewal of Laduree's existing license, citing late night hours during the warmer seasonal months in the exterior rear yard past midnight and beyond the licensee's agreed upon hours of operation, with its staff often loitering in the exterior areas even later into the early morning hours, drinking, smoking and making noise as late as 3 AM in the yard, where music levels are excessive at night and very invasive, loud and can be heard even through closed windows, where the doors from the restaurant are left open past midnight, where djs are used for events and large parties and where a Mariachi band has played, all in derogation of Laduree's prior agreements with its neighbors and with CB2 Man.; and

C. Whereas, the residents who appeared in opposition to the renewal of the existing license also presented photos and video to CB2 Man. demonstrating music playing and large parties taking place in the rear yard of the licensee's premises on a number different dates throughout the summer; and

D. Whereas, the interior premises are 6,500 Sq. ft. (3,000 Sq. ft. ground floor and 3,500 Sq. ft. basement), with 41 interior tables and 103 interior seats and where the rear garden adds an additional 2,400 Sq. ft. exterior space, uncovered and open, where there exists a large exterior stand up bar with 15 seats and 50 exterior tables with 100 exterior patron seats for an exterior garden seating capacity for the premises which is greater than the total interior seating capacity and where there are French doors extending through much of the rear façade leading to the rear yard; and

E. Whereas, the premises is operated as a restaurant, tea salon and chocolatier with hours of operation during the winter months until 9 PM Sunday through Thursday and until 10 PM on Fridays and Saturdays, but during the more seasonal months in the Spring, Summer and early Fall, remains open much later in the outdoor garden until midnight on Wednesday and Thursdays and until 1 AM on Friday and Saturday, where large parties and promoted events take place along with a designated exterior smoking area; and

F. Whereas, when the licensee first appeared before CB2, Man. in June/2013 it executed a stipulations agreement with CB2, Man. that was attached and incorporated to their method of operation on their license and the stipulations were as follows:

1. Premises will close midnight Sunday through Thursday and 1:00 AM Fridays and Saturdays.
2. Windows and doors will close by 10 PM.
3. Music will be quiet, background level inside restaurant only and there will be no d.j.s, promoted events, scheduled performances or any events where a cover fee in charged.
4. The rear yard will close by 11 PM Sunday through Thursday and by Midnight Fridays and Saturdays.
5. There will be no smoking in the rear yard.
6. There will be no music in the rear yard.
7. The backyard garden will close by 11 PM for any private parties.

G. Whereas, when the licensee appeared with his attorney the licensee acknowledged the exterior garden space was being used in the summer months for special events and private parties with amplified music and that the licensee had installed exterior speakers throughout the exterior garden even though it had agreed to prohibit amplified music in the exterior rear yard space; and

H. Whereas, based on the above-referenced problems and complaints regarding the licensed use and occupancy of the rear yard with large parties and events with excessive levels of noise and music, CB2 Man. proposed to the licensee that it remove all its exterior speakers from the rear yard, to refrain from permitting any further special events and private parties in the rear yard at any time, to prohibit smoking and to close the rear yard by 10 PM every night; and

I. Whereas, the licensee did not agree to the proposed changes advanced by CB2 Man. for the sole purpose of ameliorating the current existing problems surrounding the licensee's use and occupancy of the rear yard while also taking into consideration the sanctity and daily lives of those neighbors with bedrooms and living quarters immediately adjacent to and about the licensee's outdoor operations; and

J. Whereas, CB2 Man. has significant concerns with the current licensee's credibility and trustworthiness based on the licensee's actions over the past year in derogation of his previously presented and agreed upon method of operation in that the licensee has been operating beyond 1AM on the weekends in the rear yard, with DJs, entertainment music levels, promoted events while repeatedly subjecting the surrounding community to loud, prohibited and objectionable late night operations in the rear yard; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **Laduree Soho LLC, d/b/a Laduree, 396-398 West Broadway 10012** on its application seeking a renewal of its existing OP license; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB2 Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA so that the Community and CB2 Man. can be fully heard on this issue.

Vote: Unanimous, with 36 Board members in favor.

2. Coriander Factory, Inc., d/b/a Bo Caphe, 222 Lafayette St. - South Store 10012 (RW license seeking alteration to add service to sidewalk cafe)

A. Whereas, the applicant appeared before CB2, Manhattan's SLA Licensing Committee for an alteration to an existing Restaurant Wine license (Serial # 1280878; Exp. 8/31/2017) to extend its storefront operations to add service to a sidewalk cafe on Lafayette Street between Spring and Kenmare Streets just across the street from Petrosino Square; and

B. Whereas, the storefront premises has only been operating since October/2015 and prior thereto, had never previously been licensed for the service of alcohol and never operated with a use and occupancy for eating and drinking, and

C. Whereas, when the licensee first appeared before CB2 Man. in June/2014 there was significant opposition voiced to the licensing of the subject storefront premises located in an area immediately surrounding Petrosino Square, the stated community objections being the overwhelming nature of recently issued liquor licenses in an area already saturated with licensed eating and drinking establishments, and where there were already three liquor licenses in three consecutive buildings on one block on the west side of Petrosino Square and with the addition of the subject premises there would no longer be any storefronts left that did not have a liquor license, that there are already eight 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

D. Whereas, at the time of the licensee's initial presentation to CB2 in 2014, the licensee agreed, with his attorney, to hours of operation from 8 am to 12 am from Sunday through Wednesday and from 8 am to 1 am Thursday through Saturday, that new soundproofing would be installed, that all doors and windows will be closed by 9 pm each evening, there will be no TVs, music will be background only, there will be private parties but no promoted events or DJs; and

E. Whereas, despite agreeing to the above-referenced stipulations the applicant still refused to sign any agreement with the above-referenced stipulations incorporated into its method of operation; and

F. Whereas, CB2 Man. also had significant objections with the licensee's plans and decision to replace the storefront façade with operable windows and doors, unnecessarily increasing its impact on the neighborhood coupled with the licensee's refusal to agree to a stipulation's agreement with CB2 Man. resulting in a deny recommendation; and

G. Whereas, CB2 Man. felt strongly at that time that the proposed stipulations in 2014 were fair and reasonable in light of the onslaught of new liquor licenses being requested surrounding Petrosino Square and that fact that applicant was seeking to add yet another license to the area adjacent to the Park overwhelming the neighborhood; and

H. Whereas, despite such objections the SLA permitted a restaurant wine license to licensee at the premises albeit subject to the following stipulations:

1. Premises will close midnight Sunday through Wednesday and 1:00 AM Thursday through Saturday.
2. Windows and doors will close by 10 PM.
3. New soundproofing will be installed.
4. All doors and windows will be closed by 10 PM.
5. Sidewalk café will have only four tables and eight seats.
6. Sidewalk café will be closed each night by 10 PM.
7. Music will be quiet, background level inside restaurant only and there will be no d.j.s, promoted events, scheduled performances or any events where a cover fee is charged.

I. Whereas, the premises currently operates as a restaurant serving French-Vietnamese food open for breakfast, lunch and dinner in a 1,030 SF ground floor space with 14 tables and 33 seats, 1 stand up bar with 7 seats for a total interior seating occupancy of 40, there is a full service kitchen, one bathroom and one entrance/exit for patrons, there are floor to ceiling doors/windows that open the entire front façade out to the public sidewalk; and

J. Whereas, the applicant also appeared before CB2 Man.'s Sidewalk Café Committee this same Month and at that time it was determined that the public sidewalk in front of the storefront premises was limited and only had room to property fit three tables and six seats thereat; and

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

1. Premises will close midnight Sunday through Wednesday and 1:00 AM Thursday through Saturday.
2. All doors and windows will be closed by 10 PM.
3. Sidewalk café will have three tables and six seats.

4. Sidewalk café will be closed each night by 10 PM.
5. Music will be quiet, background level inside restaurant only and there will be no d.j.s, promoted events, live music, scheduled performances or any events where a cover fee is charged.
6. The premises will be advertised and operated as a full service restaurant specializing in French-Vietnamese food and will not operate as a Lounge, Tavern, Bar or Sports Bar.
7. There will be no televisions.
8. There will be no dancing.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a new Restaurant Wine License application for **Coriander Factory, Inc., d/b/a Bo Caphe, 222 Lafayette St. - South Store 10012** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

3. 343 Broome Street Restaurant, Inc., d/b/a Randolph Beer, 343 Broome St. 10013 (Corporate changes to existing OP license)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a on-premise liquor license solely due to changes in its existing corporate structure; and

B. Whereas, the applicant plans to continue to operate a full service gastropub restaurant serving craft beers in a six story building (Circa 1915) operating as a Hotel on Broome Street between Elizabeth Street and the Bowery in Nolita; and

C. Whereas, the storefront premises has only been operated with an on premise license since April/2015, previously operated since 2012 with a beer wine license and prior thereto, had never previously been licensed for the service of alcohol and never operated with a use and occupancy for eating and drinking; and

D. Whereas, when the licensee previously appeared before CB2 Man. for an on premise license at the subject premises there was significant opposition voiced to the licensing of the subject storefront premises and at that time CB2, Man. objected to the issuance of yet another license where there were already 5 separately licensed premises within the same building alone, which is also a hotel and none of the establishments have direct entrances to the hotel, and that by adding yet another licensed premises to the area adjacent to this building will only add to traffic, noise, public intoxication and environmental hazards already existing and negatively impacting the area; and

E. Whereas, the storefront premises is approx. 2300 sq ft (ground floor is 1500 sq ft and basement 800 sq. ft.-storage/bathrooms) with 15 tables and 50 seats and 1 bar with 14 seats, for a total of 64 patron interior seats, all front façade windows will remain fixed and non-operable, there is a sidewalk café with 7 exterior tables with 14 exterior seats; and,

F. Whereas, the interior hours of operation will continue to be from 12 PM to 12 AM Sunday through Thursday, and 12 PM to 2AM Fridays and Saturdays (no patron shall remain after closing hour), the premises will operate as a full service restaurant and gastropub and not as a lounge or sports bar, there will have be no more than 1 TV, there will be quiet, background music except for occasional live acoustical “Bluegrass” performances without amplification during Brunch hours on Saturdays and Sundays only, there will be no d.j.’s, no promoted events, no cover fees, all windows and doors will close by 10PM and the sidewalk café will close by 10 PM every night; and,

G. Whereas, the same owners and licensees will continue to operate the eating and drinking establishment, albeit ownership with a different corporate entity; and

H. Whereas, the applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the on-premise license stating that:

1. The premises will be advertised and operated as a full service restaurant and gastropub and will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
2. The hours of operation will be from 12 PM to 12 AM Sunday through Thursday, and 12 PM to 2AM Fridays and Saturdays (no patrons shall remain after closing hour).
3. The premises will have no more than 1 television.
4. The premises will not permit dancing.
5. The sidewalk café will close by 10 PM every night.
6. The sidewalk café will have 7 tables and 14 seats
7. Live acoustical music will be permitted on Saturdays and Sundays during Brunch hours from (11 AM to 5 PM) and at all other times there will quiet ambient-recorded background music only.
8. The premises will not have DJ’s, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French Doors, Operable Windows or open facades and all doors will be closed at 10PM except for patron ingress and egress.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the On Premise license application for **343 Broome Street Restaurant, Inc., d/b/a Randolph Beer, 343 Broome St. 10013** unless the statements of the applicant as presented to CB2, Man. 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 its Liquor License.

Vote: Unanimous, with 36 Board members in favor.

4. Cherry Lane, Inc., d/b/a The Randolph at Broome, 349 Broome St. 10013 (Corporate changes to existing OP license)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a on-premise liquor license solely due to changes in its existing corporate structure; and

B. Whereas, the applicant plans to continue to operate a full service gastropub restaurant serving craft beers in a six story building (Circa 1915) operating as a Hotel on Broome Street between Elizabeth Street and the Bowery in Nolita; and

C. **Whereas**, the storefront premises has been operated as a Bar and Café since 2004; and

D. **Whereas**, the interior storefront premises are approximately 1800 SF (1000 ground floor and 800 SF basement for storage/office only), two bathrooms, one patron entrance/exit, 7 tables and 30 seats and 1 bar with 10 seats for a total of 40 patron interior seats, all front façade windows will remain fixed and non-operable, there is a sidewalk café with 7 exterior tables and 16 exterior seats; and

E. **Whereas**, the interior hours of operation will continue to be from 12 PM to 12 AM on Sundays, from 12 PM to 2 AM Monday through Wednesday and from 12 PM to 4AM Thursday through Saturdays, the premises will operate as a Bar and Café but not as a lounge or sports bar, there will be no more than 2 TV, there will be quiet, background music only and there will be no d.j.s, no live music, no promoted events, no cover fees, all windows and doors will close by 10PM and the sidewalk café will close by 10 PM every night; and,

F. **Whereas**, the same owners and licensees will continue to operate the eating and drinking establishment, albeit ownership with a different corporate entity; and

G. **Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the on-premise license stating that:

1. The premises will be advertised and operated as a Bar and Café but will not operate as a lounge or sports bar.
2. The hours of operation will be from 12 PM to 12 AM on Sundays, from 12 PM to 2 AM Monday through Wednesday and from 12 PM to 4AM Thursday through Saturdays.
3. The premises will have no more than 2 televisions.
4. The premises will not permit dancing.
5. The sidewalk café will close by 10 PM every night.
6. The sidewalk café will have 7 tables and 16 seats
7. There will be quiet ambient-level background music only.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French Doors, Operable Windows or open facades and all doors will be closed at 10PM except for patron ingress and egress.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the On Premise license application for **Cherry Lane, Inc., d/b/a The Randolph at Broome, 349 Broome 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 its Liquor License.

Vote: Unanimous, with 36 Board members in favor.

5. Agoodlook, LLC, d/b/a Pietro's, 174 Elizabeth St. 10012 (Transfer of existing OP license)

A. **Whereas**, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a transfer of an existing on premise license (ICA Group LLC d/b/a El Portale; Lic. #1139130 Exp. 5/31/2017) to operate a small Italian Restaurant serving breakfast, lunch and dinner in a mixed use five story building mid-block on Elizabeth Street between Spring and Kenmare Streets; and

B. Whereas, the premises was previously operated for years as a small Mexican Restaurant with closing hours no later than 11 PM Sunday through Thursday and 12 AM Fridays and Saturdays: and

C. Whereas, there is no plans to alter the interior of the premises and it will continue to operate with a full service kitchen in a 700 SF basement premises with an additional 300 SF subbasement used for storage purposes only, there will be one bathroom, no TVs, 11 tables with 22 seats, 1 bar/counter with 3 seats for a total patron occupancy of 25; and

D. Whereas, the hours of operation will be from 8 AM to 12 AM Sunday through Wednesday and from 8 AM to 2 AM from Thursday through Saturday, music will be background only, doors and windows will close by 10 PM every night, there will be no d.j.'s, no promoted events, no live music, no cover fees, no scheduled performances, no velvet ropes, no moveable barriers, no TVs, no back yard garden/outdoor space and no sidewalk café at this time; and

E. Whereas, there the prior operator and licensee has for years operated the premises with illegal outdoor benches, table and umbrella at the front of the premises without any permits and the applicant stated and agreed to remove all such furniture from the exterior front of the premises and further agreed not to operate any part of its business outside the premises unless a permit is obtained for this purpose in the future; and

F. Whereas, there are already 27 existing licensed premises within 500 feet of the proposed premises (not including beer and wine licenses); and

G. 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 OP license and the stipulations are as follows:

1. The premises will be operated as a full service Italian restaurant.
2. Will operate with hours of operation from 8 AM to 12 AM Sunday through Wednesday and from 8 AM to 2 AM on Thursdays through Saturdays.
3. There will be no sidewalk café at this time.
4. All outdoor furniture will be removed and there will be no exterior furniture (benches/seats/tables/umbrellas) permitted.
5. There will be no backyard garden.
6. All doors and windows will be closed by 10 PM every evening.
7. Music will be quiet, background level only and there will not be live music, dj's, promoted events, movable ropes or barriers on the sidewalk, scheduled performances or any events for which a cover fee is charged.
8. There will no TVs.
9. The premises will not permit dancing.
10. The premises will not be advertised or operate as a Lounge, Tavern, Bar or Sports Bar.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to an existing On-Premise liquor license to **Agoodlook, LLC, d/b/a Pietro's, 174 Elizabeth 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 36 Board members in favor.

6. Sapori D Italia, LLC d/b/a Sambuca's, 105 Mulberry St. 10013 (Transfer of existing OP license)

A. Whereas, the applicant appeared before CB2 Manhattan's SLA Licensing Committee for a transfer of an existing on premise license (Red Mulberry LTD d/b/a Sambuca's; Lic. #1269306) to operate a small Italian Restaurant serving breakfast, lunch and dinner in a mixed use two story building (Circa 1900) on Mulberry Street between Canal and Hester Streets; and

B. Whereas, there will be no change in the current method of operation for the licensed premises and there are no plans to alter the interior of the premises but there will be new ownership; and

C. Whereas, the premises will continue to operate with a full service kitchen in a 800 SF storefront premises, one bathroom, two TVs, 13 tables with 39 seats, no stand up bar for a total patron occupancy of 39, with a sidewalk café with 20 seats but no backyard garden; and

D. Whereas, the hours of operation will be from 9 AM to 2 AM daily Sunday through Saturday, music will be background only, doors and windows will close by 10 PM every night, there will be no d.j.'s, no promoted events, no live music, no cover fees, no scheduled performances, no velvet ropes, no moveable barriers and the sidewalk café will close by midnight daily Sunday through Saturday; and

E. 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 OP license and the stipulations are as follows:

1. The premises will be operated as a full service Italian restaurant.
2. Will operate with hours of operation from 9 AM to 2 AM daily Sunday through Saturday.
3. The sidewalk café will close by midnight daily Sunday through Saturday.
4. All doors and windows will be closed by 10 PM every evening.
5. Music will be quiet, background level only and there will not be live music, dj's, promoted events, movable ropes or barriers on the sidewalk, scheduled performances or any events for which a cover fee is charged.
6. There will be no more than 2 TVs.
7. The premises will not permit dancing.
8. The premises will not be advertised or operate as a Lounge, Tavern, Bar or Sports Bar.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a transfer to an existing On-Premise liquor license to **Sapori D Italia, LLC d/b/a Sambuca's, 105 Mulberry 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 OP License.

Vote: Unanimous, with 36 Board members in favor.

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

7. Ambleside Partners, LLC, d/b/a Pravda, 281 Lafayette St. 10012 (Alteration to existing license, laid over meeting at request of applicant)

Whereas, at this month's CB2 SLA Licensing Committee meeting on February 9, 2016, the principal/applicant requested **to lay over** this application from consideration and did not appear before CB2 regarding its application; and,

Whereas, this application is for an alteration to an existing beer wine or on premise license;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any proposed Beer and Wine or On Premise license to **Ambleside Partners, LLC, d/b/a Pravda, 281 Lafayette St. 10012** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

8. Rolso, Inc., d/b/a Café Novecento, 343 West Broadway 10013 (BW) (failed to appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 9, 2016, the Applicant **failed to appear** or request a layover of this application for a beer wine or on-premise license and did not explain their non-appearance;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Rolso, Inc., d/b/a Café Novecento, 343 West Broadway 10013** **until** the Applicant has properly 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 36 Board members in favor.

9. Bird's Ink, LLC, d/b/a Lighthouse Out Post, 241 Mulberry St. 10012 (New BW) (failed to appear)

Whereas, at this month's CB2 SLA Licensing Committee meeting on February 9, 2016 the principal/applicant **failed to appear** or to request to lay over this application for a beer wine license and provided no reason for their non-appearance;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any Beer and Wine or On Premise license to **Bird’s Ink, LLC, d/b/a Lighthouse Out Post, 241 Mulberry St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

10. Piacere Enterprises, LLC, d/b/a TBD, 351 Broome St. 10013 (failed to appear)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on February 9, 2016, the Applicant **failed to appear** or request to layover this application for an upgrade from restaurant wine to on premise license and provided no reason for their non-appearance;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Piacere Enterprises, LLC, d/b/a TBD, 351 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 36 Board members in favor.

11. Shi Lin or LLC to be formed, d/b/a Le Pierre, 341 W. Broadway 10013 (layover)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on February 9, 2016, the Applicant attorney requested **to lay over** this application for a new on-premise liquor license to the next month;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Shi Lin or LLC to be formed, d/b/a Le Pierre, 341 W. Broadway 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 36 Board members in favor.

12. Hu Holdings, LLC, d/b/a Hu Kitchen, 78 5th Ave. 10011 (RW SN#1262180 – Corporate Change)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for corporate change for a restaurant wine license SN#1262180 for a “full service restaurant mostly focused on fast-casual breakfast, lunch, soups, salads and baked goods, gourmet coffee, limited selection of organic wines, hard cider and beers; some prepackaged chips, chocolates, baked goods, gourmet grocery items will also be for sale”; and

ii. Whereas, this application is for a corporate transfer for a restaurant wine license for a location in a commercial building located on 5th Avenue between 13th St. and 14th St. for a roughly 2,817 sq. ft. premise located on the ground floor and mezzanine (2,089 sq. ft. ground floor, 728 sq. ft. mezzanine) with 25 tables and 66 table seats and 1 standup bar with 5 bar seats as presented in materials provided to CB2; there is an expired temporary certificate of occupancy, the temporary certificate of occupancy will be renewed prior to the approval of the corporate change; and,

iii. Whereas, the hours of operation will be Sunday from 8AM to 12AM and Monday to Saturday from 7AM to 12AM, music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a fast casual restaurant as described.
2. The hours of operation will be Sunday from 8AM to 12AM and Monday to Saturday from 7AM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions or projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French doors, operable windows or open facades and will close all doors and windows at 10 PM except for patron ingress and egress.
10. There will be no sidewalk café.
11. There will be no unlimited drink specials or unlimited all you can eat and drink specials.
12. There will be no sales of pitchers of beer.
13. Licensee will obtain an updated and current Temporary Certificate of Occupancy prior to approval of Corporate Change.

v. Whereas, there are currently approximately 13 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a corporate change for the existing Restaurant Wine License SN#1262180 for **Hu Holdings, LLC, d/b/a Hu Kitchen, 78 5th Ave. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

13. Ahimsa NYC, Inc., d/b/a TBD, 210 Thompson St. 10012 (RW)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a restaurant wine license for a “relaxed family friendly restaurant specializing in Indian cuisine...there will not be any bar and beer and wine is expected to represent a small percentage of sales”; and,

ii. Whereas, this application is for a new restaurant wine license at a previously licensed location in a mixed-use building located on Thompson St between West 3rd St. and Bleecker St. for a roughly 1,800 sq. ft. premise located on the ground floor and basement (1,085 sq. ft. ground floor, 750 sq. ft. basement, patron use of ground floor only) with 21 tables and 52 table seats, there is no standup bar and one service bar; there is an existing certificate of occupancy; and,

iii. Whereas, the hours of operation will be Sunday to Thursday from 12PM to 11PM and Friday to Saturday from 12PM to 12AM, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. The premises will be advertised and operated as a family friendly restaurant focusing on Indian Cuisine.
2. The hours of operation will be Sunday to Thursday from 12PM to 11PM and Friday to Saturday from 12PM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions or projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will close all doors and windows at 9PM every night and anytime there is amplified music.
10. There will be no stand up bar.
11. There will be no patron use of basement
12. There will be no unlimited drink specials or unlimited food and drink specials.
13. There will be no sidewalk café.

v. Whereas, the applicant met with the Bleecker Area Merchants’ and Residents’ Association and a letter in support was submitted; and,

vi. Whereas, there are currently approximately 39 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Ahimsa NYC, Inc., d/b/a TBD, 210 Thompson St. 10012** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

14. MI-NE Sushi NY, Inc., d/b/a TBD, 496 Sixth Ave. 10011 (New RW – previously unlicensed location)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a restaurant wine license in a previously unlicensed location for a Japanese restaurant and sushi bar; and,

ii. Whereas, this application is for a new restaurant wine license for a location in a mixed-use building located on Sixth Avenue between 12th St and 13th St for a roughly 2,175 sq. ft. premise located on the ground floor and basement (2,079 sq. ft. ground floor, 96 sq. ft. basement, patron use of ground floor only) with 26 tables and 59 table seats, 1 standup bar with 6 bar seats; an new letter of no objection is in the process of being obtained and will be presented to the Liquor Authority; and,

iii. Whereas, the hours of operation will be from 11:30AM to 11PM seven days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The premises will be advertised and operated as Japanese restaurant and sushi bar.
2. The hours of operation will be from 11:30AM to 11PM seven days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions or projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French doors, operable windows or open facades and will close all doors and windows at 10 PM except for patron ingress and egress.
10. There will be no unlimited drink specials or unlimited food and drink specials.
11. There will be no sale of beer by the pitcher.
12. There is no sidewalk café.
13. There will be no patron use of basement.

14. Applicant has agreed that they never apply for an upgrade to a full on premise liquor license ever.
15. Applicant will obtain a letter of no objection from the NYC Department of Buildings.

v. Whereas, the applicant had discussions with the 13th St. Block Association and there were no objections, a petition with roughly 150 signatures was presented; and,

vi. Whereas, the Principal is also a principal of three Japanese deli & grocery stores which hold grocery beer & wine licenses, including one on the same block as the proposed premises; and,

vii. Whereas, there are currently approximately 14 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant Wine License for **MI-NE Sushi NY, Inc., d/b/a TBD, 496 Sixth Ave. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

15. 9th Avenue NYC, LLC, d/b/a Topsy Girl, 45 W. 8th St. 10015 (New OP)

i. Whereas, the Applicant, Peter Guimaraes, appeared before CB2’s SLA Licensing committee on February 11, 2016 to present an application for a new on-premise liquor license to operate a “restaurant and bar specializing in fast casual cuisine (calamari, pizza tacos, sushi, sliders, salads)” in a location where a Peruvian restaurant was previously located; and,

ii. Whereas, the premises is located in a 5-story mixed-use residential building located on West 8th Street between Sixth Avenue and Fifth Avenue in a 1,650 sq. ft. premises located on the ground floor with 18 tables and 40 seats and 1 stand up bar with 14 seats for a total of 54 seats; the applicant did not provide a Certificate of Occupancy and no certificate of occupancy for this specific address is available on the NYC DOB website (C of O listed on website is for address next door and does not include this property); and,

iii. Whereas, there was confusion as to the hours of operation with different hours presented prior to the meeting, hours presented on paper at the meeting and hours discussed verbally, the hours presented on materials submitted at the meeting were Sunday to Wednesday from 11AM to 12AM, Thursday from 11AM to 2AM and Friday to Saturday from 11AM to 3AM, music was indicated as from ipods/cds at both background and entertainment levels, there would be no DJ’s, no Live Music, the principal indicated he would manage the premises, the applicant indicated that there would be 2 TV’s with no specifics, that there were no plans to install sound proofing, no indication was provided what times they would close the existing fully operable front accordion doors that comprise the whole front façade, but it was stated that those windows would be regularly used, the Applicant did not complete the portion of the questionnaire which asks whether there will be promoted events, scheduled performances, outside promoters, any events for which a cover fee is charged and whether there would be private parties; and,

iv. Whereas, there are currently approximately 21 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

v. Whereas, On December 24th, 2015, the applicant notified CB2, Man. by personal delivery of their intent to apply for a full on premise liquor, wine, beer & cider license; the applicant was advised that they would be placed on the CB2 agenda for the February 11th, 2015 meeting as the cutoff for the January meeting had already passed; CB2, Man. was informed that in early January, the Applicant was in communication with the local Business Improvement District, the Village Alliance, at which time the Applicant was advised of the local West 8th St. Block Association; The West 8th St. Block Association having *not* been contacted by the Applicant in advance of the February 11th meeting proactively reached out instead to the Applicant on February 4th to discuss the Applicant's pending application in advance of CB2's meeting on February 11th; and,

vi. Whereas, CB2, Man. requests that all Applicants who submit a "30 Day Notice" to CB2, Man. appear before CB2's SLA Licensing Committee 1 or 2 and that in advance of the meeting submit a completed CB2 SLA Licensing Questionnaire as well as provide a variety of supporting materials as outlined including "Provide proof of community outreach with signatures or letters from Residential Tenants at location and from surrounding buildings. (i.e. a letter from the neighborhood block association or petition in support.)", "Certificate of Occupancy or Letter of No Objection for the premises.", and "Floor plans of the premise, including all tables and chairs and kitchen lay out to be licensed. Please also include any schematics for sidewalk café, backyard garden space and/or rooftop areas if applicable."; and,

vii. Whereas, in advance of CB2's SLA Licensing Committee meeting on February 9th, the Applicant submitted materials to CB2, Man. including a completed copy of the CB2 SLA Licensing Questionnaire; at the time of CB2's SLA meeting on February 11th, the Applicant submitted a *different* questionnaire and a *different* floor plan than was submitted on February 11th and no Certificate of Occupancy or Letter of No Objection was presented; the new questionnaire had discrepancies from the original questionnaire and the new floor plans submitted at the meeting were not to scale and did not show the fully operable front façade or the exit/doorway to the rear yard area; no evidence of any community outreach initiated by the applicant was presented and subsequently *the applicant stated he had not performed any community outreach*; and,

viii. Whereas, at the meeting, Mr. Guimaraes stated that he was an experienced restaurateur, that he had retained the services of an attorney familiar with Liquor Authority Licensing Procedures in NY to assist him with his application to the Liquor Authority, he stated he had appeared in front of other Community Boards including CB4, Man. in the past year, he stated that he had been a principal in other licensed premises in NY and in CT, CB2's SLA Licensing questionnaire stated that both he and Pier Mario Del Rosso, the 2nd principal on the license who resides in Miami, FL, were past principals on three different licenses, (1) "Bice Ristorante, 54th St" SN#1255701, 7 East 54th Street Associates, LLC d/b/a/ Bice Ristorante, 7 E 54th St (2) "Alfredo 100, 54th St." SN#1277237 ATO Restaurant Associates, LLC d/b/a Alfredo 100, 7 E 54th St and (3) "Sound Factory II, West 46th St" SN1027889 Phoenix Sound, Inc. d/b/a Sound Factory 618 West 46th St; After performing a "Public License Query" on the Liquor Authority's website, there were no records indicating that Mr. Guimaraes was a principal on any license and the Mr. Del Rosso was only a principle on the License for SN#1255701 7 East 54th Street Associates; and,

ix. Whereas, when asked about the "Topsy Girl" concept, Mr. Guimaraes began by indicating that the proposed restaurant/bar was tied in with the Topsy Girl Spirits and Wine Product line which he was developing along with partners, it was unclear what Mr. Guimaraes relationship was to the Topsy Girl Spirits and Wine Brand, but from Mr. Guimaraes initial representations it seemed he was intricately involved, but the extent of his relationship was unclear;

x. Whereas, the Applicant continued that the premises would be a neighborhood restaurant, the first of a number of locations which would also be located in Hell’s Kitchen, Hartford, Miami, Las Vegas, he indicated that there was however nothing special about the premises except that they would be a neighborhood establishment that would focus on high end American and Italian food like pizza, tacos and sliders and that as the evening progressed the establishment would switch from a restaurant to a bar; and,

xi. Whereas, the Applicant was asked why he need to stay open until 3AM and he repeatedly stated that it was unfair if he could not compete with other late night bars in the area irrespective of any impact on quality of life and irrespective of the unique qualities of this area of 8th street including the history a positive working relationship between the local business improvement district, property owners, the local block association and local businesses in part to mitigate quality of life issues; he reiterated that the location was a high end neighborhood restaurant concept; and,

xii. Whereas, when asked about the “entertainment level” music and the lack of plans for additional soundproofing – despite the fact that the previous licensee operated as a full service Peruvian restaurant with background music only – he stated no additional sound proofing was needed because there was a commercial space located above his establishment before the residential units in the building began; the applicant also stated his intention to lease the apartment above the commercial space but stated that would only be for a year or so as he does above all his new restaurants; he reiterated that even though no tests had been conducted or professional sound engineer consulted or consultations with residents during any tests he was sure there would be no issues; and,

xiii. Whereas, the applicant was asked about a past application presented to CB4, Man. for which CB4 recommended denial to the Liquor Authority by the same corporate entity as appearing here but at a different location, **9th Avenue NYC, LLC d/b/a Tippy Girl at 714 9th Avenue**, (see letter form CB4 Man. to the Liquor Authority: <http://www.nyc.gov/html/mancb4/downloads/pdf/2015%20PDFs/july/17%20BLP%20Letter%20to%20S%20LA%20re%20Tippy%20Girl%20-%20714%209th%20Avenue.pdf>); the Applicant stated he was unaware of the recommendation to deny his application even though through his attorney he decided not to execute stipulations to which he had agreed during that presentation to CB4, Man. and that he chose not to pursue an application at that location for unclear reasons, but the concept being present for this location on West 8th Street is the same; and,

xiv. Whereas, the applicant was asked about a newspaper article regarding his concept, albeit covering the application for the location in CB4, Man. as described above, and while it seemed the applicant was familiar with the article, he did not address the questions including statements that there would be all day happy hours etc. and dismissed the article (see article: <https://www.dnainfo.com/new-york/20150717/hells-kitchen-clinton/tippy-girl-bar-offer-all-day-happy-hour-on-ninth-avenue>); and

xv. Whereas, no one appeared in support, no petitions were presented in support and no evidence of any outreach initiated on the part of the applicant was presented and the applicant stated that he had not performed any community outreach; and,

xvi. Whereas, the West 8th Street Block Association Co-Chair presented a letter in opposition, which is attached, outlining their past diligent work with local businesses and elected officials to create community standards of behavior and a shared vision of the future through the dramatic transformation of this block from 1 licensed premises on the block approximately a decade ago when this was a retail corridor to the 18 licenses that exist today within 500 ft., many of which are located on this block, and outlined that after discussions and meeting with the applicant that he did not share the same vision for the future and that for this and other reasons they would be opposing this; the letter further outlined the non-compliant storefront

infill installed at this location in violation of the NYC Zoning code as outline within the Special Limited Commercial District defined by Article VIII, Chapter 3 of the NYC Zoning Code, which requires (section 85-03) that the spaces be completely enclosed and that the Applicant stated to them and CB2, Man. that he was unwilling to comply with the requirement even though past licensees at this location had agreed to keep all doors and windows closed at all times; this non-conforming condition of a fully operable front façade was improperly built by a past tenant at this location; and,

xvii. Whereas, a representative of the Ninth St. Block Association residing at 50 West 9th St. which represents the block and a number of buildings immediately behind this establishment and to the North that abut the existing rear courtyard appeared and stated that the rear courtyard/garden of this establishment had presented an ongoing problem over the course of previous licensees at this location and in adjoining buildings even with negotiated agreements regarding use and that the storage of garbage and refuse in the rear area and the existing mechanical setups had resulted in negative quality of life impacts on neighbors to the rear and that mechanical noise had resulted in the issuance of at least 3 Department of Environmental violations in recent years at this location; the rear “donut” courtyard area is an echo chamber; the representative stated that the Applicant was unwilling to store his garbage, recyclables and bottles elsewhere or take any steps to mitigate noise like the adjoining businesses and the licensee restated this position to CB2, Man. as this was an existing situation and he felt no need to make any agreements.; and.

xviii. Whereas, a number of other individuals appeared in opposition despite no outreach by the applicant, including those living in the same building and adjoining buildings who summarized their concerns; **(1)** this concept doesn’t fit with the West 8th Street concept which has been successfully promoted by local officials, the local business improvement district, property owners and local residents which has for the most part allowed for a positive transformation of this corridor; **(2)** concerns were expressed that the only uniqueness stated by the applicant was a tie in to a spirit and wine brand operating under the same name, “Topsy Girl” which the applicant seems to have a direct financial involvement; **(3)** what was not described by the applicant was that “Topsy Girl” brand was a plot line on the reality TV show the Real House Wives of New York on which the applicant appears as a cast member; **(4)** that the location was in fact intended to be a destination location that would be promoted through a buried plot line on the reality television show; **(5)** that a soft opening of this premises was already being promoted even though the license had not yet even been submitted to the Liquor Authority; **(6)** that there was no room for another venue with entertainment level music as the premises across the street which has been a basement cabaret of one sort or another and was at one point the only licensed premises on the block prior to a decade ago can be heard in many of the buildings across the street all the way up to the 5th floor with the low back bass beat; **(7)** that even though there is a separation of another commercial business between this premises and residents above, no existing soundproofing exists to handle “entertainment” level music; **(8)** there is no need for a premises with entertainment level music that states it is a restaurant, particularly one with a operable front glass facade; **(9)** that it’s inconceivable an experienced operator in NY would sign a lease without first doing due diligence and reaching out to residential neighbors immediately upon interest to understand the inherent issues and work to find solutions to problems; **(10)** that the West 8th St. Block Association went back and forth trying to find some compromise up and to the same stipulations that the prior licensee operated but was rebuffed at each step by the applicant – he also did not present any additional modifications to CB2, Man. at the time of the meeting **(11)** there were concerns because it was stated that the applicant told the West 8th Street Block Association that this was primarily a promotional marketing tool to push the “Topsy Girl” brand; **(12)** there were concerns that because this would undoubtedly become a destination location because of tie-ins with the reality TV show that there would be parking impacts in the area because of the appeal to out of town tourists looking for a night out on the town; **(13)** that the impacts of any filming on the block of any reality TV shows would be disruptive; a number of other issues were also raised; and,

xix. Whereas, it was further noted that residents of this block had negotiated stipulations with many if not all of the premises licensed within the past decade and that those stipulations agreements were flexible and broader than just hours of operation and were all not exactly the same because the negotiated stipulations often included other items that further benefited the block and businesses by addressing non-traditional aspects such as correcting non-compliant facades and taking into account unique aspects to each application to help ease the impact of the rapid growth of licensed premises on this block; and,

xx. Whereas, CB2, Man. has strong concerns regarding the applicant's response to concerns regarding the retractable front façade doors (which results in a fully open front façade when doors are retracted) as the retractable doors were previously installed illegally in derogation of zoning laws specific to this block; the prior operator agreed to not open them at all times and did not open them at any time; the current applicant, upon learning this aspect of the prior limitations of use for this premises dismissed those concerns and stated that the doors were existing and that he planned to use them as they fit his business model and refused to abide by the existing laws and regulations even in spirit; he further stated that he did not have the resources to correct this and that it was not his responsibility even though it appears that a portion of the lease provided to CB2, Man. indicates that this would in fact be his responsibility; and,

xxi. Whereas, CB2, Man. urges the SLA to ensure that the arrangement between Mr. Guimaraes and the Topsy Girl Spirits and Wine Product line does not violate New York's tied house laws - Section 101 of the New York Alcohol Beverage Control Law Article 8, which provides, in part, that it "shall be unlawful for a manufacturer or wholesaler licensed under this chapter" to be "interested directly or indirectly in any premises where any alcoholic beverage is sold at retail."; and,

xxii. Whereas, CB2 afforded the applicant ample opportunity to address all issues and to propose any solutions to the concerns raised, but the applicant was steadfast and stated that in order to compete he could not accommodate local residents requests or come to agreements as requested; he stated at the same time that he didn't say he would not agree to stipulations, but he was not able to articulate what he might agree to; this seemed to go against the spirit of working with the community; and,

xxiii. Whereas, there are already many bars and restaurants and eating establishments which provide the same or similar services in the area, there being no coherent reason for adding yet another licensed establishment which would impact residential quality of life and noise, there being no permits proffered demonstrating permission to use or occupy the premises as proposed and there is no public interest established; and

xxiv. Whereas, CB2, Man. has great concerns regarding this application and applicant due to the many discrepancies and lack of candor on the part of the applicant as presented above; and,

xxv. Whereas, CB2, Man. believes this application should be denied in its entirety by the Liquor Authority;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to **9th Avenue NYC, LLC, d/b/a Topsy Girl, 45 W. 8th St. 10015 (OP)** on its application seeking a new on-premise liquor license; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the Liquor Authority, CB#2, Man, respectfully requests that this item be calendared to appear before the Full Board of the Authority and that CB2 be notified in advance of the meeting.

Vote: Unanimous, with 36 Board members in favor.

16. Spice 39, Inc., d/b/a Spice, 39, E. 13th St. 10003 (“Transfer” OP)

i. 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 on premise liquor license via a “transfer” application for a Thai restaurant; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license for a location in a commercial use building located on 13th St between University Place and Broadway for a roughly 1,800 sq. ft premise located on the ground floor and mezzanine (1,050 sq ft ground floor, 750 sq ft mezzanine, basement undetermined size – no patrons) with 22 tables and 50 table seats, 1 standup bar with 7 bar seats; there is an existing certificate of occupancy; and,

iii. Whereas, the hours of operation will be Sunday from 10AM to 12AM and Monday to Saturday from 11:30AM to 12AM, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, the Applicant executed a stipulations agreement with CB2 that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as Thai restaurant.
2. The hours of operation will be Sunday from 10AM to 12AM and Monday to Saturday from 11:30AM to 12AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions or projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. The Premises will not have French doors, operable windows or open facades and will close all doors and windows at 9 PM except for patron ingress and egress and anytime there is amplified music.
10. There is no sidewalk café.
11. This application only includes basement (no patron use), ground floor and mezzanine.
12. There will be no change in method of operation from the previous operator.

v. Whereas, the President of the University Place Residents Association was in attendance at the meeting and had no objections if there were to be no changes in the method of operation of the previous operator and if there was no change in the name of the restaurant; and,

vi. Whereas, there are currently approximately 14 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **Spice 39, Inc., d/b/a Spice, 39, E. 13th St. 10003** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

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

17. 10 Downing Restaurant, LLC, d/b/a Clover Grocery, 259 6th Ave. 10014 (New RW - layover)

Whereas, the applicant appeared before CB2, Man. on February 11th 2015 to present an application for a new beer & wine license for an upscale market, café and event space; and,

Whereas, the applicant realized after the presentation that incomplete information had been presented to CB2, Man. in error due to miscommunication from the applicant and certain information could be more clearly presented, which resulted in both incorrect stipulations being agreed to and CB2’s SLA Committee voting on the matter with incorrect information and incorrect stipulations; and,

Whereas, after consulting with CB2, Man. after the meeting had taken place, the applicant requested to come back and re-present their application to CB2’s SLA Licensing Committee at a regularly scheduled meeting so that the Committee could present a recommendation to CB2’s Full board with the accurate information; in essence, the Applicant has requested to layover this application until March/2016;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **10 Downing Restaurant, LLC, d/b/a Clover Grocery, 259 6th Ave. 10014** **until** the Applicant has re-presented their application in front of CB2’s SLA Licensing Committee with full and accurate information and CB2, Man. 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 36 Board members in favor.

18. 2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson St. 10014 (New OP – Layover)

Whereas, the applicant appeared before CB2’s SLA Licensing committee for a second time on February 12th, 2016 to present an application for a new on-premise liquor license to operate a restaurant in a ground floor storefront for a “premium quick casual restaurant focused on blending Filipino flavors with modern cooking; our concept is concentrating on chef Jordan Andino grandmother’s recipes and his American cooking influence; a soulful blend of Filipino and Mexican”, in addition to seated customers, food will be available to go and for delivery; and,

Whereas, when the applicant first appeared in January/2016, it was noted that the premises did not have a patron bathroom which would preclude the premises from being licensed; the applicant requested a layover to see if this could be resolved; the applicant returned in February/2016 with diagrams indicating a new proposed patron bathroom in a different location than the current employee only bathroom located behind the kitchen; and,

Whereas, the previous entity at this location operated as a Mexican restaurant with a full restaurant on-premises liquor license, however it appeared that the license was issued in error as the premises did not have a patron bathroom as required by NY State regulations, there was an employee kitchen located in the rear of the premises which would require patrons to go through the kitchen to access which is in violation of NYC health codes; and

Whereas, the applicant had indicated at CB2's SLA Licensing Committee that they were prepared to have the committee vote on the matter in February/2016 despite open questions, but because their attorney was not present, were unaware that in addition to their verbal representations, which were not detailed, that they could provide additional information regarding the steps that they have taken in regards to ventilation issues, noise mitigation and other issues, and also that they could further meet with their immediate neighbors and address additional concerns and objections; and,

Whereas, after consulting with CB2, Man. after the meeting had taken place, their attorney requested that their client be afforded the opportunity to come back and re-present their application to CB2's SLA Licensing Committee at a regularly scheduled meeting so that the Committee could present a recommendation to CB2's Full board with more complete information and a recommendation which would take into account all available information, in essence the Applicant has requested to layover this application until March/2016,

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **2nd City West Village, LLC, d/b/a 2nd City, 525 Hudson St. 10014** until the Applicant has re-presented their application in front of CB2's SLA Licensing Committee with full and accurate information 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 36 Board members in favor.

19. Fiftyone Merchants, LLC, d/b/a Via Carota, 51 Grove St. 10014 (OP-Alteration SN# 1275555) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 11th, 2015, the Applicant requested to **layover** this application for an alteration to an existing restaurant on premise liquor license (SN#1275555) to add additional space to the existing license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Fifty one Merchants, LLC, d/b/a Via Carota, 51 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 36 Board members in favor.

20. Major Dough Soho 463, LLC, d/b/a Sadelle's, 463 W. Broadway 10012 (OP Alteration SN# 1287177) (laid over)

Whereas, prior to this months CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 11th, 2015, the Applicant requested to **layover** this application for an alteration to an existing restaurant on premise liquor license (SN#1287177) and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed; and

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Major Dough Soho 463, LLC, d/b/a Sadelle's, 463 W. Broadway 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

21. CGM 13, LLC, d/b/a all'onda, 22 E. 13th St. 10003 (OP Alteration SN#1269193) (Extend hours of operation – laid over)

Whereas, prior to this months CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 11th, 2015, the Applicant requested to **layover** this application for an alteration to an existing restaurant on premise liquor license (SN#1269193) to extend the hours of operation and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **CGM 13, LLC, d/b/a all'onda, 22 E. 13th St. 10003** **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 36 Board members in favor.

22. 50 Commerce Street Restaurant, LLC, d/b/a TBD, 50 Commerce St. 10014 (OP) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 11th, 2015, the Applicant requested to layover this application for a new restaurant on premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **50 Commerce Street Restaurant, LLC, d/b/a TBD, 50 Commerce 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 36 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution requesting a speed hump on Washington St. bet. Gansevoort and Horatio Sts. and daylighting of the northeast and northwest sides of Washington St. at Horatio St.

Whereas, Washington St. bet. Gansevoort and Horatio Sts. is heavily trafficked by speeding vehicles at all times of the day and evening, a situation that is fraught with danger for the large and expanding number of pedestrians who regularly use this street; and

Whereas, this sizable and growing pedestrian population includes over 700 children crossing the street each day (according to census data), many new families with children in this increasingly residential area, patrons of the Village Nursery School, clientele of the many busy stores and restaurants there such as the Sugar Factory and the new Bubby's, as well as crowds frequenting the Whitney Museum (estimated to attract 1,000,000 *additional* visitors a year to the area), all highly vulnerable to the onslaught of speeding vehicles; and

Whereas, although there are Stop signs at the corner of Washington and Horatio Sts., visibility of the signs is routinely blocked by trucks, hindering the signage's effectiveness in slowing down vehicular traffic; and

Whereas, speed humps have been shown to be effective in slowing down traffic and promoting pedestrian safety where they've been placed in the Community Board 2, Manhattan (CB2) area, for example, on Leroy St. bet. Varick and Hudson Sts.; and

Whereas, daylighting (i.e. removing one parking space each) on the northeast and northwest sides of Washington St. at Horatio St. can provide the sorely needed line of sight for vehicles coming south on Washington; measures also are needed to prevent trucks and other vehicles from temporarily parking in the daylighted spaces and blocking the needed vision, and one preferred measure is placing planters in the daylighted spaces (that also can provide attractive enhancement); and

Whereas the new Meatpacking Business Improvement District (BID), whose boundaries extend to Horatio St. at Washington St., may be able to potentially serve as the maintenance partner to take care of such planters, as required by the NYC Department of Transportation (DOT);

Therefore be it resolved that CB2, Man. requests that a speed hump be installed on Washington St. bet. Gansevoort and Horatio Sts.; and

Be it further resolved that CB2, Man. asks that the northeast and northwest sides of Washington St. at Horatio St. be daylighted; and

Be it finally resolved that CB2, Man. asks that planters be placed in these daylighted street spaces and suggests that DOT work with the Meatpacking BID to see if the BID can act as the partner to maintain these planters.

Vote: Unanimous, with 36 Board Members in favor.

2. Resolution in support of changing parking regulations on the entire west side of Washington St between Morton and Leroy Sts. to Street Cleaning rules

Whereas, current parking regulations on the west side of Washington St. bet. Morton and Leroy Sts. are “No Standing Except Trucks, 8am-6pm Mon-Fri” for the north 2/3 of the block and “Street Cleaning rules” for the last 2-3 spaces of the block; and

Whereas, the current “No Standing except Trucks” regulations are a hold-over from when this area was more industrial than residential, and now are simply abused by truck drivers who park there for hours but have no deliveries in the area; and

Whereas, a petition was submitted with 41 names and addresses from the immediate neighborhood, requesting that the current obsolete parking regulations on the west side of Washington Street bet. Morton and Leroy Sts. be replaced with Street Cleaning rules, and one letter requesting this same change was received;

Therefore be it resolved that CB2, Man. supports changing the parking regulations on the entire west side of Washington St bet. Morton and Leroy Sts. to Street Cleaning rules.

Vote: Unanimous, with 36 Board Members in favor.

3. Resolution in response to request to legalize certain planters installed without DoT approval at several locations in SoHo.

Whereas representatives of ACE (Association of Community Employment), presented applications to the NYC Department of Transportation (DoT) to legalize planters installed without permits at six locations in SoHo:

- **138 Prince St**
- **109 Prince St**
- **100 Greene St**
- **99 Greene St**
- **97 Greene St**
- **93 Greene St; and**

Whereas inspections of the general area revealed similar planters installed in front of:

149-155 Wooster St (6), 123 Prince St (1), 112-116 Greene St (8), 102-106 Prince St (6), 93-97 Greene St, but while the planters were of the same general design, the ACE representatives claimed no knowledge of their installation; and

Whereas the inspection also revealed placement issues with several individual planters relative to NYC DoT Revocable Consent Rules, specifically the required 10' distance between either a standpipe (Siamese connection) or hydrant:

- **138 Prince St.:** two planters that were less than 10' from a Siamese connection
- **109 Prince St.:** one planter only 8' to a Siamese connection
- **100 Greene St.:** planter only 9' from hydrant
- **93 Greene St.:** planter just 4' from a Siamese connection; and

Whereas in addition, many of the planters were less than 18" from the curb and/or reduced the clear pedestrian path to less than the required 8'; and

Whereas the ACE representatives stated that someone at DoT (who they could not name) said that FDNY had cleared the placement of the planters near the Siamese connections, but they had no documentation to show this; and

Whereas a resident from 138 Prince St. stated that the planters there were installed to add greenery and to prevent street vendors from locating there, and the committee suspects most of the planters were installed at least in part for that anti-vending purpose; and

Whereas whether it makes sense, either from the perspective of safe pedestrian movement or access to fire connections in an emergency, to replace one sidewalk obstruction (vendors) with another immovable one (planters) is an open question; and

Whereas the SoHo community, in an effort to enhance their neighborhood with greenery, began to use planters many years ago (when the sidewalks were relatively congestion free), because SoHo's sidewalk vaults prevented trees from being planted there; and

Whereas SoHo's sidewalks at this time are heavily congested, making pedestrian passage difficult; and

Whereas one set of planters, at 97 Greene St, in front of the Tiffany store has been painted "Tiffany blue" to (illegally) promote the store, and a representative from the company who was in attendance committed to working with ACE to repaint the planters to match the others; and

Whereas the representatives from ACE committed to working with the businesses and DoT to ensure all the planters are moved and resized as needed to meet the Revocable Consent Rules; and

Whereas the planters are in the SoHo Cast Iron Historic District, and it was also pointed out to the applicants that the planters would require Landmarks Preservation Commission (LPC) approval, and the applicants committed to applying for it; and

Whereas the applicant must also ensure that, as required in the Revocable Consent Rules, an engineer has certified the safety of any planters installed on a sidewalk vault; and

Whereas given the longstanding issues with sidewalk and street vending throughout SoHo, the committee is particularly concerned that any allowances for the placement of planters that do not comply with regulations further confuse and complicate ongoing efforts to get effective enforcement of sidewalk vending regulations;

Therefore be it resolved that while CB2, Man. supports ACE's work in helping the homeless and providing training through employment, the Board can only support the use of planters that comply with all pertinent regulations, including both Revocable Consent Rules and having approval from the LPC; and

Be it further resolved that CB2, Man. finds it difficult to weigh the benefit (or wisdom) between replacing vendors, who are movable, with planters that are not, but can't support non-complying planters simply because they're used to drive vendors away; and

Be it further resolved that CB2, Man. supports SoHo's efforts to beautify the community with greenery, but encourages the placement of planters in a way so that they don't overtake the sidewalks, interfere with egress & access, or unnecessarily complicate efforts to keep the sidewalks manageable and passable; and

Be it further resolved that CB2, Man. strongly recommends that the Tiffany company repaint their planters in front of 97 Greene St. to match the others in the neighborhood and eliminate commercial branding and promotion, and that all businesses that have been using planters to paint their logos and as promotional tools also cease to do so; and

Be it further resolved that CB2, Man. advises the applicants to seek LPC approval for the planters as soon as possible as well as to ensure that an engineer has certified the safety of any planters installed above the sidewalk vaults; and

Be it finally resolved that CB2, Man. requests that in order to provide a clear way forward on enforcement of the rules affecting residents, businesses, pedestrians and vendors, ACE and DoT work together to ensure that both the planters in question with violations and all planters are placed to guarantee the required clear pedestrian path on sidewalks and comply with all Revocable Consent Rules.

Vote: Unanimous, with 36 Board Members in favor.

WORKING GROUP ON AFFORDABLE HOUSING DEVELOPMENT

A resolution responding to a presentation from the New York City Department of Housing Preservation and Development and requesting a unified effort to achieve affordable housing development in Community Board 2 while preserving Elizabeth Street Garden.

Whereas

1. The New York City Department of Housing Preservation and Development presented its preliminary work on an RFP for affordable housing to replace Elizabeth Street Garden.
2. Representatives of Friends of Elizabeth Street Garden provided an update on activities of the group in support of preserving and improving public access and programming at the Garden.
3. Representatives of State Senators Daniel Squadron and Brad Hoylman and Assembly Member Deborah Glick spoke in favor of preservation of the Garden.
4. Council Member Margaret Chin spoke in favor of the work of HPD toward development of affordable housing at the Garden site.

5. The meeting was attended by about 300 people who in a show of hands indicated strong support for preservation the Garden.
6. CB2 agrees that there is a great need for new affordable housing citywide and in our District in particular, and agrees with the goal of providing places for seniors to age in place.
7. Elizabeth Street Garden is a unique, irreplaceable, and very popular public open space in an area identified by the Parks Department as under-served by public open space.
8. CB2 has requested that the Garden be opened and operated as a permanent public park by the New York City Parks Department.
9. The Garden site has a long and continuous history as public open space: PS 106, designed by master school builder C.B.J Snyder, opened there in 1903 and included an outdoor public civic center and playground and an innovative rooftop for children's gardening. Affordable housing was built on part of the school site in 1980 under terms of a restrictive declaration that promised recreational use of the Garden. In 1991, upon recommendation from CB2, the City signed a month-to-month lease of the then-vacant lot for storage of architectural artifacts under terms requiring creation of an attractive viewing garden. In 2013, neighborhood residents and businesses joined with the lessee to open the Garden gates, mobilizing a volunteer effort to create publicly accessible garden and community center.
10. The HPD presentation confirmed the inefficiency of the Garden site because the Special Little Italy District has very restrictive height and bulk regulations. Even 70% lot coverage will require rear facade setbacks that will exacerbate high proportional floor area losses due to access and egress needs in the shallow buildings.
11. Although the project goals will include providing public open space, the area may be as small as 5,000 square feet, reducing the park to an unattractive shaded pocket park with none of the trees, planting beds, lawns, and through-block open spaces that make the Garden a cherished neighborhood amenity.
12. The RFP will include no criteria regarding the design or use of public open space and no requirement for responders to consult with CB2 or neighbors.
13. Only about 30 units, or perhaps none depending on the outcome of pending legal action, will be available through community preference, and these will be spread among all District residents, not just nearby residents. In any case, this preference will apply to the first rent-up only, so even if senior units are included, in the future any aging-in-place benefits of the project will be lost.
14. The project may not include facilities and programs for seniors that are an important part of successful senior housing.
15. It is unclear how the City will benefit from the high value of retail stores on the site or whether the retail will be scaled appropriately to preserve the special character of the neighborhood.
16. Prior to issuing the RFP, HPD will not present a draft for public review and comment.
17. The controversy over the destruction of the Garden may turn away the most qualified developers, further reducing opportunities for a high quality project responsive to community needs.
18. Acrimony over the taking of the Garden may harm the prospects of other important opportunities to build affordable housing in the District.

Therefore it is resolved that Community Board 2 Manhattan:

1. Expresses appreciation to HPD for recent consultations with CB2, Man. but notes that this site with a long open space history was taken by HPD for affordable housing development with no transparent process, based solely on a letter from the prior mayor, which was not even copied to Community Board 2.
2. Believes a far better result for affordable housing development in the District will be achieved through cooperation with the community than through a wasteful and destructive fight over the site of a cherished garden that is poorly suited for housing development;
3. Urges the New York City Department of Housing and Preservation Development to convene and co-lead with Community Board 2 a Task Force to consider all possible sites and to establish and achieve bold goals for development of new affordable housing in the District;
4. Requests that HPD suspend work on the RFP for Elizabeth Street Garden for four months or until the Task Force completes a road map for the best possible results in the District for the Mayor's Housing New York Plan;
5. Proposes that to achieve strong consensus and momentum for a road map that the Task Force include participation of all local elected officials representing CB 2 neighborhoods;
6. Suggests HPD prepare an initial study regarding the affordable housing opportunity at the site of Water Tunnel Shaft 28B and also review other Community Board 2 opportunities so that this information is available when the Task Force first meets.

Vote: Passed, with 35 Board Members and 1 in opposition (D. Ballen).

Respectfully submitted,

Keen Berger

Secretary
Community Board #2, Manhattan