

Tobi Bergman, *Chair*
Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Daniel Miller, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: November 17, 2016
TIME: 6:30 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, Chair; Anita Brandt, Ritu Chattree, Erik Coler, Terri Cude, Doris Diether, Cristy Dwyer, Robert Ely, Kathleen Faccini, Joseph Gallagher, Susan Gammie, Susan Kent, Jeannine Kiely, Edward Ma, Daniel Miller, Lauren Racusin, Lois Rakoff, Robert Riccobono, Robin Rothstein, Sandy Russo, Shirley Secunda, Kristin Shea, Antony Wong, Robert Woodworth

BOARD MEMBERS ABSENT WITH NOTIFICATION: Katy Bordonaro, Don Borelli, Richard Caccappolo, Tom Connor, Billy Freeland, Delaney Kempner, Alexander Meadows, Rocio Sanz, Federica Sigel, Shirley Smith, Elaine Young

BOARD MEMBERS ABSENT: Joshua Frost

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, Lisa Cannistraci, Coral Dawson, Cormac Flynn, Jonathan Geballe, Robin Goldberg, David Gruber, Chenault Spence, Susan Wittenberg

BOARD MEMBERS PRESENT/LEFT EARLY: Maud Maron, Sasha Greene

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

GUESTS: Robert Atterbury, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Eric Mayo, 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; Patrice Comerford, Council Member Corey Johnson's office; Jessica Askew, Council Member Rosie Mendez's office; Cora Fung, Council Member Margaret Chin's office; Maybeth Mackin, Jasmine Askew, Rafael Ponce, Arya Diware, Mark Dicus, Benjamin Savitsky, Mary Helen Kelt, Ray Cline, Ken Wallach, Jessica Colasacco, Mallori Albright, Joey Parrella, Chris Tepper, Jenny Hsiao, George Scheferdecker, Jie Xu, Pete Davis, Rhea Sohne, Ronnie Kirscheurberg, Ian Houser, Joseph Perry, Joe Hseih, Christopher Marte, Martin Sweeney, Akash Godbole, Jieun Hannah Kim, Yoonah Choi, Hunn Worroff, Sylvia Li, Pier Consagra, Brian Bane, Darlene Lutz, Piao Liu, Hui R. Liu, Luke Reul, Daryl

Mitchell, Nick Boyle, Zachary Martin, Siba Siddique, Aimee Sonkiss, Pem Kresser, Yue Sun, Maya Krtic, Linda Pedowitz, Carla Culos, Judith Callet, Sam Koopmann, Victoria Short, Michael Francoeur, Bruce Roberts, Nora Beyrent, Nichole Izzo, and six other names which were illegible.

MEETING SUMMARY

Meeting Date – November 17, 2016
Board Members Present – 35
Board Members Absent With Notification – 11
Board Members Absent - 1
Board Members Present/Arrived Late - 9
Board Members Present/Left Early – 2

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II. PUBLIC SESSION

Non-Agenda Items

SoHo Broadway BID

Mark Dicus reported that the Dept. of Transportation is putting out a Request for Proposals for art.

Bleecker Area Merchants and Residents Association

Nora Beyrent made an announcement regarding the annual Le Souk Thanksgiving dinner open to all residents.

Washington Square Park Conservancy

Kristin Shea updated everyone regarding the conservancy.

NYC AIDS Memorial

Bruce Roberts announced that the dedication ceremony will be held on December 1st.

Million Women March

Sandy Russo made an announcement regarding the Million Women March against Trump in Washington.

Poe Room Event

Nichole Izzo reminded everyone regarding the event to be held on Friday, December 2nd, at 6pm, 240 Sullivan St.

Various Announcements

Lois Rakoff made several announcements regarding the Community Advisory Board of Bellevue Hospital, The Poe Room event mentioned above, and the Washington Square Music Festival to be held on Saturday, November 19th, at the 7th Day Adventist Church, at 32 W. 11th St.

CB2

Pete Davies spoke regarding the district.

Landmarks & Public Aesthetics Items

340 W. 12th St.

Linda Pedowitz and Marybeth Mackin both spoke against the additional 2-story build-up in a landmark designated area by Industria Superstudio.

SLA Licensing Items

Jane Street Hotel, LLC, d/b/a The Jane Hotel, 113 Jane St. aka 505-507 West St.

Mary Helen Kelt spoke against the alteration application.

Jensen 27 Grand, LLC, d/b/a James Hotel Soho, 27 Grand St.

Darlene Lutz spoke against the transfer application for all of the entities in the hotel.

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

Patrice Comerford, Council Member Corey Johnson's office

Cora Fung, Council Member Margaret Chin's office

Jessica Askew, Council Member Rosie Mendez's office

V. ADOPTION OF MINUTES

Distribution of October minutes

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

FIRST LANDMARKS MEETING

1. **55 Gansevoort St.** – Application is to replace the granite sidewalk in-kind, alter the storefront, paint new windows, construct a rooftop addition, raise the parapets at the roof, install a new cornice, and install a glass wind screen at the roof.

Whereas:

- A. The architecture of the building is relatively decorative for the district, including the cornice to be installed, and the building is highly visible from an important crossing; and
- B. The penthouse structure is of a reasonable size and located at a far corner of the building to minimize visibility from public thoroughfares; and
- C. The raising the height of the roof **above** the cornice – for the purpose of accommodating a swimming pool –increases the visibility of the roof structure (82' above grade) and creates an odd and unacceptable visibility of the roof edge above the cornice; and
- D. There is a 7'- 2" high glass windscreen proposed around the perimeter of the roof supported by thick vertical metal supports, located flush with the masonry facade and is visible to an unacceptable degree; and
- E. The Committee received a number of letters from the community in opposition to the application:
now

Therefore be it resolved that CB2, Man. recommends denial of the application unless:

- A. The roof elevation is lowered and no higher than flush with the height of the cornice and ideally below the top of the cornice with the resulting decreased visibility of the penthouse; and
- B. The windscreen is lowered to the height of a usual rooftop railing (42") and the vertical metal supports are eliminated.

Vote: Unanimous, with 35 Board members in favor.

2. **107 Mercer St.** – Application is to install signage.

Whereas:

- A. The building is 25’ wide and 5 stories high; and
- B. The proposed flag sign is 4’ wide X 3’ high in white material with black lettering and its bottom edge hangs 9’ above the street and it replaces a 2’ X 3’ blade sign; and
- C. No detailed drawings were shown of the 5’ - 8” pole and its method of being attached to the façade to ensure that historic material is not compromised; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application provided that LPC reviews and approves of the method of attaching the flagpole to the building and that it does not obstruct the fire escape.

Vote: Unanimous, with 35 Board members in favor.

3. **29 W. 8th St.** – Application is to install new windows at the front Façade.

(Laid over)

4. **594 Broadway** – Application is to replace the windows in the second floor front facade.

Whereas:

- A. The windows on the upper floors have been replaced with approved windows of similar appearance to the proposed second floor replacements; and
- B. The applicant represented that the change the type of operation from pivot to casement is in order to preserve the existing profile:
- C. The appearance of the windows from street level is unchanged; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application.

Vote: Unanimous, with 35 Board members in favor.

5. **33 Howard St.**- Application is to install an ADA compliant lift located within the existing sidewalk loading dock at the front entrance.

Whereas:

- A. The lift fits into the existing loading dock footprint at the east end of the dock; and
- B. The applicant represented that the lift would be painted black in order to visually blend in with the dock when it is at ground level storage level; and

- C. It opens directly into an existing secondary entrance; and
- D. It is evident that the configuration of the building precludes construction of an ADA compliant ramp; now

Now therefore be it resolved:

That CB2, Man. recommends approval of this application.

Vote: Unanimous, with 35 Board members in favor.

- 6. 568 Broadway - Application is to legalize storefront alterations installed without LPC permit(s).**

Whereas:

- A. The previous, LPC approved, existing condition was not properly maintained by the applicant and was not replaced in kind; and
- B. The existing opaque sign replacement presents a larger viewable area than the previous, approved sign and obstructs the architecturally significant transom windows; now

Be it resolved that:

CB2, Man. recommends denial of this application.

Vote: Unanimous, with 35 Board members in favor.

- 7. 470 Hudson St. – Application is to legalize signage and storefront alterations installed without LPC permits, and relocation of refrigeration unit.**

Whereas:

- A. The existing canvas signs evoking the edges of awnings are to be relocated from in front of the transom windows to flat mounted on the masonry above; and
- B. The transom windows are in clear glass; and
- C. The vitrines, though not usual for the district, appear as standard display windows suitable to the building; and
- D. The proposed installations in the vitrines give no view into the store and look similar to temporary window coverings to block views of construction within; and
- E. The applicant provided no examples of the actual proposed installations in the vitrines and described them vaguely as “works of art”; and
- F. The air -conditioner is to be installed in an unobtrusive location in the alley beside the building; now

Therefore be it resolved that CB2, Man. recommends:

- A. Approval of the signs, transom windows, and air-conditioner condenser placement; and
- B. Denial of the proposal for the installations in the vitrines unless a master plan is formulated for the installations that provides for at least partial views into the store and it is submitted to CB2, Man. for review and recommendation to LPC.

Vote: Unanimous, with 35 Board members in favor.

2ND LANDMARKS MEETING

8. 69 Gansevoort St. - Application is to install storefront infill.

Whereas:

- A. The front facade and infill has been rebuild to resemble the prior condition with salvaged brick and reproductions of aluminum panels with new doors, a lower configuration of the window, and a new entrance door without transom; and
- B. The iconic sign has been refurbished and replaced in its original position; and
- C. A blade sign in a size conforming to regulations is proposed to be installed at the eastern edge of the facade with its bottom edge 8', rather than the usual 10', above the sidewalk in order to be able to be secured in a manner that will not harm historic fabric; now

Therefore be it resolved:

That CB2, Man. recommends approval of this application

Vote: Unanimous, with 35 Board members in favor.

9. 38 Bethune St. – Application is to replace the existing garage door and entrance door, close an existing 1st floor window, reconfigure the front window openings at the 2nd and 3rd floors, add rooftop elevator and stair bulkhead, and replace existing stair bulkhead.

Whereas:

- A. The style of window infill proposed is in keeping with the style of the building and replaces non-historic windows; and
- B. The openings of the windows on the two upper floors are to be enlarged in a fashion that alters the sense of separated punched windows, destroys historic fabric, and violates the strong vertical thrust of the masonry that defines the historic design; and
- C. A small window above the entrance is to be blinded to match the windows on the same level which brings a welcome unity to the row; and
- D. Lot line windows are proposed in the west wall that are higher than the existing windows on the facade; and
- E. The proposed garage door is suitable to the style of the building; and
- F. The bulkhead is to be slightly enlarged and reoriented to be minimally visible; and

G. There are to be minimal adjustments to the window placement in the rear facade; now

Therefore be it resolved:

- A. That CB2, Man. recommends approval of the replacement of the window infill, blinding of the window on the front facade, the garage door, the bulkhead, and the rear facade windows; and
- B. Denial of the alteration of window openings on the front facade, and
- C. Denial of the lot line windows unless they are the same height as the front facade windows on the corresponding floors.

Vote: Unanimous, with 35 Board members in favor.

10. 54 Bond St. - Application to install a blade sign mounted on a vertical pole and to install a plaque sign on the areaway fence.

Whereas:

- A. A sign for the business exists in the dimi-lune transom window over the entrance; and
- B. A blade sign in conforming size is to be mounted to a pole in the areaway beside the entrance; and
- C. A wooden sign, out of keeping with the building, is to be attached with to the areaway fence is proposed; now

Therefore be it resolved:

- A. That CB2, Man. recommends approval of the pole mounted blade sign; and
- B. Denial of the wooden sign on the fence.

Vote: Unanimous, with 35 Board members in favor.

11. 50 King St. – Application is to remove concrete sidewalk paving and a brick areaway cheekwall and install a ramp with railings.

Whereas:

- A. The ramp extends into the sidewalk 44 inches from property line; sunken to slope down to entrance 18” below grade; and
- B. The edge of the ramp will extend no further into the sidewalk than the stoops and areaways on either side of the building; now

Therefore be it resolved:

That CB2, Man. recommends approval of the application.

Vote: Unanimous, with 35 Board members in favor.

12. **771-775 Washington St.** - Application is to alter storefront, install new steel and glass windows, parapet restoration and extension, and construct a set back two-story rooftop addition.
- A. The building lies within the Greenwich Village Historic district at the frontier of the historically residential and industrial ares and has been greatly altered, particularly the ground floor openings and the parapet.
 - B. The existing windows are in bad repair and the design has poor thermal qualities and the proposed replacements are in keeping with the industrial nature of the building.
 - C. The window and door openings, are to be regularized with new infill, recesses and detailing which recall, without reproducing, the original design; and
 - D. Three large openings from the era as a drive-in filling station have garage type door infill opening to form canopies for sidewalk dining and are awkwardly flush with the facade; and
 - E. Two trees are proposed near the edges of the building adjoining adjacent properties; and
 - F. The parapet is to be reconstructed generally to the historic profile, approximately three courses of brick higher; and
 - G. A two story addition, 22' 8" high, with a green roof occupying very substantial portion of the roof is in steel and glass and rises to 48' 8" above the sidewalk; and
 - H. A metal rectilinear trellis which is intended to support greenery, covers the façade of the rooftop addition and is slightly inset from the parapet, presents a flat, vertical "wall" above the articulated parapet and substantially alters the appearance of the historic structure; and
 - I. While rooftop additions to buildings of this style are not objectionable in principal, this design is inappropriate for this historic building and it unduly asserts itself and destroys the integrity of the building;
 - J. There are examples approved less obtrusive rooftop additions to similar buildings in the neighborhood; and
 - K. There is considerable community opposition to the rooftop addition and trellis and there were two letters of support for the application from tenants of the building; now

Therefore be it resolved that CB2, Man. recommends:

- A. Approval of the design for the historic portion of the building provided that the garage doors are recessed to be line with the entry doors and additional trees are planted along both facades; and
- B. Denial of the rooftop addition and trellis as inappropriate for this historic building and unduly assertive.

Vote: Unanimous, with 35 Board members in favor.

13. 231 W. 11th St. – Application is to raise the height of the existing exterior fence at the front yard.

Whereas:

- A. The existing, historic fence, represented as in bad repair by the applicant, can clearly be restored; and
- B. The proposal is for a 5’8” fence of non-historic neutral design with an entry gate which is totally out of keeping with the house; and
- C. Though similar fences exist in the district, there was no testimony that they were approved by LPC; now

Be it resolved that CB2, Man. recommends denial of this application.

Vote: Unanimous, with 35 Board members in favor.

14. 144 W. 14th St. - application is to replace an existing non-historic storefront and provide new signage, re-establish previously existing interior light well windows, and skylight at the buildings rear façade.

- A. Whereas the infill of the ground and first floors has been altered over time; and
- B. The upper floors appear to be of original design and provide an example for restoration of the lower floors; and
- C. The proposed simple wood framed windows of a modern design with an absence of historic transoms, incorporating non-historic divided show windows and dark wooden window frames are at disturbingly at odds with condition seen in the upper floors;
- D. There is a bold sign over the entrance which is unrelated to any historic precedent and obscures important detail of this remarkably intact building; now

Therefore be it resolved that CB2, Man. recommends:

- A. Denial of the infill alterations unless transoms, single pane show windows and the window frames are painted to match the existing frames on the upper floors; and
- A. Denial of the sign over the entryway.

Vote: Unanimous, with 35 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. 34 Howard St. C 170102 ZSM (between Broadway and Crosby St.): An application for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing five-story building.

Whereas:

1. The site is located within an M1-5B zoning district and the SoHo Historic District.
2. Of the 15 lots within the site block, 11 of the lots have ground floor retail use and only four have Certificates of Occupancy (per the applicant).
3. The total lot is approximately 3010 square feet and the proposed ground floor retail space has a separate entrance from the street that will be modified to include a new entry door and wheelchair ramp, so the retail will be ADA accessible.
4. The applicant agrees to no eating and drinking establishments (see attached letter).
5. The cellar will be for storage and accessory uses.
6. The application does not affect the JLWQA units above.
7. The applicant's marketing program exceeded what was required to be considered a good faith effort to rent the space to a conforming use, although CB2 questions how up-to-date and relevant the suggested list of organizations is and how competitive the \$80 per sf price is.
8. No one from the public attended the meeting in opposition to this application.

Therefore, CB2, Man. recommends conditional approval of this application only with the stipulation that there be no future use of the property for eating and drinking establishments.

Vote: Unanimous, with 35 Board members in favor.

2. 495 Broadway aka 66-68 Mercer Street (between Spring and Broome Streets) BSA Cal. No. 336-05- BZ application is to extend the term of a previously granted PCE for another 10 years.

Whereas

1. This is an application to extend the term of a previously-granted special permit for the operation of a physical culture establishment within an existing eight-story commercial building for another 10 years.
2. The current term of the special permit expired on September 12, 2016.
3. The PCE will be ADA accessible and neither the ownership nor the hours of operation have changed.
4. According to the Department of Buildings website, there are no open violations.
5. No one from the public appeared to speak against this application.

Therefore, be it resolved, that CB2, Man. has no objection to this application.

Vote: Unanimous, with 35 Board members in favor.

QUALITY OF LIFE

1. New Application for revocable consent to operate an unenclosed sidewalk café for:

841 Broadway Bakery, LLC, d/b/a Maison Keyser, 841 Broadway, with 10 tables and 20 chairs (17827-2016-ASWC)

Whereas, no members of the public appeared to speak about the application; and

Whereas, the layout of the café needs to clear the bus stop bench nearby; and

Whereas, bench clearance should exceed the minimum requirement, if at all possible; and

Whereas, the applicant will have to submit a revised layout; and

Whereas, the revised layout could not be determined in detail at the meeting, but the clearance requirement was made clear to the applicant and the applicant agreed to meet the clearance requirement; now

Therefore Be It Resolved that CB2, Man. recommends approval of revocable consent for an unenclosed sidewalk café for **841 Broadway Bakery, LLC, d/b/a Maison Keyser, 841 Broadway, with 10 tables and 20 chairs.**

VOTE: Unanimous, with 35 Board Members in favor.

2. Assignment application for revocable consent to operate an unenclosed sidewalk café for:

Union Sq. 4th F & B Management, LLC, d/b/a N/A, 132 4th Ave., with 14 tables and 32 chairs (15182-2016-ASWC)

Whereas, no members of the public appeared to speak about the application; and

Whereas, the assignment had been recommended for approval by CB2, Man. in August, but for a reduced quantity of tables and chairs that had been ordered by DCA for the prior operator; and

Whereas, the applicant had been told that he would need to submit a new application to request the desired numbers of tables and chairs, which is the subject of the current application; and

Whereas, the committee expressed concern about the adequacy of the service aisle to accommodate the four 3-top tables, two at each end of the café; and

Whereas, the applicant noted that the aisle reaches those tables, the tables are small, and the applicant has experimented with the layout and is confident that the 3-top configuration will not pose a problem; and

Whereas, the applicant agreed that, if operational experience shows that proper service to those tables is compromised by the 3-top configuration, then the 3rd chair will be removed from each table; and

Whereas, the café is part of a restaurant in a hotel with hours of operation later than those allowed for sidewalk cafés and there are stipulations related to the SLA licensing of the premises; now

Therefore Be It Resolved that CB2, Man. recommends approval of the application for assignment of revocable consent for the sidewalk café for **Union Sq. 4th F & B Management, LLC, d/b/a N/A, 132 4th Ave.**, with 14 tables and 32 chairs, provided that the café is closed and removed from the sidewalk in accordance with SLA closing hour stipulations.

VOTE: Unanimous, with 35 Board Members in favor.

Hudson Café Inc., d/b/a Hudson Café, 628 Hudson St., with 4 tables and 8 chairs (21766-2016-ASWC)

Whereas, the applicant did not appear; now

Therefore Be It Resolved that CB2, Man. recommends denial of the application.

VOTE: Unanimous, with 35 Board Members in favor.

FYI/Renewal Street Activities:

1. **5/6/17 – Grace Church School 61st Annual May Fair**; East 10th St. between Broadway and 4th Ave.
2. **5/21/17 – Urban Bear Street Festival**, Little West 12th Street. Between Washington St. and 10th Ave.

Whereas, no members of the public appeared to speak about either application and the committee is unaware of any objections to the applications; now

Therefore Be It Resolved that CB2, Man. recommends approval of the applications.

Vote: Unanimous, with 35 Board members in favor.

SCHOOLS AND EDUCATION

Resolution Requesting Monthly Construction Updates from the NYC School Construction Authority until the 75 Morton Building Opens in September 2018

Whereas, CB2, Man. has nurtured and shepherded a new public middle school at 75 Morton Street for ten years, passed 16 resolutions and hosted three rallies and numerous forums and public meetings; and

Whereas, the 75 Morton Task Force, a joint task force of CB2, Man. and CECD2, advocated opening the 75 Morton school at an incubation site for the 2015-2016 school year and opening the 75 Morton building in September 2016, but was told by the Department of Education that neither was possible; and

Whereas, we reluctantly accepted the Department of Education's promised opening date of September 2017, having been told many times that the School Construction Authority always opens schools on time; and

Whereas, on October 25, 2016, the Department of Education informed us that this multi-year construction project would not be completed by September 2017 as promised, but instead proposed an interim solution, the incubation of MS 297 at the new and nearby Clinton School for the 2017-2018 school year; and,

Whereas, on November 3, 2016, members of CB2, Man. and Community Education Council District 2 toured the construction site and met with School Construction Authority representatives and their contractors.

Therefore be it resolved that CB2, Man. requests that the School Construction Authority provide monthly updates to CB2 and other interested parties on **(1)** the recent progress of construction, **(2)** what is expected in the next month and **(3)** the updated completion date, in order to assure parents and the community that the 75 Morton building will open in September 2018.

Vote: Unanimous, with 35 Board Members in favor.

SLA LICENSING

1. OCA Positive Food, LLC, d/b/a N/A, 250 Mott St. South Store 10012 (Tavern Wine—Previously Unlicensed location)

A. Whereas, the applicant and applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a Tavern Wine license to operate a fast casual, health conscious eatery specializing in Tapioca with take-out services; and

B. Whereas, the premises was previously operated as a hat store, the premises has never previously been licensed for the service of alcohol, there being no certificate of occupancy or letter of no objection presented with the application to operate and use the premises or eating and drinking and **there being no bathroom accessible to patrons** within the storefront premises; and,

C. Whereas, the storefront premises is located in a 4-story mixed use building (circa 1897) on Mott St. between E. Houston and Prince Streets for a 350 sq. ft. ground floor premises with 3 tables and 9 patron seats, there is no sidewalk café and there are no other outdoor areas for patrons; and,

D. Whereas, the hours of operation are Sunday through Saturday from 9 am to 8 pm, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **OCA Positive Food, LLC, d/b/a N/A, 250 Mott St. South Store 10012** on its application seeking a new beer and wine 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.

Vote: Unanimous, with 35 Board members in favor.

2. ALSW Mott, LLC, d/b/a The Sosta, 52 Kenmare St. 10012 (Tavern Wine—Previously Unlicensed locations being combined)

A. Whereas, the applicant and the applicant’s attorney appeared before CB2’s SLA committee for the purpose of seeking a Restaurant Wine license to combine a number of separate storefronts into one large corner storefront premises located in a six-story mixed-use building (Circa 1900) on the corner of Kenmare and Mott Streets; and

B. Whereas, the combination of storefront premises will create one larger corner 3,200 SF storefront premises (1,800 SF first floor and 1,400 SF basement) with facades facing both Kenmare and Mott Streets, the existing multiple storefronts being combined having previously occupied and operated in the past as a hardware store, spa and clothing store, none having previously been used or occupied for eating or drinking nor previously licensed for the service of alcohol; and

C. Whereas, the applicant seeks to open a “family restaurant focusing on Italian food and wines” with hours of operation from 8:30 AM to 12 AM Sunday through Saturday, with 16 interior tables and 40 interior seats, a window counter with 4 interior seats, a food counter but no stand up bar for a total interior patron seating capacity of 44, there will be a complete gut renovation of the premises, the installation of a new full service kitchen and the installation of new mechanical systems where none had existed previously; and

D. Whereas, in addition to the gut renovation of the existing storefronts to combine into one, the applicant further seeks to install new front facades to the premises with operable double hung windows on both Mott and Kenmare Streets, in addition to French doors and a sidewalk cafe proposed with built in exterior benches, 5 tables and 20 exterior patron seats on Kenmare Street; and

E. Whereas, the applicant previously appeared before CB2, Man. in October/2016 and agreed to adjourn and lay over this application for 30 days due to significant concerns raised by neighbors and CB2, Man. about the transformation of multiple storefronts, the loss of local, traditional businesses which directly support the residents living in a residential neighborhood and the considerable impact of a new restaurant on a corner with open facades and a sidewalk café where none previously existed and where there already exists numerous restaurants, eating and drinking establishments in the surrounding residential buildings, including 50 existing on premise liquor licenses within 750 feet of the premises and six additional pending licenses within this same area; and

F. Whereas, the applicant met with some residents of the neighborhood to discuss their operations and their plans but many resident’s again appeared in opposition to this application, including representatives of the Chinatown Head Start Program, with licensed Preschool with Afterschool Programs adjacent to and next door at 180 Mott Street to the subject premises to be licensed, as well as residents living above the storefronts who spoke of families with children living in the residential building directly above the premises proposed to be licensed; and

G. Whereas, in light of such concerns the applicant agreed to certain remedial measures by agreeing never to seek an on premise license at the premises, closing the sidewalk café by 10 pm and closing all windows and doors by 9 pm every night, it also being explained to the residents in opposition that the application was for a restaurant wine license which was not subject to the 500 foot rule; and

H. Whereas, this particular applicant has recently opened another fast casual restaurant (By Chloe) within CB2, Man. on Bleecker Street in the last year with a similar method of operation, a location which has become trendy and popular where long patron lines obstruct pedestrian movement on the public sidewalks and extend outside the front door and onto the public sidewalk, and further, has plans to open a second fast casual restaurant within CB2, Man. on Lafayette Street in a storefront that was never previously licensed and never occupied for eating and drinking, again with a similar method of operation; and

I. Whereas, despite such concerns the applicant stated that the establishment would be able to control those exterior lines by allowing patrons into and within the premises to minimize disruption on the sidewalk should that occur at this new location; and

J. 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 restaurant wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service family style Italian restaurant with a full service kitchen.
2. The hours of operation from 8:30 AM to 12 AM Sunday through Saturday.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. The operator will never seek to upgrade the license to a full on premise license in the future.
5. All doors and windows will close by 9 PM every night.
6. The sidewalk café will be on Kenmare Street only and will close every evening by 10 PM.
7. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
8. There will be no televisions.
9. There will be no pitchers of beer or all you can eat/drink specials.
10. The premises will not permit dancing.
11. All venting for the premises will be above the rooftop of the building.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the alteration application to **ALSW Mott, LLC, d/b/a The Sosta, 52 Kenmare St. 10012 E2 Lafayette, LLC, d/b/a By Chloe, 240 Lafayette St. 10012** 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 the Restaurant Wine License.

Vote: Unanimous, with 35 Board members in favor.

3. Entity to be formed by Brandon Coburn, d/b/a Parasal Projects, 208 Bowery 10012 (Tavern Wine—Previously Unlicensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a Tavern Wine license to continue to operate an art gallery/event space available for artists, designers and creators for short term exhibits, now seeking to add a bar in a rear room within a 970 SF ground floor space in a three-story mixed use building located on Bowery within the Little Italy Special District between Spring and Prince Streets; and

B. Whereas, the premises was previously operated as a restaurant supply store, the operator only being in the space for a few months and the premises has never previously been licensed for the service of alcohol, there being no certificate of occupancy or letter of no objection presented, there is an existing gallery in the front and the applicant will be to build a stand up bar in the rear portion of the premises with 6 seats and 3 tables with 9 additional seats, the gallery being open to the public at all times, there is no sidewalk café and no other outdoor areas for patrons; and,

C. Whereas, the hours of operation will be from 5 PM to 10 PM Wednesday through Saturday, Sundays from 12 pm to 6 pm while being closed on Mondays and Tuesdays to set up new Exhibits, there will be one TV in the rear, 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 all times except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

D. 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 TW license and the stipulations are as follows:

1. The premises will be advertised and operated as an Art Gallery for Artists and Designers for short term Exhibits.
2. The hours of operation will be from 5 PM to 10 PM Wednesday through Saturday, Sundays from 12 pm to 6 pm while being closed on Mondays and Tuesdays. 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 have only one television.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded 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 will keep all doors closed at all times except for patron ingress and egress.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Tavern Wine application to **Entity to be formed by Brandon Coburn, d/b/a Parasal Projects, 208 Bowery 10012** **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 the Tavern Wine License.

Vote: Unanimous, with 35 Board members in favor.

4. Tomino, LLC, d/b/a Tomino Taberna Gallega, 192 Grand St. 10013 (New OP)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new on premise liquor license to operate a full service Restaurant serving Galician inspired Spanish cuisine in a mixed use 4-story building (Circa 1901) on Grand St. between Mott and Mulberry Streets; and

B. Whereas, the premises was previously operated for decades as Florio’s Restaurant, an Italian restaurant, the front façade having already been renovated with new accordion style folding doors that open the restaurant out to the public sidewalk, the applicant being three brothers who plan to renovate the 3,500 SF interior premises (2,400 SF ground floor and 1,100 SF basement, the basement not being for patron service) where on the ground floor there will be two bathrooms, 1 large bar with 19 stools, 17 tables with 46 seats for a total interior patron seating capacity of 65; and,

C. Whereas, there are plans which include a sidewalk café, there are no other outdoor areas for patrons (including rooftop uses), the sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays, all doors and windows will close by 9 PM every evening; and,

D. Whereas, the hours of operation will be Sunday through Saturday from 11 AM to 1 AM Sunday through Thursday and 11 AM to 2 AM Fridays and Saturdays (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no TVs, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

E. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service restaurant specializing in Galician inspired Spanish cuisine.
2. The hours of operation will be from 11 AM to 1 AM Sunday through Thursday and from 11 AM to 2 AM Fridays and Saturdays. 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 any televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes other than a sidewalk cafe.
7. The sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays.
8. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. All doors and windows will be close by 9 PM every night.
11. There will be no all you can eat/all you drink special or boozy brunches.

F. Whereas, there are currently approximately 28 On Premise Liquor Licenses within 500 ft. of the premises and 13 additional beer and wine licenses within 500 feet of the premises;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Tomino, LLC, d/b/a Tomino Taberna Gallega** **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 On Premise License.

Vote: Unanimous, with 35 Board members in favor.

5. Café Belle NYC, LLC, d/b/a N/A, 280 Mulberry St. 10012 (Tavern OP – previously unlicensed location)

A. Whereas, the applicant appeared before CB2's SLA committee for the purpose of seeking a new Tavern OP license to operate a small café focusing on pastries and finger foods within a storefront previously occupied for many years as a nail and/or hair salon within a seven-story residential building on Mulberry Street between Jersey and East Houston Streets in the Nolita section of Manhattan; and

B. Whereas, the interior storefront premises are approximately 400 SF, previously occupied and operated for years as a nail salon and prior to that, as a hair salon, the plans are to gut-renovate the storefront premises having never previously been used or occupied for eating or drinking, nor previously licensed for the service of alcohol, there currently being a Certificate of Occupancy providing for two stores and three Class “A” apartments on the ground floor with a maximum occupancy permitted of 30 persons; and

C. Whereas, the proposed café will not have a full service kitchen and plans to serve coffee and muffins/pastries, panini pressed sandwiches, cookies and cakes during the day and evening hours accompanied by wine and aperitifs, the interior premises having 8 tables and 16 patron seats, one counter with no seats for a total patron seating occupancy of 16, with one bathroom, no TVs and fixed windows; and

D. Whereas, the proposed hours of operation are 7 AM to 10 PM Sunday through Wednesday and 7 AM to 12 AM Thursday through Saturday; and

E. Whereas, when questioned about the applicant’s need and requirement for a full on-premise license in contrast to a Tavern Wine license, the applicant responded that the only reason she needed an on-premise license was to serve aperitifs, which were described as Italian specialty cocktails; and

F. Whereas, the premises proposed to be licensed is midblock on this primarily residential block, the surrounding area already greatly saturated with liquor licenses, there being many taverns, bars, cafes, restaurants and other late night establishments already existing in this area, with 30 existing on premise licenses within 750 ft. of the subject premises, with one additional on premise license pending with the NYS Liquor Authority, as well as 6 additional beer and wine licenses in the immediate area, this particular café not being unique or serving a public interest for the surrounding area already saturated with liquor licenses and eating and drinking establishments in contrast to an ever increasing, on-going need for other supplemental business services in the area designed to service the local community; and

G. Whereas, the applicant presented a petition in support of the instant application but no one appeared in support or against the application; and

H. Whereas, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, the storefront premises having never previously been licensed for the service of alcohol, the existing business as a café not being unique to the area, the current application for an on-premise license being inconsistent with the proposed method of operation of a small café with a limited menu serving pastries, there being many alternatives and creative methods to design aperitif drinks without hard alcohol or distilled spirits, the proposed method of operation be more consistent with a Tavern Wine license, there being no full service kitchen in a small space that will not be financially sustainable into the future ultimately morphing into a bar or other late night drinking establishment in an area already significant saturated with such licenses, there being additional concerns of a recent reduction in the number of small businesses and shops designed to service the local residents being lost in the area while storefronts are converted to eating and drinking with liquor license while there still other existing alternative storefronts previously used for eating and drinking that are nearby and available but vacant for such occupancy and use;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **Café Belle NYC, LLC, d/b/a N/A, 280 Mulberry St. 10012** on its application seeking a new 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;

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the premises and rear yard extension thereat has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 35 Board members in favor.

6. Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard St. 10013 (Restaurant OP– previously unlicensed location)

A. Whereas, the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new on premise liquor license to operate a full service Restaurant serving breakfast, lunch, and Dinner in a mixed use 2 story building (Circa 1924) on the corner of Howard and Centre Streets; and

B. Whereas, the premises was previously operated for years as Lunch box Buffet 5 Combinations serving Chinese food with communal seating but which closed by 11 PM every night and which was never previously licensed for the service of alcohol; and,

C. Whereas, the applicant's family also owns the building, the applicant states he resides nearby at 183 Centre and performed a gut renovation of the interior premises with some minor changes to the exterior façade of the building, albeit the exterior façade will continue to have fixed windows which do not open, there is also no sidewalk café or licensed outdoor area at this time; and

D. Whereas, the 3,000 SF interior premises has three patron bathrooms, 1 large (intended to be) dining counter with 21 seats, 15 tables with 47 seats for a total interior patron seating capacity of 68; and,

E. Whereas, the hours of operation will be Sunday through Saturday from 7 AM to 12 AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be 1 TV, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

F. Whereas, CB2, Man. received opposition to this application, being opposed to the applicant's initial application proposing late night operations until 2 AM and based on a history of unsanitary conditions, photographs being presented demonstrating trash and unsanitary conditions being spilled onto the sidewalk and street in the past and very recently; and

G. Whereas, the applicant stated he would address these concerns as to the unsanitary conditions, indicating that the problem in question was related to a hauler of his trash which he has already corrected, and further agreed to reduce his hours of operation to 12 AM every night to be consistent with his stated method of operation as a diner and local family style restaurant seeking to serve the local neighborhood; and

H. Whereas, in light of the applicant's agreement to operate only to 12 AM consistently with a restaurant seeking to serve the local neighborhood while also not establishing a significant impact on the existing neighborhood by closing at a reasonable time with regular restaurant hours, as well as their agreement to maintain a fixed front façade containing noise within the restaurant and the fact that the

operator is respected receiving support from the local business community, CB2, Man. feels that a public interest is being served by adding another OP license to this area despite there being 34 existing on premise licenses within a 500 foot radius of the premises and there being an additional 4 pending on premise licenses within that same radius of the premises; and

I. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service restaurant serving breakfast, lunch and dinner.
2. The hours of operation will be from 7 AM to 12 AM Sunday through Saturday. 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 have 1 television.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at any time.
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. There will not be any French doors or windows installed to the front façade and all existing doors and windows will close by 9 PM every night except for patron egress.
10. There will be no all you can eat/all you drink special or boozy brunches.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard St. 10013** 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 On Premise License.

Vote: Passed, with 31 Board members in favor, 3 in opposition (E. Coler, S. Russo, A. Wong), and 1 abstention (S. Secunda).

7. Pomodoro Ristorante & Pizzeria Inc., d/b/a Pomodoro Pizzeria, 51 Spring St. a/k/a 213 Mulberry Street 10012 (Upgrade to Restaurant OP)

A. Whereas, the applicant's manager and attorney appeared before CB2's SLA committee for the purpose of seeking to upgrade its existing beer wine license to an OP license for the purpose of continuing to operate a pizzeria within a corner storefront premises in a five-story mixed use building at Spring and Mulberry Streets; and

B. Whereas, the existing pizzeria sells pizza by the slice with a limited menu in a 1,000 SF storefront premises with 17 tables and 34 patron seats, one food counter with three additional seats for a total patron seating occupancy of 35, two bathrooms and a sidewalk café with 4 exterior tables and 16 exterior seats; and

C. **Whereas**, the owner and licensee (Murray Leuront) of the pizzeria is 86 years old, he did not appear before CB2, Man. for the instant application and the Manager conceded that the owner and licensee is no longer a resident of New York City, that he stays with relatives when he does visit and currently resides in Delray Beach, Florida; and

D. **Whereas**, the pizzeria business has also been advertised for sale over the last year raising substantial concerns about the credibility of the instant application; and

E. **Whereas**, there have been violations imposed on the business for the failure to maintain a code compliant exhaust system for discharge within 10 feet of a building opening, the Manager acknowledging problems with the exhaust systems but placing responsibility on the building owner, there being no evidence of correction for the problem and instead a fine was paid; and

F. **Whereas**, the applicant seeks to operate with hours of operation 11:30 AM to 11 PM Sunday through Wednesday, from 11:30 AM to 1 AM on Thursdays and from 11:30 AM to 4 AM Fridays and Saturdays; and

G. **Whereas**, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, this location never previously holding an on premise license before, the existing business not being unique to the area, significant concerns have been raised about this application because the applicant resides in Florida and failed to appear before CB2, Man for this application, the business having been listed for sale, questioning the motives of the applicant and credibility of the instant application seeking an on premise license for a pizzeria that sells pizza by the slice, the existing method of operation as a pizzeria being completely inconsistent with sale of hard liquors and distilled spirits, especially until 4 AM on the weekends, as presented, the existing business not being unique to the area, the applicant thus failing to demonstrate a recognizable public interest in an area that is already overly-saturated with liquor licenses, there being 53 licensed establishments within a 750 feet of the premises, with an additional 5 pending on premise licenses within a 750 radius of the premises; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **Pomodoro Ristorante & Pizzeria Inc., d/b/a Pomodoro Pizzeria, 51 Spring St. a/k/a 213 Mulberry Street 10012** on its application seeking a new 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; and

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500-foot hearing because the premises and rear yard extension thereat has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 35 Board members in favor.

8. Caffe Valdino Inc., d/b/a V Bar, 225 Sullivan St. 10012 (Upgrade to Tavern OP)

A. Whereas, the applicant and his attorney appeared before CB2's SLA committee for the purpose of seeking to upgrade its existing Tavern Wine license to an On Premise license for the purpose of continuing to operate a small cafe mid-block on a narrow residential block in a historic landmarked district in a five-story building on Sullivan Street between West 3rd and Blecker Streets; and

B. Whereas, the certificate of occupancy identifies 225 Sullivan Street as a class A multi-dwelling the building as an Old Law Tenement building predating the Tenement House Act of 1879, the first floor being used for one apartment and a store, the store having an occupancy of 15 only, the designating zoning being R-7-2 for a residential district; and

C. Whereas, there has never been an on premise license at this location at any point in the past; and

D. Whereas, the existing café does not have a full service kitchen, serves gourmet coffee during the day and select wines during the evening with a limited menu providing for muffins, croissants and scones starting at 10 AM, pressed panini sandwiches during the day and cheese platters, salads and sandwiches during the evening until 11 PM, the storefront premises being within a 500 SF ground floor storefront premises with 3 tables and 16 patron seats, one bar/ counter with 9 seats for a total patron seating occupancy of 25, with one bathroom and French casement style windows that open out to the sidewalk; and

E. Whereas, there are no other licensed eating and drinking establishments midblock on this primarily residential block, the other licensed businesses being near or at the intersections with West 3rd Street or Blecker Street in an area already greatly saturated with liquor licenses, there being many taverns, bars, cafes, restaurants and other late night establishments existing in this area, with 64 existing on premise licenses within 750 ft. of the subject premises, an additional 9 on premise licenses pending with the NYS Liquor Authority in this same area and an unidentified number of beer and wine licenses in that same area, this particular café not being unique to the surrounding area; and

F. Whereas, while CB, 2 Man. recognizes that the operator has been in business as a café for many years at this location, the owner and licensee is also seeking late night hours until 4 AM on the weekends and 2 AM during the week for a location mid-block on a quiet residential block establishing substantial concerns about the late night operations of the business, noise and other negative impacts; and

G. Whereas, there have also been multiple disciplinary actions brought against the licensee by the NYS SLA in the past, violations which have not been contested and have been imposed with charges sustained against this licensee in 2004 and again in 2012 with fines paid; and

H. Whereas, the applicant and licensee met with the Blecker Street Merchants and Residents Association ("BAMRA") in June/2016, BAMRA requesting at that time that the licensee perform outreach and speak to other residents living on the immediate block of Sullivan Street where the business was located as there were no members of BAMRA represented or living on this particular block, but despite this request the applicant and licensee acknowledged that he never did attempted to meet with resident's within the block and immediate area pursuant to BAMRA's request; and

I. Whereas, a neighbor living directly across the street for many years appeared in opposition to the application, stating that he was not made aware of this application until the day of the presentation to CB2, Man., that his neighbors living in his building were also not made aware of the application and had similar concerns to his own, that the licensee has not been a good neighbor with reasonable control over

the operations, that the windows to the establishment are left open very late at night creating a consistent and unreasonable late night disturbance, that in response to his complaints the owner and licensee has not been responsive over the years and that as a result, he has had to call the police on a number occasions due to excessive noise emanating from the premises; and

J. Whereas, when confronted with these complaints and testimony against the establishment, the owner and licensee acknowledged the appearance of the police at his establishment on different occasions but the spoke against his neighbor, defaming the neighbor stating he was not credible, was the only person who has complained and should be dismissed from consideration; and

K. Whereas, the licensee did present a petition in support of the current application but no one appeared in support of the license, the petition being signed by a few people purportedly residing on Sullivan Street but there being no proof presented as to postings or notice by the licensee in the immediate vicinity prior to his upgrade presentation before CB2, Man.; and

L. Whereas, when the licensee and operator was asked if he would consider more reasonable hours of operation until 12 AM during the week and 1 AM on the weekends, and by closing his windows every evening by 9 PM, he stated that he could not because he would not be competitive with other late night establishments in the area; and

M. Whereas, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area that is already greatly saturated with licensed establishments, there being sustained disciplinary actions brought against this licensee on multiple occasions in the past, there being on-going complaints about late night noise coming from open windows to the establishment over the years with an operator who has been dismissive of those concerns, the establishment being located mid-block in a densely residential block within an old tenement building where there is no certificate of occupancy or letter of no objection presented permitting the use and occupancy as an eating and drinking establishment, the late night hours of the establishment representing hours of a bar (without any full service kitchen) and not a café, the existing business not being unique to the area, the applicant thus failing to demonstrate a recognizable public interest unless the late hours of operation are reduced to 12 AM seven days a week (No patrons shall remain after the closing hour), the windows are closed by 9 PM every evening, all music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), no TVs, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for **Caffe Valdino Inc., d/b/a V Bar, 225 Sullivan St. 10012** on its application seeking a new 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; and

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the premises and rear yard extension thereat has never been licensed for the service of alcohol at any point in the past.

Vote: Passed, with 34 Board members in favor, and 1 in opposition (J. Gallagher).

9. New Jane, LLC, d/b/a Jane, 100 W. Houston St. 10012 (New OP – Previously Licensed location)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for an on premise liquor license to continue to operate the existing “Jane Restaurant” albeit under new ownership and management to continue to operate a full service American Bistro restaurant in the basement and ground floor levels of mixed use 6 story building (Circa. 1910) on West Houston St. between Thompson Street and LaGuardia Place; and,

B. Whereas, there will be no outside seating or exterior service/operations, the interior premises being roughly 2,900 sq. ft. (1,350 sq. ft. ground floor and 1,550 sq. ft. basement) with 38 tables and 140 table seats, 1 standup bar with 10 seats for a total patron capacity of 150, there being three bathrooms, no sidewalk café and no other outdoor areas for patrons; and

C. Whereas, the interior hours of operation will continue to be Sunday to Thursday from 8AM to 11 PM and from 8 AM to 12 AM on Fridays and Saturdays (No patrons shall remain after the closing hour), 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 9 p.m. except for patron ingress and egress, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no TV’s; and

D. 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 the stipulations are as follows:

1. The premises will continue to be advertised and operated as a full service American Bistro restaurant with a full service kitchen.
2. The interior hours of operation for the restaurant will be Sunday to Thursday from 8AM to 11 PM and from 8 AM to 12 AM on Fridays and Saturdays.
3. There will be no outdoor areas and no licensed sidewalk café.
4. No French or accordion style doors will be installed at the premises and the applicant will close all existing exterior doors or windows by 9 PM every night.
5. Music will be quiet, background level inside the restaurant and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged
6. There will be no televisions and the premises will never operate as a Bar, Tavern or Sports Bar.
7. There will be no dancing.
8. There will be no boozy brunches or unlimited all you can eat/all you can drink specials.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new on premise license to **New Jane, LLC, d/b/a Jane, 100 W. Houston 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 On Premise License.

Vote: Unanimous, with 35 Board members in favor.

10. Blackfoot Consulting, LLC d/b/a t/b/a, 55 Grove St. 10014 (Catering OP)

A. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a catering on premise liquor license to operate a catering business in a mixed use 3 story townhouse building (Circa 1910) on Grove Street between 7th Ave South and Bleecker Street; and

B. Whereas, the premises was previously operated for 56 years as Rose’s Turn Piano Bar but closed in 2006 and has since been vacant; and,

C. Whereas, the applicant holds multiple liquor licenses, owns and operates multiple restaurants within CB2, Man. and has a good reputation in the industry and locally, and seeks to operate a catering space and showroom in a 1,800 SF premises on three floors with two bathrooms, a kitchen in the basement with 10 tables and 56 table seats on the first and second floors, there will be no stand up bar, there being no exterior uses or sidewalk café, no open facades and all windows will remain closed at all times; and

D. Whereas, the hours of operation will be Sunday through Saturday from 10 AM to 1 AM (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no TVs, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

E. Whereas, the applicant executed a stipulations agreement with CB2, Man. that will be submitted to the SLA and the applicant agreed those stipulations would be attached and incorporated into the method of operation as a part of the catering on premise license stating that:

1. The premises will be advertised and operated as a full service caterer.
2. The hours of operation will be from 10 AM to 1 AM Sunday through Saturday. 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.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
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. There will not be any French doors or windows installed to the front façade and all existing doors and windows will close by 9 PM every night except for patron egress.
10. There will be no all you can eat/all you drink special or boozy brunches.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Blackfoot Consulting, LLC d/b/a t/b/a, 55 Grove St. 10014** 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 On Premise License.

Vote: Unanimous, with 35 Board members in favor.

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

11. 128 Billiard, Inc., d/b/a Tropical 128, 128 Elizabeth St. 10013 (Transfer- Tavern OP-layover requested to December/2016)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 9, 2016, the Applicant and/or its Attorney requested **to layover** its application and presentation before CB2 Man. in December/2016;

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 **128 Billiard, Inc., d/b/a Tropical 128, 128 Elizabeth St. 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 35 Board members in favor.

12. Banter Hospitality Group, d/b/a Banter, 169 Sullivan St. 10012 (OP- Restaurant) (Layover requested)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 9, 2016, the Applicant requested to lay over this application for an on premise license to December/2016;

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 **Banter Hospitality Group, d/b/a Banter, 169 Sullivan St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

13. Cozy Soup & Burger, Inc., 739 Broadway 10003 (Eating Place Beer – Restaurant Alteration SN# 1022813)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an alteration application to the Liquor Authority to add an adjacent space within the same building to the existing licensed premises which currently operates with a eating place beer license serial number 1022813 operating as a 24 hour restaurant serving traditional diner style fare; and,

ii. Whereas, the space to be added to the premises was added over a decade ago, but due to the death of the architect and a number of subsequent events, the alteration application was never completed; as part of the settlement of recent charges, the Licensee is legalizing the existing condition; and,

iii. Whereas, the premises including the additional space added in the same building that was added over a decade ago is located in a mixed-use building located on Broadway between Waverly Place and East 8th St. and is now a roughly 1,888 sq. ft premise located on the ground floor with 19 tables and 80 table seats, 1 bar with 9 bar seats for a total of 89 seats; there is an existing Certificate of Occupancy; and,

iv. Whereas, the hours of operation for food service are 24 hours and beer service for the Eating Place Beer License is during all legal beer service hours, 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,

v. Whereas, the Applicant agreed to execute 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 eating place beer license stating that:

1. Premise will be advertised and operated as a 24-hour restaurant/diner with diner style food.
2. The hours of operation will 24 hours a day for food service with restaurant wine service during all legal alcohol service hours.
3. The premises will operate as a full service restaurant, a full food menu will be available at all times and the kitchen will remain open at all hours of operation.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premises will have no more than 3 televisions as exist currently.
6. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating.
8. There is no sidewalk café.
9. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
10. The premises will not have DJ's, live music, cover charges or promoted events.
11. The premises will not have French doors, operable windows or open facades and will keep all doors closed at all times except for patron ingress and egress.
12. There will be no change to the existing operation, will continue to operate as 24 hour diner style establishment.
13. This application is to legalize the expansion into the adjoining space.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the alteration application to the existing eating place beer license #1022813 for **Cozy Soup & Burger, Inc., 739 Broadway 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 existing SLA Eating Place Beer License.

Vote: Unanimous, with 35 Board members in favor.

14. Be Westbourne, LLC, d/b/a TBD, 35 Downing St. aka 31-33 Bedford St. 10014 (OP – Restaurant)

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 on-premise liquor license for a casual dining full service restaurant with California inspired menu highlighting locally sourced ingredients; and,

ii. Whereas, this application is for a new restaurant on-premise liquor license at a previously licensed location in a mixed use commercial building on the Northwest corner of Bedford St. and Downing St. for a roughly 3,400 sq. ft. premise (ground floor 1,200 sq. ft., cellar 2,200 sq. ft.); on the first floor there are 4 tables and 16 table seats, 1 standup bar with 8 seats and 1 counter with 4 seats, in the basement there is a kitchen and 3 tables and 40 seats located in two private dining rooms and one wine tasting room; the applicant presented a Certificate of Occupancy #104056940F issued July 21, 2014 which indicates is for the 1st floor only however this is **not valid for this premises**— a letter of no objection must be obtained showing allowable use of eating and drinking for both the ground floor and basement issued to the Applicant; upon further investigation by CB2, Man. it was determined that the Certificate of Occupancy #104056940F due to a very unique circumstance resulting from the enlargement of a non-conforming use of a restaurant into a previous apartment on the ground floor is only valid for the area occupied in the building by another licensed premises “Mas” Restaurant/Little Barque, LLC SN1146967 as a result of a Board of Standards and Appeals Variance covered under decision [99-05-BZ](#); and,

iii. Whereas, the hours of operation will be Sunday to Thursday from 10AM to 12AM and Friday to Saturday from 10AM to 1AM (no patrons will remain after closing time), 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. Premise will be advertised and operated as a casual dining full service restaurant with California inspired menu highlighting locally sourced ingredients.
2. The hours of operation will be Sunday to Thursday from 10AM to 12AM and Friday to Saturday from 10AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will operate as a full service restaurant, a full food menu will be available at all times and the kitchen will remain open at all hours of operation.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premises will not have televisions.
6. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating.
8. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJ’s, live music, cover charges or promoted events.
10. The premises will close all doors and windows at 9PM every night and anytime there is music except for patron ingress and egress.
11. Will provide direct phone number to owner or general manager for local residents upon request and immediately respond to noise issues.
12. Will actively control patron noise outside of establishment.
13. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or advertised boozy brunches at anytime.

14. Will not change existing façade and windows at this time. Will return to CB2 if windows are changed in any fashion (premises is located in grandfathered location in residential district – significant concerns regarding any increase in noise)
15. Applicant will provide Certificate of Occupancy for basement or letter of no objection for basement that shows patron use and eating and drinking are allowed in basement. Current Certificate of Occupancy presented shows eating and drinking use on ground floor only.

v. Whereas, a petition in support was presented and the applicant reached out to the local block association, the Bedford Downing Block Association; a number of individuals who work in the hospitality industry and who reside in the areas appeared and spoke highly of the Applicant and her character and strong background in the restaurant industry; and,

vi. Whereas, a mix of correspondence was received and several local residents appeared with concerns and one appeared in opposition; the Block Association and local residents living immediately adjacent to the premises expressed strong feelings that the “Applicant must agree to seal all windows, maintain a 24/7 closed door & window policy, enforce the proposed closing times (midnight on weeknights, 1:00 a.m. Saturday & Sunday), be personally accessible for noise complaints, and actively control patron noise outside the restaurant”; one resident appeared adamantly in opposition citing the fact that the premises is in a residential zoned district and that the grandfathered use allowable in the space on the ground floor and basement is only intended to serve the immediate neighborhood and not intended to be a destination restaurant location as evidenced by the low price points and high turnover necessary to operate this business, he further stated that the grandfathered commercial spaces in immediate area originally serviced hyper local residents and that the progression to transforming those grandfathered spaces into destination licensed eating and drinking locations was slowly destroying the neighborhood and having a tremendous impact on quality of life issues; and,

vii. Whereas, CB2, Man. has concerns regarding possible lines outside the establishment; the applicant stated this would not be an issue because even though all food ordering occurs at a counter and then patrons are seated, the premises would take people’s phone numbers and text them when the restaurant would be able to accommodate them at the food counter to order and be seated; the operable windows which are currently installed were also of concern; while small windows, they are still operable and any sound intrusion from the interior of any business to the exterior in residentially zoned areas creates a significant impact; this business model involves a very high turnover; the applicant agreed to close all windows at 9PM and anytime there is music; CB2 had further concerns that should the applicant file to change the façade they would enlarge the windows; the applicant was unwilling to state that they would not do this but was willing to add a stipulation that should they plan on changing the façade in any fashion or changing the windows, they would first appear before CB2, Man.; and

viii. Whereas, there are currently 25 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 On-Premise Liquor License for **Be Westbourne, LLC, d/b/a TBD, 35 Downing St. aka 31-33 Bedford St. 10014** **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 Wine License.

Vote: Unanimous, with 35 Board members in favor.

15.3. BIO 355 Broadway, LLC and Guateng, LLC, d/b/a Jacks Wife Freda & BIO, 355 West Broadway 10012 (New TW)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a tavern wine license for “a new shopping concept in the rising shared space industry, which combines high design, prime location, innovative retailers and online shopping within a brick and mortar shop. Bio combines the following in one location: flexible, showroom style retail spaces, social seating areas, and a bar/cafe space by Jack's Wife Freda”, there will be 32 “galleries” for online brands; and,

ii. Whereas, this application is for a new restaurant wine license at a previously unlicensed location (formerly Anthropologie) in a 5 story commercial building on West Broadway (with an entrance also from Wooster Street) between Spring St. and Broome St. for a roughly 12,800 sq. ft. premise (ground floor 9,800 sq. ft., basement 3,000 sq. ft. – no patrons in basement); 17 tables and 35 table seats, 2 standup bars with 29 seats for a total of 66 seats; the applicant presented a Certificate of Occupancy; and,

iii. Whereas, the hours of operation will be from 8AM to 10PM 7 days a week (no patrons will remain after closing time), 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, premises will normally operate in the manner described and open to the public, however from time to time there may be special events which will highlight the specific brands of those innovative retailers located within the premises, there will be no more than 4 special events per month, those special events could be from anywhere from guests up to 150 guests and would be subject to stipulations as outlined below; during special events, guest entry and exit will only be through West Broadway, CB2, Man. was assured that these events would not be disruptive to the community or create an impact; and,

v. 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. Premises will be advertised and operated as a bar and café space with food within a flexible showroom style retail space with many separate fixed individual showroom spaces with several social seating areas within the premises.
2. The permissible hours of operation will be from 8AM to 10PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. Premises will operate as a café and bar with the food preparation area open and regular menu items available until closing every night.
4. 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.
5. Premises will not have televisions.
6. Premises will not permit dancing and will never seek a NYC DCA Cabaret License.
7. Premises will not operate a backyard garden or any outdoor area for commercial purposes.
8. Premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. Premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances except as provided for in #14.

10. 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.
11. There will be no patron use of basement.
12. Applicant will not have sidewalk benches unless a permit is received from the Department of Consumer Affairs or “A” frame signage on the street.
13. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or advertised boozy brunches at anytime.
14. Special Events: The premises will have no more than 4 special events per month. The 4 special events are limited to industry related events that can occur during any portion of the day or evening for up to 300 persons. There will be no weddings, birthday parties etc. Irrespective of the type of special events, all special events will end by midnight with all patrons gone and all load out of special equipment completed at that time or left for the following day after 8AM. There may be incidental use of projectors, dj’s for music or live music performances in support of the events. The projectors, dj’s and live music will not be for patron dancing. During all special events, only the West Broadway entrance will be utilized for patron ingress and egress; the Wooster St. entrance will have a trained staff member placed there directing patrons and participants to use the West Broadway Exit only when leaving or entering the premises.
15. Special Events will be managed by BIO in a manner that will not cause undue impact to the surrounding community.
16. A general manager’s phone number will be provided to any local resident requesting it in order to address issues as they might arise during the course of operations that would impact surrounding residents.
17. Premises will obtain a Place of Assembly permit prior to operating.

vi. Whereas, the applicant reached out to area groups and residents, a petition in support was presented and concerns raised were addressed by the stipulations agreed to by the applicants; the principles associated with the portion of the premises operating as Jack’s Wife Freda have other licensed premises within CB2, MAN.; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Tavern Wine License for **BIO 355 Broadway, LLC and Guateng, LLC, d/b/a Jacks Wife Freda & BIO, 355 West Broadway 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 Tavern Wine License.

VOTE: UNANIMOUS, SENT BACK TO COMMITTEE.

16. Jane Street Hotel, LLC, d/b/a The Jane Hotel, 113 Jane St. aka 505-507 West St. 10014 (OP Alteration – add new restaurant to Hotel)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for an alteration application to an existing Hotel license which covers two specific actions, **(1)** to convert the stand up bar located on the 6th floor into a service bar and **(2)** to incorporate the existing restaurant space within the Hotel previously operated under SN#1228972 by West F & B, LLC d/b/a Café Gitane into the existing Hotel On Premise Liquor License SN#1207903 Jane Street Hotel, LLC d/b/a The Jane Hotel; and,

ii. Whereas, the portion of the alteration application which covers incorporating the space previously operated as Café Gitane into the Hotel License is for the Restaurant space located in the existing hotel with an entrance in the hotel lobby which is roughly 2,000 sq. ft. premise (ground floor 1,500 sq. ft., cellar 500 sq. ft. – no patron use of basement); there are 21 tables and 54 seats and 1 stand up bar with 9 seats for a total of 63 seats; the applicant presented a Certificate of Occupancy; and,

iii. Whereas, the applicant presented the portion covered by the alteration application for the former Café Gitane space as having hours of operation as 6AM to 4AM 7 days a week (no patrons will remain after closing time), 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 all times 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, there is a long history of issues at the hotel over many decades in particular because while located adjacent to West St it is not directly accessible by West St., it is located on a quaint cobblestone street similar to a cul-de-sac in nature in an area surrounded by residential buildings, access by vehicles is through residential streets many cobblestone and not by West St. and patrons walking must transit through residential neighborhoods; the hotel is situated in a unique circumstance such that all hotel generated traffic is forced to enter on Jane Street and exit on Horatio St.; and,

v. Whereas, while there have been some improvements over the years, the current Hotel Operator and Licensee does have ongoing issues which are periodically muted through action at some points as they relate to noise and quality of life issues directly related to the late night operations of the hotel premises including a club after 11PM and until 4AM; those concerns which have been shared directly with CB2, Man. over the years and for this application by local immediately impacted residents include issues relate to traffic generated by the Hotel on the residential cobble stone street with cabs and cars often honking until 4AM because the premises does not efficiently manage vehicular traffic coming and going from the hotel, from noise generated by groups of patrons of the hotel's club at earlier hours lining up and at later hours and those same patrons exiting, loitering and congregating, public intoxication of patrons leaving the premises at late hours, noise from singing and loud conversations, careless regard by patrons that results in damage to property from public urination and vomit including broken tree branches/plants/flowers in tree pits and planters; and

vi. Whereas, ordinarily, Licensing this type of space because it is dealing with a stand alone space within a hotel would be subject to the 500 Ft. Rule, CB2, Man. is providing a recommendation based on the impacts licensing this space with hours until 4AM would have and whether or not the criteria of the 500 Foot Rule have been met because it is clear there are tremendous concerns by local residents and opposition as they relate to the impacts of traffic, noise, quality of life etc.; and,

vii. Whereas, CB2, Man. believes that should the Liquor Authority consider approving this alteration application it should do so only with the following stipulations with respect to the area of the hotel previously operated as Café Gitane:

1. The restaurant space will be advertised and operated as a full service restaurant serving breakfast, lunch and dinner.
2. The hours of operation will be from 6AM to 12 AM Sunday to Thursday and 6AM to 1AM Friday to Saturday. 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.

5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating.
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 closed at all times.
10. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or advertised boozy brunches at anytime.
11. Any and all previous stipulations will continue to remain in effect for other portions of the hotel and there are no other changes associated with this application except the conversion of the 6th floor standup bar in to a service bar.

viii. Whereas, a number of residents appeared in opposition, a petition in opposition was presented and a number of letters were received in opposition; those in opposition ran the gamut from requesting limitations on the hours of operation until 12AM during the week and 1AM on the weekends, to outright denial; many seemed to feel that the applicant has not been upholding their commitment to operate the current establishment in particular as it relates to vehicles traffic management and to noise generated by patrons leaving the establishment which has a very significant impact on those residents who have a direct interest in this matter and are directly impacted by the operation of the hotel;

ix. Whereas, CB2, Man. has no objection to conversion of the stand up bar on the 6th floor to a service bar provided the stipulations outlined above regarding the addition of the Café Gitane space become part of the method of operation on the Hotel Liquor License;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the presented alteration application to **(1)** convert the stand up bar located on the 6th floor into a service bar and **(2)** to incorporate the existing restaurant space within the Hotel previously operated under SN#1228972 by West F & B LLC d/b/a Café Gitane into the existing Hotel On Premise Liquor License SN#1207903 **Jane Street Hotel, LLC d/b/a The Jane Hotel for Jane Street Hotel, LLC, d/b/a The Jane Hotel, 113 Jane St. aka 505-507 West St. 10014**; and,

THEREFORE BE IT FURTHER RESOLVED that should this alteration application be considered by the Liquor Authority, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the Liquor Authority; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the Liquor Authority, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the Liquor Authority make a condition of approval of the portion of the license subject to the alteration application that those stipulations outlined above in **vii.** be incorporated into the method of operation for that portion of the Hotel Premises.

Vote: Unanimous, with 35 Board members in favor.

17. Soho Market & Beer Merchants, Inc. d/b/a Beerzaar (Entity to be formed by Jorge Arias), 213 6th Ave. 10014 (Tavern Wine)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a tavern wine license for a craft beer and local wine tasting room to showcase New York State's growing farm beverage industry that will also offer a simple menu with emphasis on locally sourced ingredients; principals currently operate a deli grocery store licensed to sell grocery beer/wine products at this location; and,

ii. Whereas, this application is for a new tavern wine license at a previously unlicensed location in a mixed use commercial building on 6th Avenue between Charlton St. and King St. for a roughly 2,000 sq. ft. premise (ground floor 1,000 sq. ft., basement 1,000 sq. ft. – no patron use of basement); there are 6 tables and 24 seats and 1 stand up bar with 7 seats; the applicant presented a Certificate of Occupancy; and

iii. Whereas, the hours of operation will be Sunday to Thursday from 11AM to 12AM and Friday to Saturday from 11AM to 1AM (no patrons will remain after closing time), 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 all times 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 tavern wine license stating that:

1. Premise will be advertised and operated as a craft beer, local wine tasting room to showcase New York States growing farm beverage industry. (no full liquor).
2. The hours of operation will be Sunday to Thursday from 11AM to 12AM and Friday to Saturday from 11AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will operate as a beer and wine tasting room with food, a full food menu will be available at all times and the kitchen will remain open at all hours of operation.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premises will have 1 television no larger than 46 inches.
6. The premises will not permit dancing and will never seek a NYC DCA Cabaret License.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating. There is no sidewalk café.
8. The premises will play quiet ambient-recorded background music only. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at anytime.
9. The premises will not have DJ’s, live music, cover charges or promoted events.
10. The premises will not have French doors, operable windows or open facades and will close all doors and windows at all times.
11. There will be no operable façade (no operable windows or French doors will be installed).
12. There will be no unlimited drink or all you can eat and drink specials. There will be no bottomless brunches or advertised boozy brunches at anytime.
13. The premises will be a “tasting room” not a bar. Food menu will be available at all times.
14. This is a “Tavern Wine” application only.

v. **Whereas**, CB2, Man. was originally presented with a 30-Day notice indicating that this application would be for a tavern on premise liquor license; at CB2’s SLA Licensing Committee meeting, the Applicant stated that the application was now for a tavern wine license and would properly notice CB2 to that effect; and,

vi. **Whereas**, the applicant presented a petition, spoke to the local block association and correspondence was received in favor, a number of people spoke in support; there were some concerns regarding hours of operation and that this was originally for an on premise liquor license but those concerns were tempered through agreement to the stipulations noted above and assurances that the premises would be operated as a tasting room and not a bar style premises; several residents remained in opposition citing quality of life concerns and hours of operation and that this space was previously unlicensed; and,

vii. **Whereas**, there are currently at least 9 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 On-Premise Liquor License for **Soho Market & Beer Merchants Inc. d/b/a Beerzaar (Entity to be formed by Jorge Arias), 213 6th Ave. 10014** 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 Tavern Wine License.

Vote: Unanimous, with 35 Board members in favor.

18. Sushi Nakazawa, LLC, d/b/a Sushi Nakazawa, 23 Commerce St. 10014 (Class Change – Upgrade to Full Liquor (RW SN#1272297))

i. **Whereas**, the Applicant appeared with his Attorney before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to upgrade the current Restaurant Wine license to a Full On-Premise Liquor License; the restaurant will continue to operate as a high-end sushi restaurant previously described as a “family restaurant which will serve Japanese food”; and,

ii. **Whereas**, this application is for a change in class/upgrade to a full on-premise liquor license for an existing restaurant wine license which first appeared before CB2, Man. in July 2013, prior to 2013 the original premises was previously unlicensed and occupied as a hair dresser which closed at 7PM; in June 2016 the Applicant appeared before CB2, Man. to present an alteration application to add to the existing premises a storefront next door, up until 2015 the space to be added through that alteration which was acquired in 2016 was operated as a clothing store with early closing hours, CB2, Man. recommended denial of the alteration application and notified the Liquor Authority of its recommendation; prior to this restaurant opening, there has never been any other licensed eating and drinking establishments on Commerce Street between 7th Avenue and Bedford Street and the street maintains a residential character and feel and is completely residential with the exception of the two storefronts sought to be combined; and

iii. **Whereas**, the applicant and his attorney did not identify at what stage the alteration application presented to CB2 in June 2016 was at the Liquor Authority and stated that the current application before CB2, Man. was simply to upgrade the current restaurant wine license to a full on-premise liquor license irrespective of the whether the premises covered the original premises or the expanded premises; and,

iv. Whereas, the original premises is within a mixed-use building located on Commerce Street between 7th Ave and Bedford St for a roughly 1,200 sq. ft. premise on two floors (600 sq. ft. ground floor, 600 sq. ft. basement) with accessory use in the basement which has 10 tables with 2 seats each (20 seats), and a sushi bar with 10 seats, the space that is the subject of the alteration application in June 2016 is a separate storefront with 368 sq. ft. with one standup bar with 6 seats and one interior banquet/bench with 6 seats; the total seats including the alteration application portion is 42 seats, there will continue to be one service bar in the original premises, there is no sidewalk café and no outdoor areas for patrons because the use is not permitted, there is no full service kitchen or stove, there is no Certificate of Occupancy, but the applicant previously stated the maximum allowable occupancy for the original space is 30 and a letter of no objection exists for the establishment presented in 2013, but no new documentation or letter of no objection was presented for the new space that is the subject of the June 2016 alteration to be added nor was an updated letter of no objection provided after the storefronts had been combined and no building department filings were presented showing that the two storefronts were altered by breaking through a party wall; and,

v. Whereas, the hours of operation will continue to be 5 p.m. to 12 a.m. (midnight) 7 days a week (all patrons will be cleared and no patrons will remain after stated closing times), music will be quiet background only consisting of music from ipod/cds (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and,

vi. Whereas, Commerce Street between 7th Avenue and Bedford Street is very narrow street with parking on one side only and one travel lane, located in a purely residential block in the heart of a Historic District in the West Village; and

vii. Whereas, the Applicant was willing to execute a stipulations agreement substantively the same as what currently exists for their existing license with CB2, Man. that they agreed they would submit to the SLA with their upgrade application and would agree would be attached and incorporated in to the existing method of operation on the restaurant on-premise liquor license stating that:

1. Premise will continue to be advertised and operated as a high-end sushi restaurant.
2. The hours of operation will be from 5 PM to 12 AM 7 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.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (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 closed at all times.
10. Garbage will be placed on the street just prior to pickup given the nature of the organic fish waste and will take all steps to make sure garbage is properly sealed.
11. Licensee will continue to use existing food preparation layout and will not build or operate a full service kitchen.

12. Applicant will not alter or build a new HVAC system for the premises and continue to use the system, which currently exists.
13. All previous stipulations will continue to remain in effect.
14. There will be 10 tables with 2 seats each (20 seats), one standup bar with 6 seats, one interior banquet/bench with 6 seats and on sushi bar with 10 seats for a total of 42 seats.

viii. Whereas, a number of complaints and objections were received in June 2016 and were reiterated for this class change application including that **(1)** the newly acquired space was added to the existing premises including partition work to combine two storefronts altering the ground floor of the premises illegally without obtaining any NYC Department of Building Permits of any kind, **(2)** multiple Landmarks violations have been issued to the applicant including altering the storefront and adding improper awnings without permits and replacing the storefront and adding additional improper awnings without permits, **(3)** The New York City Landmarks Commission had rejected applications to legalize the improper landmarks violations, **(4)** that the licensee has been improperly serving beer and wine in the newly acquired space prior to being incorporated into the licensed premises, **(5)** that in the past, the applicant has not consistently post a previous “B” letter grade from the Health Department in the front window as required, the applicant has corrected this now that they have a “A” letter grade, **(6)** that the applicant does not follow their existing stipulations in that they leave garbage out on Holidays overnight when they are aware their carting company does not pick up trash and are not responsive to trash issues, **(7)** that the applicant often does not clean the sidewalk of cigarette butts from their patrons, **(8)** that there is often a significant traffic impact on this narrow street from additional traffic generated by the premises on this residential street, from idling vehicles waiting for patrons to complete their meals, and from illegally parked vehicles (including staff) **(9)** that patrons are often not quiet as they enter and exit the premises causing a noise disturbance to area residents, and **(10)** that the staff and owner overtime have often been unresponsive to the concerns of neighbors; and,

ix. Whereas, one area of ongoing concern for both local residents and CB2, Man. is as it relates to the space acquired and the subject of the June 2016 alteration to add the adjacent storefront into the original licensed premises; the applicant stated that he entered into a new lease for the newly acquired storefront in Jan/2016; he stated that he had not planned to change the additional storefront, but that when he went to perform cosmetic work on the storefront of the newly acquired space, it collapsed because of the awful condition of which he was unaware creating a dangerous condition that could have endangered the lives of passerby’s and children, this required his decision to immediately demolish and replace the existing storefront without informing the New York City Department of Buildings or filing for any Landmark permits; the applicant had no photographs of this dangerous condition; he further stated that he could do nothing about vehicular traffic related to his patrons or address parking issues from his patrons, that he was in the process of correcting the landmarks violations for the new storefront, He did not address the landmark violations which were received for work performed during the initial construction of the existing storefront without permits; he stated he had not served beer and wine or alcohol in the newly acquired space or allowed patrons to consume alcohol in the newly acquired space despite observations to the contrary; he was unable to properly address that the New York City Landmark Preservation Commission had rejected their application to legalize the illegally performed work done without permits or filings; and,

x. Whereas, in June 2016, the applicant had concurrently noticed CB2, Man. at the same time of an alteration application and of an application to upgrade the existing restaurant wine license (change of class) to a full on-premise liquor license; the upgrade/change of class application was subsequently withdrawn in June 2016 and refilled in November 2016, many letters of opposition to the upgrade/change of class were received in June 2016, additional letters in opposition were received in November 2016 and a petition in opposition from directly impacted local residents was presented; and,

xi. Whereas, in June 2016, members of CB2’s SLA Licensing Committee had asked the applicant to withdraw the previous alteration application until the changes had been resolved with the NYC Landmarks Preservation Commission (LPC) and ask the Applicant not to return to CB2, Man. until they had resolved those issues as a result of the illegal work; and,

xii. Whereas, in addition to impacts listed above as they relate to the issuance of an on-premise liquor license to this previously unlicensed space(s) which previously created no quality of life issues, CB2, Man. takes violations of Landmarks regulations seriously as these designations help protect the historical character of our community, embody what our community looks like and are the root of why the residential portions of our community such as this area are highly sought after areas to live, because the unique historical character here is recognized, cherished and protected by law; this block of Commerce St and the immediate surrounding area is the embodiment of why this historic area is world-renowned; for someone to knowingly make such drastic changes while trying to do so undetected and without notice to agencies and later declaring the illegal work was performed for safety reasons that had to be immediately performed while fully aware of the Landmarked District is an affront to our Community in CB2, which is home to a significant portion of the landmarked districts in New York City; the fact that the illegal changes were not approved by the LPC is simple testament that the work was done with an eye to circumvent landmark regulations and was simply done to unify the applicants “look” and “feel” into the acquired space that is the subject of the June 2016 alteration application; as a result of these actions, it is the position of many immediately impacted residents and of many members of CB2 that this applicant does not have the Character at this time to operate a full liquor license as he cannot follow regulations that are the bedrock of this landmarked block and has willfully and knowingly circumvented regulations; and,

xiii. Whereas, there are currently at least 19 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 the class change/upgrade application to a full on-premise license for a restaurant for **Sushi Nakazawa, LLC, d/b/a Sushi Nakazawa, 23 Commerce St. 10014;** and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the Liquor Authority, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA.

Vote: Unanimous, with 35 Board members in favor.

19. *Jensen 27 Grand, LLC, d/b/a James Hotel Soho, 27 Grand St. 10013 (OP – Restaurant/Hotel – transfer of existing SN1270229)

***Jensen 27 Grand, LLC and 6 Grand, LLC as Manager, d/b/a David Burke Garden and Treehouse Bar, 23 Grand St., Ground level and upper level 10013 (OP – Restaurant – transfer of existing SN1270238)**

***Jensen 27 Grand, LLC and 6 Grand, LLC as Manager, d/b/a David Burke Kitchen, 23 Grand St., Basement 10013 (OP – Restaurant – transfer of existing SN1270232)**

***Jensen 27 Grand, LLC and DLJ Bar, LLC as Manager, d/b/a Jimmy’s, 27 Grand St., 17th Fl. Roof level 10013 (OP – transfer of existing SN#1270235)**

i. Whereas, the four above transfer applications are for existing separately licensed premises located within a hotel built in 2010 which were heard as a block; and,

ii. Whereas, the Applicants and Attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present the applications for the 4 different locations within the hotel covered by the existing licenses which are sought to be transferred to the new entities; they are for the four areas covered by the existing Serial numbers #1270229 (James Hotel Soho), 1270238 (David Burke Garden and Treehouse Bar), #1270232 (David Burke Kitchen) and #1270235 (roof level – Jimmy's); and,

iii. Whereas, in addition to transferring the existing licenses and the existing method of operation, the Applicant's are looking to expand several aspects of the operation and method of operation which will be described after the current method of operation is outlined below; and,

iv. Whereas, the existing licenses which the current applicants seek to transfer are governed by an extensive set of stipulations executed with a community group and with stipulations with CB2, Man. in March 2013 that were incorporated into the "method of operation" on the current existing licenses; the same 4 existing licenses which were transferred to the current licensees in 2013 were governed by the same stipulations which were agreed to in January 2010 and March 2010 when the Hotel was first licensed as a part of an agreement for the issuance of these 4 licenses across 4 separate spaces within the new hotel; at the time the hotel was built in 2010, there was significant opposition and the stipulations agreement which was entered into in 2010 and 2013 represented what those in opposition felt were very generous terms in which the hotel could operate and generate a sufficient return while still maintaining a balance of Quality of Life; and,

v. Whereas, by way of history, a portion of this location prior to building and completion of the Hotel in 2010 was the location of the Moondance Diner (Dancin in the Moonlight, Inc.) which had a restaurant wine license SN# 10292851 and,

vi. Whereas, below are two previous resolutions passed by CB2, Man. in January and March 2010 referencing the above 4 existing liquor licenses as they are currently licensed:

At its Full Board meeting on January 21, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

7. BCRE Grand Hotel, BCRE Grand Restaurant and BCRE Grand Bar, 23-31 Grand Street (Thompson and 6th Avenue), NYC

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

Whereas, this application is for On Premise licenses for an upscale Hotel Lobby Bar, Cellar Floor Restaurant and Rooftop Bar collectively 5,600 s.f. (Hotel Bar is 1,000 s.f., Ground Floor Restaurant is 2,400 s.f. and Rooftop Bar is 2,200 s.f) on Grand Street between Thompson and 6h Avenue; and,

Whereas, this application is for 20 table seats with a maximum legal capacity of 50 persons for the Hotel Lobby Bar; and 85 table seats, 1 bar with 12 bar seats and a maximum legal capacity of 92 persons for the Cellar Floor Restaurant; and 50 table seats, 1 bar with 15 bar seats and a maximum legal capacity of 150 persons for the Rooftop Bar; and,

Whereas, the applicant stated the hours of operation are 7:00 a.m. – 12:00 a.m. Sunday – Wednesday and 7:00 a.m. – 1:00 a.m. Thursday – Saturday for the Hotel Lobby Bar and Cellar Restaurant; and 7:00 a.m. – 1:00 a.m. Sunday – Wednesday and 7:00 a.m. – 2:00 a.m. Thursday – Saturday for the Rooftop Bar; there will not be a sidewalk café application and no backyard garden; music will be background and live only for the Cellar Floor Restaurant; and music will be background only in the Rooftop Bar and played exclusively in the enclosed area; and music will be background and DJ only for the Hotel Lobby Bar, and,

Whereas, the applicant has reached out to members of the community prior to presenting this application; and,

- 1. Whereas, the applicant has agreed to the following set of stipulations:*
- 2. The applicant has agreed to no amplified music of any kind in any of the outdoor areas.*
- 3. The applicant has agreed that during evening hours the restaurant exit will be on 6th Avenue; and the applicant will direct its customers to this exit.*
- 4. The applicant has agreed to have a taxi line on 6th Avenue to reduce traffic on Grand Street.*
- 5. The applicant has agreed to conduct sound tests on the Rooftop Bar.*
- 6. The applicant has agreed to community outreach measures including but not limited to hosting a monthly meeting with nearby residents.*
- 7. The applicant has agreed to not have any advertisement signs on the Hotel.*
- 8. The applicant has agreed to have food service available during all hours of operation.*
- 9. The applicant has agreed to not seek or apply for a Cabaret License.*
- 10. The applicant has agreed to arrange a discussion with acoustical consultants to address soundproofing for the neighboring building.*

Whereas, the applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents; and,

Whereas, several members of the community appeared to express their willingness to work with the applicant under the proposed operating guidelines; and,

Whereas, the applicant has executed an agreement with the community, and that agreement is attached;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for BCRE Grand Hotel, BCRE Grand Restaurant and BCRE Grand Bar, 23-31 Grand Street unless the conditions agreed to by applicant relating to the sixth and seventh “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

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

AND

At its Full Board meeting on March 18th, 2010, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

- 3. BCRE Grand Café, LLC, d/b/a TBD, 25 Grand St. (Thompson and 6th Avenue), NYC*

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for On Premise license for a 3,100 s.f. (700 s.f. interior and 2,400 s.f. exterior) Plaza Café in an upscale Hotel on Grand Street between Thompson and 6th Avenue with 130 table seats, 1 bar with 30 bar seats and a maximum legal capacity of 191 (60 persons interior and 131 persons exterior); and,

Whereas, the applicant stated the hours of operation for the proposed Plaza Café Lower Terrace are Sunday - Wednesday from 7:00 a.m. – 12:00 a.m. and Thursday – Saturday from 7:00 a.m. – 1:00 a.m.; and the hours of operation for the proposed Plaza Café Upper Terrace are Seven Days a Week from 7:00 a.m. – 11:00 p.m.; there will not be a sidewalk café application but will include a backyard garden; music will be background for the interior space only and no amplified music of any kind for the exterior spaces; and,

Whereas, the applicant has reached out to members of the community prior to presenting this application; and,

Whereas, the applicant has agreed to all the stipulations in the fully executed Memorandum of Understanding with members of the community and attached herein; and,

Whereas, the applicant has agreed to abide by the regulations associated with all New York City Departments and safety organizations and will obtain all required certificates, permits and related documents; and,

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

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial to the proposed On Premise license for BCRE Grand Café, LLC, d/b/a TBD, 25 Grand St. unless the conditions agreed to by applicant relating to the fifth and sixth “whereas” clauses are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Passed, with 35 Board members in favor, and 1 in opposition (D. Diether).

viii. Whereas, in addition to the existing method of operation listed above which is memorialized as a stipulations agreement with CB2 dated 3/14/2013, the current Applicants’ materials as presented show that they wish to modify the existing method of operation by (1) expanding the Hotel lobby bar hours of operation from 7AM – 12AM Sunday – Wednesday and 7AM – 1AM Thursday – Saturday to all permissible hours closing at 4AM daily, (2) expanding hours of operation for the David Burke Kitchen from 7AM – 12AM Sunday – Wednesday and 7AM – 1AM Thursday – Saturday to now be from 8AM to 2AM Sunday to Thursday and 8AM to 4AM Friday and Saturday, (3) expanding hours of operation for Jimmy’s roof top bar from 7AM – 1AM Sunday – Wednesday and 7AM – 2AM Thursday – Saturday to now be from 8AM to 2AM Sunday to Thursday and 8AM to 4AM Weekends for the indoors and to 3AM on the weekends outdoors, (4) expanding hours of operation for David Burke Garden and Treehouse Bar from lower portion Sunday - Wednesday from 7AM – 12AM and Thursday – Saturday from 7AM – 1AM and upper portion hours of Seven Days a Week from 7AM – 11PM to now be for both areas from 8AM to 2AM Sunday to Thursday and 8AM to 3AM Friday and Saturday, (5) the Applicant wishes to add outdoor music to the outdoor areas where none was previously permitted, (6) the Applicant wishes to add patron dancing and DJ’s entertainment level music to the rooftop portion of the premises and other areas, (7) the Applicant wishes to add promoted events, outside promoters, scheduled performances, live events, ropes, movable barriers and other outside equipment to various portions of the hotel (8) other changes as presented in materials to CB2; and,

ix. Whereas, the applicant did reach out to the original Community Group, the “Moondance Community Group” and provided a petition in support; however the petition in support did not appear to have any signatories of immediately and directly impacted parties; and

x. Whereas, a member of the “Moondance Community Group” appeared representing many residents immediately and directly impacted by the proposed licenses and stated that they opposed the transfer of all four licenses as presented; however they would not be opposed provided the transfer applications included the original method of operation, memorandum of understanding and all stipulations from 2013 were all adhered to; there was vehement opposition to the addition of outdoor music, expanded operating hours, patron dancing, removal of food service to the rooftop premises, the already inappropriately installed exterior permanent bar in the terrace restaurant, and already permanently installed outdoor sound systems and the use of promoters, barrier etc.; and,

xi. Whereas, the shift in character, the additional noise which will be created by the new use of amplified music in all exterior spaces, the expanded hours of operation including expanded outdoor hours of operation, the added entertainment level music, the added use of promoted events, outside promoters, scheduled performances, live events, ropes, movable barriers and other outside equipment, the expansion of allowing DJ’s in the rooftop premises all serve to eradicate any public benefit and will adversely impact the directly affected neighbors; the expanded movement of club patrons and those seeking entertainment at late hours will adversely impact those adjacent residents; and,

xii. Whereas, the Applicant stated that their purchase of the Hotel would not be viable without the expansion of the exiting operation as described above, however they would not state that they would not go through with the purchase if those changes were not approved by the liquor Authority; and,

xiii. Whereas, CB2, Man. is not opposed to the application(s) if the applicant(s) for all four spaces adhered to the original method of operation, the original Memorandum of Understanding and the original stipulations; CB2, Man. would not be in opposition if the Applicant(s) agreed to those three original items in a restated format as a list of stipulations in CB2’s standard format which will be provided should the applications proceed; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the presented transfer applications for (1) **Jensen 27 Grand, LLC, d/b/a James Hotel Soho, 27 Grand St. 10013 (transfer of existing SN1270229),** (2) **Jensen 27 Grand, LLC and 6 Grand, LLC as Manager, d/b/a David Burke Garden and Treehouse Bar, 23 Grand St., Ground level and upper level 10013 (transfer of existing SN1270238),** (3) **Jensen 27 Grand, LLC and 6 Grand, LLC as Manager, d/b/a David Burke Kitchen, 23 Grand St., Basement 10013 (transfer of existing SN1270232)** (4) **Jensen 27 Grand, LLC and DLJ Bar, LLC as Manager, d/b/a Jimmy’s, 27 Grand St., 17th Fl. Roof level 10013 (transfer of existing SN#1270235);** and,

THEREFORE BE IT FURTHER RESOLVED that should these transfer applications be considered by the Liquor Authority, CB2, Man. respectfully requests that after a 500 ft. rule hearing is conducted that this item be Calendared to appear before the Full Board of the Liquor Authority; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the Liquor Authority, despite CB2, Manhattan’s recommendation to deny this application, CB2, Man. respectfully requests that the Liquor Authority make a condition of approval that all previous method of operations, memorandums of understanding and stipulations for each of the four licenses (or restated stipulations in CB2’s standard format) become part of the new licenses.

Vote: Unanimous, with 35 Board members in favor.

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

20. Manu, Inc., 10 Little W. 12th St. 10014, aka 10-12 Little West 12th St. (OP – Restaurant with Rear Yard Garden - Layover)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on November 10th, 2016 the Applicant requested to **layover** this application for a new restaurant on-premise liquor license with a large outdoor rear yard seating area and sidewalk café and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA 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 **Manu, Inc., 10 Little W. 12th St. 10014 (aka 10-12 Little West 12th St.)** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

21. Entity to be formed by John Witham, d/b/a Pocket Bar, 14 Bedford St. 10014 (New TW - laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on November 10th, 2016 the Applicant requested to **layover** this application for a new tavern wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA 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 **Entity to be formed by John Witham, d/b/a Pocket Bar, 14 Bedford 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 35 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in response to MTA NYC Transit proposed M1 bus route extension.

Whereas CB2, Man. thanks MTA NYC Transit for presenting an M1 bus route extension proposal for community review and input; and

Whereas the MTA NYC Transit proposal includes:

- Extending the southbound M1 route for *every other* M1 bus to go south on *weekdays* from 8th St. onto 3rd Ave., down 3rd Ave. onto Bowery down to Worth St., where it would turn west to Centre St., and for *all* M1s to turn south on *weekends* from 8th St. onto 3rd Ave., go down 3rd Ave. onto Bowery down to Worth St., where they would turn west to Centre St.
- Running the northbound M1 up Centre St. from Worth St., then Lafayette St., and continuing on 4th Ave. from 8th St. on its current northerly route.
- Running the M1 every 16 to 24 minutes on weekdays and every 12-20 minutes on weekends, depending on time of day; and

Whereas the 3rd Ave.-Bowery southern route does not provide the easy and convenient access to and from the bus needed by the many senior and disabled riders in SoHo, NoHo, the South Village and Greenwich Village who rely on bus transit and either cannot or are hard pressed to walk the distance to 3rd Ave.-Bowery (and also necessitates a long trudge for the many other bus users in these neighborhoods who are heading south, e.g., parents and children and people who work downtown); and

Whereas this proposed M1 3rd Ave.-Bowery route duplicates the route of the M103 unnecessarily, while there's a dire need for a continuous southerly bus route further west, on Broadway; and

Whereas the original M1 southbound route provided service on Broadway from 14th St. all the way down through 8th St, Houston St. and to South Ferry, providing a vital direct conveyance to all those in the communities in question to get home with heavy packages from shopping on 14th St. for less expensive goods, especially food, as well as from healthcare facilities at Union Sq. and transit connections. However, bus service on the essential link between 14th St. and 8th St. on Broadway is no longer available and not included in the M1 proposal, which would continue to deprive this population of the direct access they sorely need at Union Square; and

Whereas the M1's current (and proposed) downtown route continues on 5th Ave. from 23rd St. through 14th St. to 8th St. where it turns east, a route followed by three other buses, the M2, the M3, and the M5, that is unnecessarily redundant; and

Whereas construction on Worth St. interferes with eastbound access from Broadway to Centre St. (for heading north), a situation that will continue for more than a year, yet Chambers St., just a few short blocks away, can provide unobstructed eastbound access from Broadway to Centre St. and a sufficient street width to wholly accommodate bus and other traffic;

Therefore be it resolved that CB2, Man. strongly recommends that the M1 southbound route terminate at Chambers St. rather than at Worth St.; and

Be it further resolved that CB2, Man. urges that the southbound M1 be permanently routed down Broadway starting with turning east on 23rd St. from 5th Ave. to Park Ave. S., turning south on Park Ave. S. (continuing as Union Sq. E.) to 14th St. where it would jog west and south into Broadway and head south on Broadway to Chambers St., turning east on Chambers to Centre St. to begin its northbound trip; and

Be it further resolved that CB2, Man. supports the proposed northbound M1 route on Centre St., then Lafayette St., and continuing on 4th Ave. from 8th St. on the current northerly route, but with the bus heading north on Centre St. at Chambers St. rather than at Worth St.; and

Be it finally resolved that CB2, Man. requests that the proposed headway between buses on both weekdays and weekends be kept at the minimum intervals cited (or less) to alleviate the discomfort of long waits, especially for seniors and the disabled who cannot stand for long periods of time.

Vote: Unanimous, with 35 Board Members in favor.

2. Resolution in response to update by MTA NYC Transit on M5 Service Revisions

Whereas CB2, Man. thanks MTA NYC Transit for presenting an update on the M5 bus route service revisions; and

Whereas the MTA NYC Transit revised plan for the M5 bus route includes:

- Splitting the M5 into two routes: From the GW Bridge Bus Terminal at 178th St. to W. 31st St. & 6th Ave. (North route - Designation: M5) and from W. 44th St. & 6th Ave. to the South Ferry Terminal (South route - Designation: M55). The two routes would overlap for 13 blocks.
- A 3-leg transfer on both routes.
- Limited stop service during the day and local stops at night on the M5. Local service all day on the M55.
- A free transfer from the north to the south portion of the route and vice versa.; and

Whereas the revised routes are expected to go into service in January 2017; and

Whereas several community members were in attendance, voicing their concerns about the problems the physically challenged, including seniors and the disabled, have in getting on and off buses, and how the need to make transfers on a route that doesn't even wholly serve their needs will be a hardship; and

Whereas the many community members present cited the widespread need for a bus route that travels to and back from (uptown and downtown) the Lincoln Center area without the need to transfer on the way, a route (which they described as "a lifeline") that now exists but would be curtailed in the revisions presented by MTA NYC Transit; and

Whereas the many attendees also expressed their great need and desire for a return of the original M5 route turning west on Houston St. from Broadway and then heading north again on 6th Ave. (even if with less frequency) which provided an accessible stop on Houston for the many people of advanced age and limited mobility in the area for whom it is difficult to go the long distance to board the nearest uptown bus or reach their destinations from the nearest downtown bus; and

Whereas the need for adequate and plentiful bus shelters and seating at transfer points was strongly voiced, and MTA NYC Transit indicated that they're working with the NYC Dept. of Transportation, which is in charge of bus shelter placement, to set them up;

Therefore be it resolved that CB2, Man. strongly urges MTA NYC Transit to incorporate an additional M5 bus route (e.g. an M5X) between W. 65th and Houston Sts. that follows the current M5 route going north on 6th Ave., west on 59th St./Central Park S. to Broadway as far as W. 65th St., then turns east at W. 65th St. across Central Park to head south on Fifth Ave. to 8th St., east on 8th St. to Broadway, south on Broadway to Houston St. and west on Houston to back uptown on 6th Ave., a loop that forms an alternate route running at intervals to fill in the missing and all-important bus access needed by CB2 constituents; and

Be it further resolved that CB2, Man. urges that once M5 service revisions begin, provision should be made at the same time for at least two large bus shelters with at least 6 seats each at key transfer points; and

Be it finally resolved that CB2, Man. asks that bus countdown clocks be installed at frequent intervals along these M5 routes.

Vote: Unanimous, with 35 Board Members in favor.

ELECTION OF OFFICERS

The following individuals were elected to serve as officers of Community Board 2:

- Terri Cude – Chair (36 votes)
- Dan Miller – 1st Vice Chair (36 votes)
- Susan Kent – 2nd Vice Chair (36 votes)
- Antony Wong – Treasurer (36 votes)
- Keen Berger – Secretary (35 votes)
- Erick Coler – Assistant Secretary (34 votes)

Respectfully submitted,

Keen Berger

Secretary
Community Board #2, Manhattan