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Daniel Miller, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
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## COMMUNITY BOARD NO. 2, MANHATTAN

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### FULL BOARD MINUTES

**DATE:** December 22, 2017  
**TIME:** 6:30 P.M.  
**PLACE:** The New School, 63 Fifth Avenue, Starr Foundation Hall

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Erik Coler, Tom Connor, Terri Cude, Chair; Coral Dawson, Doris Diether, Cristy Dwyer, Robert Ely, Stella Fitzgerald, Joseph Gallagher, Susan Gammie, Jonathan Geballe, Susan Kent, Jeannine Kiely, Patricia Laraia, Edward Ma, Daniel Miller, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Shirley Secunda, Kristin Shea, Frederica Sigel, Georgia Silvera Seamans, Shirley Smith, Susan Wittenberg

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Katy Bordonaro, William Bray, Kathleen Faccini, Cormac Flynn, Jon Giacobbe, Robin Goldberg, Nicholas Gottlieb, Sandy Russo, Chenault Spence, Antony Wong, Elaine Young

**BOARD MEMBERS ABSENT:** Ritu Chattree, Maud Maron

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, David Gruber

**BOARD MEMBERS PRESENT/LEFT EARLY:** None

**BOARD STAFF PRESENT:** Bob Gormley, District Manager; Josh Thompson, Assistant District Manager, and Florence Arenas, Community Coordinator

**GUESTS:** Robert Atterbury, Congressman Jerrold Nadler's office; Jacqueline Hsia, Congresswoman Nydia Velazquez's office; Senator Brad Hoylman, Elena Sorisi, Senator Brad Hoylman's office; Jack Sterne, Senator Brian Kavanaugh's office; Lucille Songhai, Manhattan Borough President Gale Brewer's office; Johnson Ya, Assembly Member Yuh-Line Niou's office; Assembly Member Deborah Glick, Charles Anderson, Assembly Member Deborah Glick's office, Michael Stinson, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; Patrice Comerford, Council Member Corey Johnson's office; Irak Cehonski, Council Member Rosie Mendez's office; Tara Everson, Steve Harris, Bernadette Sabatino, Ed Goytia, John Gordon, Tanya Selveratham, Pete Davies, Marcilio Pereira, Paul Rodriguez, Sharain Pereira, Jessica Allen, Jennifer Swett, Andres Pazmino, Diane Cooper, Elizabeth Canon, Eileen Michael, Amy Huggans, Jackie Peu-Duvallon, Simon Hyun, Tony Simone, Zazel Loven, Ydarian Castillo, Emily Yuan, Tania Carol-Lugones, Isabel Sayes, Noreen Doyle, Johnson Ya, Paul Proux, Shelly Warwick, Ed Flahive, Janet Liff, Isaac-Daniel Astrachan

## **MEETING SUMMARY**

Meeting Date – December 22, 2017  
Board Members Present – 34  
Board Members Absent With Notification – 11  
Board Members Absent – 1  
Board Members Present/Arrived Late - 2  
Board Members Present/Left Early – 0

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### **II. PUBLIC SESSION**

#### **Non-Agenda Items**

##### Future L Train Shutdown

Steve Harris spoke regarding the future L train shutdown and the 14<sup>th</sup> St. Plan.

##### Civilian Complaint Review Board

Ydarian Castillo, from CCCR, spoke regarding community relations.

##### Art Action Day

Robin Rothstein made an announcement introducing Federation & Art Action Day.

##### Get Covered NYC

Emily Yuan, from HRA, promoted the City's health insurance program and open enrollment assistance.

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

##### 21 E. 12 St. Application for special permit to permit public parking garage in a mixed-use development

Robert Flahive, representing the applicant, spoke in favor of the special permit application.

Janet Liff spoke against the proposed special permit for a public parking garage.

31 Bond St. Application for special use modification to allow Use Group 6 commercial retail  
Paul Proux, representing the applicant, spoke in favor of the proposed special permit.

### **Landmarks & Public Aesthetics Items**

75 Washington Pl. - Application is to add a 1-story rooftop addition plus mechanical bulkhead, add 3-story rear addition, excavate at rear yard, and restore areaway fence  
John Gordon spoke in favor of the proposed application.

9-19 9<sup>th</sup> Ave.–Application is to alter a 2-story addition, remove existing glass art wall, and install a decorative metal frame on the outside of the addition  
Jackie Peu-Duvallon, representing the applicant, spoke in favor of the proposed application.

### **Parks/ Waterfront**

#### Pier 40

Noreen Doyle, Isaac-Daniel Astrachan, Eileen Michael, and Tony Simone, spoke in favor of the resolution.

Zazel Loven spoke in favor of the Chelsea Waterside Park at Pier 40.

### **SLA Licensing Items**

Amity Street, Inc., d/b/a Amity Hall, 80 W. 3<sup>rd</sup> St. 10012  
Shelly Warwick and Ed Goytia spoke against the proposed alteration application.

## **III. ADOPTION OF AGENDA**

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

Robert Atterbury, Congressman Jerrold Nadler’s office

Jacqueline Hsia, Congresswoman Nydia Velazquez’s office;

Senator Brad Hoylman

Jack Sterne, Senator Brian Kavanaugh’s office

Johnson Ya, Assembly Member Yuh-Line Niou’s office

Assembly Member Deborah Glick

Michael Stinson, NYC Comptroller Scott Stringer’s office

Lucille Songhai, Manhattan Borough President Gale Brewer’s office

Patrice Comerford, Council Member Corey Johnson’s office

Irak Cehonski, Council Member Rosie Mendez’s office

**V. ADOPTION OF MINUTES**

Adoption October and November minutes

**VI. EXECUTIVE SESSION**

1. **Chair's Report** Terri Cude reported.

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

**STANDING COMMITTEE REPORTS**

**ARTS & INSTITUTIONS**

**Resolution regarding The Collapsible Hole's appeal to the Department of Cultural Affairs (DCLA) to reverse its decision to decline the organization's FY2018 application for funding**

**WHEREAS**

1. CB2, Man. has a long history of supporting local cultural and educational institutions, which are vital to our community and CB2's identity; and
2. The Collapsible Hole is an Obie-winning artist-driven partnership that was founded in Williamsburg in 2000; and
3. The Collapsible Hole develops, creates, supports and presents original theater performances that have had a role in developing over 100 projects in the last 22 years for New York City audiences; and
4. The Collapsible Hole moved to Westbeth Artists Housing complex at 155 Bank Street in 2016 and presents a year-round program in a 5,000 square foot raw industrial space at the location; and
5. The Collapsible Hole appeared before the CB2 Arts and Institutions Committee because their FY2018 application for DCLA funding was denied; and
6. The Collapsible Hole had been consistently awarded funding by DCLA since at least 2003; and
7. The Collapsible Hole submitted an appeal to the DCLA on November 17, 2017; and
8. Without funding from DCLA The Collapsible Hole is faced with the possibility of having to permanently close The Collapsible Hole in FY2018; and
9. The Collapsible Hole has at least four letters or statements from other arts organizations in support of their appeal to the DCLA

**Therefore Be It Resolved that** CB2, Man. strongly supports The Collapsible Hole's appeal and calls upon the DCLA to reverse its decision and reinstate funding for this important and unique artistic collective.

**VOTE:** Unanimous, with 34 Board Members in favor.

## **FUTURE OF PIER 40 WORKING GROUP**

### **Resolution concerning the final report of the Future of Pier 40 Working Group**

#### **Whereas:**

1. The CB2, Man. Working Group on the Future of Pier40 formed in March, 2017, met seven times, and held three public hearings.
2. The Working Group included 6 members of Community Board 2.
3. The Working Group included representatives of United States Representative Jerrold Nadler, State Senator Brad Hoylman, Assembly Member Deborah Glick, Borough President Gale Brewer, and Council Member Corey Johnson.
4. The Working Group included representatives of Community Boards1 and 4.
5. The Working Group included representatives of youth sports and community boating user groups at Pier 40 and Friends of Hudson River Park.
6. The Working Group included liaisons from the Hudson River Park Trust and the Hudson River Park Advisory Council.
7. 3,141 people responded to an on-line public survey regarding the future of the pier.
8. This cooperative effort will be valuable foundation for finding good solutions to challenges presented by the extraordinary public asset called Pier 40.
9. The Working Group participants present at its meeting on November 30, 2017, agreed unanimously to issue the final report which is incorporated herein.

#### **Therefore, CB2, Man.:**

1. Appreciates the contributions of all the Working Group participants and of the many people who participated at public hearings and completed the on-line survey;
2. Appreciates the excellent work by Hudson River Park Trust staff in providing access to information and looks forward to continuing the open cooperation between the community and the Trust that will be needed to achieve challenging objectives;
3. Approves the report of the Working Group and incorporates it herein.

Vote: Passed, with 32 Board Members in favor, and in opposition (T. Connor, D. Diether).

### **REPORT**

November 30, 2017

### **INTRODUCTION**

**The Community Board 2 Future of Pier 40 Working Group** was formed to help establish parameters for potential redevelopment proposals that provide a stable source of income for Hudson River Park while protecting the Park from harmful impacts and increasing space for recreation, thereby achieving public support.

This report of the Working Group is based on information presented to the group at public hearings, and in responses from 3,140 people completing an on-line survey, as well as over 20 years of shared experience regarding the opportunities and the difficulties of the site. The Hudson River Park Trust provided background documentation and detailed responses to questions from the group.

Participation on the Working Group was as follows:

Community Board 2 Members

Tobi Bergman, Working Group Chair  
Katy Bordonaro  
Anita Brandt  
Rich Caccappolo  
Robert Ely  
Dan Miller

Advising Members

Andrew Zelter, Community Board 1  
Brad Pascarella, Community Board 4  
U.S. Representative Jerrold Nadler, represented by Robert Atterbury  
New York Assembly Member Deborah Glick, represented by Sarah Sanchala  
New York State Senator Brad Hoylman, represented by Elena Sorisi  
Manhattan Borough President Gale Brewer, represented by Andrew Chang  
Council Member Corey Johnson, represented by Patrice Comerford  
Youth Sports organizations, represented by Jill Hanekamp  
Community Boating, represented by Sally Curtis  
Friends of Hudson River Park, represented by Joshua Rahn

Hudson River Park Liaisons

Noreen Doyle, Executive Vice President Hudson River Park Trust  
Lowell Kern, HRPT Advisory Council

**BACKGROUND**

**Pier 40**

Pier 40 is almost 15.5 acres, or more than one and one-half times the size of Washington Square Park. A two-story concrete building covers the whole site except for a center courtyard of about 4.5 acres, now used as sports fields, and a twenty-foot wide perimeter dock. The gross floor area of the building is approximately 760,000 square feet.

Current uses of the pier include: headquarters of the Hudson River Park Trust; ball fields in the courtyard and on the roof; car parking; two small indoor areas for youth sports; a community boathouse providing public access to the river on large rowboats; passive enjoyment of the docks; docking of dinner cruise and excursion boats; and a trapeze school.

The pier, by far the largest in the Park, offers a unique and irreplaceable opportunity for new public open space, including large footprint ball fields that are difficult to site elsewhere within the narrow park. The “courtyard” field alone is almost 10 times as big as the only other unpaved sports field in Community Board 2, James J. Walker Park.

**Prior Development Proposals & Funding Pile Repair**

Two previous efforts to redevelop the pier ended in failure largely because the community objected to the character and intensity of proposed commercial uses which were primarily big box retail and a vast entertainment complex. There was also strong objection to relegating active recreational open space to the rooftops of the commercial buildings that would have dominated the site.

The high cost of repairing thousands of steel piles that support the pier structure was among factors driving the size and intensity of previously proposed development. The existing building is also in poor condition, increasing the cost of proposals seeking its reuse. But the Trust now has funds available to repair the piles, mostly obtained from the sale of development rights.

While the Trust has a mandate to try to fully fund Park operations from commercial uses within the Park, it would be harmful to the important unity of Park supporters to suggest that neighborhood objections to development proposals put the future of the park at risk. In fact, community opposition rescued the City from Westway, and later the Park and the Trust from big box retail and entertainment malls, and this knowledge should be a cause to welcome and embrace community leadership.

CB2, Man. has a long history of support for the Park, beginning with support for the Hudson River Park Act, despite misgivings of many regarding even limited commercial uses. During the public process for the massive redevelopment of the St. Johns Terminal site, neighbors spoke out against the scale of the project and the height of the proposed buildings, but CB2, Man. ultimately accepted the project because of the funding derived for Pier 40 from the sale for air rights, with the expectation that the use of the funds to repair the piles would reduce the scale of commercial development on the pier, and also expedite the needed repairs.

## **Community Survey**

In an effort to determine the key needs of the community, the Working Group conducted an on-line survey. Most of the 3,140 survey respondents are residents of the neighborhoods adjacent to the Park. 78% of the respondents use the Park regularly; 51% use Pier 40 regularly; and 38% use the ball fields at Pier 40 regularly. The responses showed that many users of the Park are very knowledgeable about the importance of the pier, both as a source of revenue and as a recreational resource.

Survey results are included in an appendix to this report, and some key results are noted here. While 42% of survey respondents think more open space is essential or very important even if the result is taller buildings, 35% think it is essential or very important not to increase building height in the Park and 43% oppose allowing commercial office development. These are very mixed results that suggest the continued potential for significant opposition to a large commercial project.

96% of survey respondents think creating more space for sports is at least somewhat important, and 93% think creating new places to relax by the river is at least somewhat important. 73% of survey respondents said it is at least somewhat important that new development at the pier "create new open spaces, even if it means taller buildings", but paradoxically, 62% said it was at least somewhat important to keep buildings to current height, even if it means no new open spaces."

And, while 94% are at least somewhat concerned that failure to generate funds from Pier 40 will result in insufficient funding for the Park, 85% are concerned about privatization of public land; 80% are concerned about loss of neighborhood character; 81% are concerned about tall buildings in the Park; and 79% are concerned about increasing traffic on local streets.

## **Relevant Sections, Terms, and Intent of the Hudson River Park Act**

The Hudson River Park Act, passed in 1997, says that it is in the public interest to encourage park uses and to allow "limited" commercial uses in the Park. It says that to the extent practicable and consistent with these goals, the cost of maintenance and operation of the Park should be paid for by

revenues generated within the Park, which cannot be used for any other purpose. It also states that City and State funds may be used “as necessary” for Park operations.

The Act codified key compromises, allowing the reuse of a decaying and largely disused industrial waterfront to create an important new public park while also allowing the State and City to continue to derive income from some of the piers they own, but directing this income exclusively to fund Park operations. In response to concerns of adjacent communities, the Act significantly limited the allowed “park/commercial” uses. Throughout the Park, it specifically prohibits amusement parks, riverboat gambling, residences, and commercial offices, and at Pier 40, it allows only water-dependent uses, entertainment, and commercial recreation.

Pier 40 is the largest site in the Park where commercial uses are permitted. The pier has provided between 25% and 40% of park operations expenses annually, mostly derived from long term car parking. The Act requires that no less than the equivalent of 50% of the footprint of the pier be active and passive public open space, but in prior Requests for Proposals this has been interpreted by the Trust to mean that the entire pier may be leased for commercial use with the result that active recreational open space was largely relegated to rooftops. The Act also specifically stipulates that the entire pier may be used for park uses.

### **Proposed Changes to the Act**

Because the commercial uses now allowed by the Act, including retail and entertainment, resulted in proposals for undesired uses with unacceptably high impacts on the Park and the adjacent neighborhoods, the Trust now seeks a change to the Act to allow commercial offices. But commercial offices were excluded as non-compatible in the Act because of concern about privatization of uses and construction of tall buildings in the Park. Those concerns remain, and an amendment to the Act allowing commercial offices would need to keep the compromise it embodies by otherwise retaining the priority of protecting the park purposes.

Another section of the Act limits commercial development at Pier 40 by limiting leases to 30-year terms. The Trust now also seeks a change to the Act to allow leases of up to 99 years because it says a 30-year term is insufficient to support the required investment for office development, based on its direct experiences at Pier 57, as well as on prior Pier 40 proposals and interviews with other developers over the years. Again, the limitation on the duration of leases was among the significant restrictions of the “limited” commercial uses allowed by the Act and any change would need to assure the same protections. The longer a lease, the greater the possessory interest of a developer, and the survey showed a continued high level of public concern about privatization. Longer leases may also encourage larger projects because they enable higher levels of financing, thus potentially discouraging smaller proposals. If the Act is amended to allow longer leases, triggers should be included to assure benefits to the Park and adjacent neighborhoods, and any Request for Proposals should specifically encourage proposals with shorter lease terms.

### **Funding the Park**

The Trust seeks to continue to obtain 25% of its operating budget from revenues generated at Pier 40, with the balance generated primarily at other piers designated for park/commercial use beyond the boundaries of Community Board 2. Based on the Trust’s projections, this would eventually require increasing net revenue from a Pier 40 project to \$12.5 million. A presentation was made to the Working Group by a Manhattan developer who volunteered to show how a developer would think about the costs of redeveloping the pier. That hypothetical showed that it may take a \$1 billion project to achieve net

income of \$12.5 million, suggesting a level of commercial use that may not be feasible given potential community opposition to a project of this scale, especially in the context of concerns expressed by some about the advisability of building grand projects on piers as waters rise.

The Trust seeks to redevelop the pier to secure its future value to the Park both as an important recreational resource and as a significant source of income. There is broad community support for these goals, but only in the context of a project that maximizes the value of the pier to the public and minimizes any harm that may be caused by large-scale commercial use in the Park.

The Act clearly accepts the possibility that funding for operations from the City and State may be necessary. The Park, though still not completed, has added great value to the west side of Manhattan. The special character of the Park as a whole and its importance to the adjacent communities is essential to its continuing success. No amount of income from the pier is worth diminishing these values that are the core purpose of the Act. The Act was written at a time when political divisions opened during the fight over Westway were still deeply felt and when the case for building a park on the blighted and disused west side of Manhattan was difficult to make. The value of the Park to the City and the State is now evident as is it visited and enjoyed by large numbers of people, and it has contributed greatly to massive development on the west side of Manhattan. In the context of the great value of the Park to the city and state, the local community is weary of being told that it must accept tall buildings and incompatible development on a pier that is a critical park resource in order to protect the future of the pier and the Park. The community urges the City and State to recognize that the Park is no less important than any other public park, and requires their ongoing support.

## FINDINGS

Finding the right path to redevelop Pier 40 will be difficult, with important goals likely to conflict with one another. There are good reasons why people are uneasy about major development within the Park. A successful proposal for Pier 40 will need to be appropriately scaled and will require developers who understand and respect the needs and concerns of residents in a complex mixed-use area burdened by traffic and under-served by parks. The pitfalls of prior efforts to redevelop the pier can only be avoided if the Trust welcomes and unites the community as a whole as an engaged partner. Prior to issuance, a Request for Proposals issued by the Trust will need to benefit from active public participation, with multiple opportunities for public review and comment. The Trust will need to assure affected neighbors and Park users, and advise applicants, that it will not proceed with a project that engenders substantial opposition.

The riddle of Pier 40 and the challenge presented by public comment is how to maximize the pier's potential to meet the needs of the community and the Park without transgressing the strongly expressed desire in the community to keep building heights and commercial intensity strictly compatible with the goals of the Act and uses of the Park. While compromise will be needed from all sides, the promise of the Park as embodied in the Act must come first.

Not necessarily in order of importance, the suggested parameters for redevelopment of Pier 40 are:

### *General*

1. Any Request for Proposals should make it clear to applicants that the Trust will be committed to responsiveness to the concerns raised herein and during the ongoing public process.

2. The Act intends that Park operations will be supported by income generated in the Park “*to the extent practicable*”. It also requires that income-generating uses be compatible with park uses. Therefore, to achieve community support, a Request for Proposals must start with recognition that income generation is secondary to protection and enhancement of park uses, as mandated in the Act.
3. The survey showed that failure to generate funds from commercial development on Pier 40 is of great concern to many Park users who fear insufficient funding may be detrimental to maintenance and public safety in the park, but potential harm to the Park from commercial development is also of great concern to Park users.

#### *Commercial and Park Mix*

4. Areas of commercial use must be strictly defined to protect the uses and character of the Park from privatization. Changes to the Act to allow commercial offices will need to be balanced by changes that maximize public open space and assure public control of the Park. The Act designates piers for specific compatible “park/commercial” uses, thereby protecting the public park character of the whole Park. Any change to the allowed uses must be fully responsive to the concerns that motivated the original language, including by limiting the intensity of use and mandating a mix of uses including uses that support community needs.
5. Because of the large size of Pier 40 and its anticipated mix of open space and “park commercial” uses, changes to the Act to allow “commercial offices” should require that all areas on the pier that are not within the footprint of a building and its access areas must be developed as active and passive public open space not subject to zoning and that unless the existing building is retained, at least 50% of the actual footprint of the pier must be reserved for these uses on the ground level. The “equivalent of 50%” language of the Act should pertain only to reuse of the existing structure.
6. While some commercial office use may be compatible with the goals of the Park, full use of the currently available development rights may not be practicable because of incompatibility of the intensity of the use or the scale of buildings needed to achieve such full use. Because the current zoning will need to be changed to allow any commercial redevelopment on the pier, and because any commercial use must comply with the requirements of the Act, there is no existing “as-of-right” floor area. Therefore, the Trust should not expect to be able to develop the full amount of floor area in the park setting that was once available for essential transportation needs when the pier was part of “the working waterfront”.
7. Commercial offices may be reasonable if their high value reduces the total floor area of a project, but other commercial uses that enhance the park and support important community needs should also be included as part of any redevelopment. There should be a balance of commercial uses including park- and community-enhancing uses which may include small restaurants and performance venues, commercial recreation, uses supporting the arts such as rehearsal space and galleries, and artisanal manufacturing.

#### *Active and Passive Recreational Uses*

8. The large size of Pier 40 offers a unique opportunity to increase the amount of space for sports fields to serve the large and growing communities adjacent to the Park. Substantially increasing space for fields is essential for the growing number of families with children in these neighborhoods, many of whom spoke at public hearings held by the Working Group, and to

nearby schools that lack sufficient sports facilities. Any redevelopment at Pier 40 should include substantial increase to the number of fields, and if the existing building is not retained, these should be located on the ground level. Also, new indoor recreation space should be included to respond to the growing unmet need for youth sports facilities.

9. Because ball fields are too large to be located elsewhere and the boathouse depends on access to the protected cove created by the pier, these uses should be prioritized at Pier 40. The sports groups and schools that use Pier 40 predominantly serve nearby neighborhoods, but not exclusively, and given the scarcity of field space in the area combined with massive residential development on the west side of Manhattan, in addition to adding more fields at Pier 40, the Trust should also seek opportunities to develop fields farther north in the Park. Gansevoort Peninsula will be primarily for passive uses, but could still include fields for younger children. Pier 76 may be another opportunity to build fields within the Park, and the Trust should work with all concerned to implement the provision of the Act that requires the City to use best efforts to relocate the Tow Pound currently situated on this massive pier to realize the great potential to benefit the Park and the communities it serves.
10. Parks throughout the city successfully integrate ball fields with other park uses, and survey responses showed strong support for a variety of park uses on the pier. A balance of park uses will increase use of the pier and contribute to its public park character. The pier should support a mix of park uses, including passive uses supported by views to and over the river, and highly popular amenities such as playgrounds, dog runs, and more. The south side of the pier has some of the best views in the Park and is ideal for quiet enjoyment, which is compatible with uses supporting public access to the river. Dog runs are also difficult to site because of objections by neighbors so this use also needs to be accommodated.
11. Rooftops can support recreational use, but substantially locating these uses at ground level is essential to maintain the democratic character of the Park. In addition, rooftops on the waterfront are subject to intense wind and sun conditions. Based on past experience, open space primarily on rooftops can make a proposal more attractive but will not achieve community support for a proposal that is otherwise problematic. Rooftops can also be a good place to construct enclosures for indoor recreation.
12. Opportunities for youth sports are essential to the quality of life of the area and a redevelopment project will take years to complete. A requirement of any project must be design and phasing to allow completion without significantly disrupting current park uses, including ball fields and the community boathouse, during construction.
13. Any redevelopment should respond to the identified need for more space for indoor sports, which currently occupy a very small part of the existing building. Community members have expressed a wish for other indoor recreation such as an indoor skate park, squash courts, and other uses. These may be provided as public amenities, but also potentially as commercial or combined facilities that generate income. Successful models already exist at the pier at the P3 youth baseball-training program and at the Trapeze School, though not all are commercial uses.

#### *Parking and Safe Access*

14. Increasing vehicular traffic generated by development on Pier 40 will require thoughtful site design to separate commercial access from recreational uses. Safe access to and use of the Park is more important than revenue from commercial use, and any redevelopment must include plans for

a new driveway and/or pedestrian entrances and exits to and from West Street to eliminate pedestrian conflicts with turning traffic entering and leaving the pier to the maximum degree possible.

15. Monthly car parking has helped to sustain the pier and the Park for many years and continues to be very important to many residents and a reliable source of income for the Trust. Hourly parking is used by many Pier 40 visitors. Parking has low value per square foot and consumes a lot of space, but it is a relatively passive use, and its elimination may be disruptive to many and may generate opposition to a proposal, and therefore needs to be carefully considered. However, in an era of technological transformation of car transportation, any parking areas should provide for battery charging and car sharing and be designed for possible future conversion to other use. Automated parking should be considered to reduce environmental impacts and make more efficient use of space.

#### *Wind, Shadows, Water, and Views*

16. Any future building at Pier 40 should be sited to protect the Park and the Hudson River from shadow impacts, and view corridors from cross streets to the river should also be considered when any new buildings are sited.
17. For many years, access into and onto the Hudson River was severely restricted by industrial waterfront activities and polluted waters. Because of the Park and improving water quality, growing numbers of Manhattan residents are now exhilarating in the recreational opportunities of not just the waterfront, but the river itself. As people grow more confident in the safety of recreational use of the river, demand for river access is likely to expand more rapidly. Opportunities for free access to the river at Pier 40 should be sustained and expanded and the Trust should offer opportunities to individual Park users as well as community groups.
18. Experience on the roof of Pier 40 indicates that intense wind will limit the utility of unprotected fields, especially for sports that are otherwise playable when temperatures are lower, thereby reducing the benefit of increasing their footprint. A building located to the north may provide some protection from prevailing winds, but may also create gusts conditions and will not help with common “Nor’easters” and winds of the bay. For a project to achieve support from the youth sports community, effective mitigation will be essential and preliminary studies to evaluate the feasibility of protecting fields from the wind should be done before a Request for Proposals is issued.

#### *Mass and Design*

19. Taller buildings at Pier 40 will change the character of the Hudson River waterfront and may cast too many shadows on the Park and the river. There are currently no buildings taller than Pier 40 on the west side of Route 9A north of Chambers Street, and south of Chambers Street there is substantial park space to the west of the buildings. There is a long and consistent history of objection to extending the Manhattan height context to the river. On the other hand, taller buildings may create opportunities to create more park space and to open views and access from the Park to the river. In any case, the determinant of building height should be based on the overall impact on the Park and adjacent neighborhoods, not solely commercial considerations. The response of neighbors to taller buildings is impossible to know outside the context of a specific proposal, but any increase to building heights will require a proposal with a high degree of sensitivity to the overall needs and concerns of the entire community.

20. High quality urban and landscape design will be essential, reinforcing the role of the park as a space of transition from intensely developed urban streets to the serene presence of the powerful river. Design goals may include a project that: celebrates the serendipity of the waterfront park; provides visual connections to surrounding landscapes and the river; respects and emulates the streets, scale, modulation, and cultural energy of the adjacent areas; promotes sustainability and environmental stewardship with attention to climate and resiliency; provides a landmark with lookouts to the river and the city; and offers multiple through-paths with natural meeting places between use-designated spaces.
21. The design should also prioritize green architecture and flood resiliency and use wind and sun power. Survey respondents voiced strong support for generating solar or wind power at the pier. Storm water retention and reuse should also be evaluated. One way to build green is to reuse, so the Trust should not discourage proposals that retain parts of the existing structure while removing parts to create openness to the river.

## **RESOURCES**

*For a version of this report including all documents considered in its preparation please contact CB2, Man. For a limited time, these documents will be available at <http://www.nyc.gov/html/mancb2/html/future-of-pier-40-working-group/future-of-pier-40-working-group.shtml>*

## **LAND USE AND BUSINESS DEVELOPMENT**

**1. 823 Washington Street** (between Little West 12th Street and Gansevoort Street) BSA calendar No. BZ is an application for a new special permit for a physical culture establishment for a portion of cellar and ground floor, pursuant ZR 73-36.

### **Whereas:**

1. The premises is located in an existing two-story building in the Gansevoort Historic Market District, which is in a M1-5 zoning district.
2. The PCE will occupy a total of 1655sf on the ground floor and in the cellar with a total occupancy of 33 people.
3. The applicant is an international skincare company that promotes overall natural wellness, health and fitness by offering an organically-derived product line in combination with licensed massage therapy. It will offer retail and spa services, including a café and a wine bar.
4. The applicant is requesting a special permit for the maximum term of years.
5. This use is compatible with the commercial nature of the neighborhood and will not create an increase in vehicular and/or pedestrian traffic or interfere with any approved or pending public improvement projects.
6. Hours of operation will be 11:00am to 7pm Monday through Friday and 11:00am to 8pm Saturday and Sunday.
7. The applicant does not propose any enlargement or extension to the existing building.
8. No portion of the proposed PCE will be located on the rooftop of the subject building; the entrance is appropriately located on a wide street; and the PCE has no potential hazards or disadvantages that will adversely impact the privacy, quiet, light and/or air within the neighborhood.
9. There are no active complaints or open DOB or ECB violations against the building.
10. No one from the neighborhood appeared to speak against this application.
11. This building has never been licensed.

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

Vote: Unanimous, with 34 Board members in favor.

- 2. 31 Bond Street** (between Lafayette Street and Bowery) CPC #180062ZSM Application for a special use modification to allow Use Group 6 commercial retail on the ground floor, cellar and sub cellar, pursuant to 74-711.

**Whereas:**

1. This application for a special permit use modification would allow Use Group 6 commercial retail on the ground floor, cellar and sub-cellar levels of an existing six-story building located in Manhattan's NoHo Historic District. Proposed retail use would total gross 3489sf on the three levels.
2. The building was vacant when the current owner purchased it in 2010 and it is currently unoccupied. In the past, it was used for storage, boilers and toilets in the cellar and sub-cellar, gallery and performing space on the first floor, a recording studio on the second floor, offices/video room on the third floor, classrooms, offices and storage on the fourth floor, and JLWQA on the fifth and sixth floors.
3. There is no documentation that there was ever a Loft Law case in this building.
4. In 2015, the BSA issued a variance to permit residential use on each floor of the building, including ground floor. However, the applicant intends to abandon that variance and convert floors two through six to conforming office use.
5. If it gets the special permit, it is CB2's understanding that the applicant must formally abandon the variance by informing the BSA.
6. The applicant received a Certificate of Appropriateness from LPC in August 2017.
7. Within the surrounding area, retail uses occupy the ground floor of the majority of buildings, so the special permit use modification will have minimal adverse effects on conforming and legal non-conforming uses in the surrounding area.
8. According to the application, the applicant is seeking a "maker-retail" operation that can confer "authenticity" and prestige on the building and improve demand for the upper level office space. "The applicant's desired tenant will ideally involve some artisanal work or value-added retailing, such as a design-industry tenant....The right tenant will not include a restaurateur, high footfall operator, or convenience store retailer and the applicant has committed as much to community members."
9. The applicant agreed to no a eating and drinking establishment and believes that CPC will stipulate this in the special permit as a matter of course.

**Therefore, be it resolved,** that CB2, Man. recommends denial of this application UNLESS the following conditions are met:

1. The applicant formally communicates with the BSA to abandon the variance in its entirety.
2. The applicant is correct that there was never a Loft Law case in this building and the JLWQA units were disposed of properly.
3. The CPC stipulates no eating and drinking establishments in its special permit.
4. The applicant makes every effort to find a "maker-retail" tenant as described in the application.

Vote: Unanimous, with 34 Board members in favor.

3. **21 E. 12 Street** (at University Place) DEP # 180069ZSM is an application for a special permit pursuant to ZR Sections 13-45 (Special Permits for Additional Parking Spaces) and 13-451 (Additional parking spaces for residential growth) to permit 187 space public parking garage in a mixed-use development.

**Whereas:**

1. This is an application for a special permit pursuant to ZR Section 13-45 (Special Permits for Additional Parking Spaces) and ZR Section 13-451(a) (Additional parking spaces for residential growth, for an attended public parking facility with a maximum capacity of 187 spaces.
2. The mixed use, 23-story building currently being developed on University Place from 12<sup>th</sup> Street to 13<sup>th</sup> Street will include 53 luxury condominiums and 12,770 square feet of retail would be permitted 13 accessory parking spaces as of right so the proposed action would increase the number of spaces by 174.
3. The Manhattan Core Parking regulations which for 30 years had contributed to a reduction of car commuting into Manhattan, were amended in 2013, allowing developers to apply for special permits to increase parking spaces in new developments based on residential growth in the area and also allowing accessory residential spaces to be used for public parking.
4. As stated in the NYC Zoning Handbook published by the City Planning Commission: "...in almost all new developments in Community Districts 1 to 8 in Manhattan and in Downtown Brooklyn, commercial, manufacturing, and most community facility uses are exempt from parking requirements because public transit is easily available. Experience has shown that if such parking were available it would increase traffic congestion by attracting more cars into the heart of the city...."
5. CB2, Man. opposed the 2013 amendments because they enable an increase of car commuting into the Manhattan Core (below 96<sup>th</sup> Street), and CB2 specifically recommended restrictions that would prevent use of new residential spaces to increase availability for commuters. CB2, Man. also recommended a limit of 50 cars at any new development.
6. There is nothing in the parking regulations preventing an operator from increasing monthly residential parking prices to create spaces for daily or hourly parking or monthly parking for employees.
7. CB2, Man. also has a position opposing inappropriate development along the University Place/4<sup>th</sup> Avenue corridor below 14<sup>th</sup> Street where neighborhood character is threatened by massive new office and residential development, including the 269-foot tall building where this large new garage would be located.
8. Increasing parking availability will also encourage new development and is likely to increase car use by commuters and shoppers coming to the area.
9. The application requires a finding that the new use "will not create or contribute to serious traffic congestion and will not unduly inhibit traffic and pedestrian flow," without specifying the area where this may occur. Any additional commuter parking will inevitably contribute to serious traffic congestion at tunnel access points, including at the Holland Tunnel within CB2.
10. The traffic study focused on an 600-foot radius from the site; therefore, the study was insufficient and the application should have required a study that showed that the facility will not increase car commuting into the Manhattan Core.
11. Unlike other areas within CB2, the Central Village has many large apartment buildings that were constructed in the automobile era.
12. CB2's Traffic and Transportation Committee conducted an informal survey of indoor parking garages within the study area, finding a plentiful supply of available monthly parking, for example, Stewart House at 70 E. 10th St. has 45 spaces open; The Brevoort at 11 5th Ave. has 12; Randall House at 63 E. 9th St. has 20, 7 E. 14th St. has 20, to name just a few in the immediate vicinity. Icon, which runs at least 7 garages with 1,000s of spaces within a 6-block area, stated that they have 100s of available spaces for monthly parking.

13. CB2's T&T Committee also spoke to the VP of a large parking company, who said demand for monthly spaces was "way down," that millennials don't buy cars, and that Uber was hurting business.
14. SpotHero, a website and App to find convenient parking locations, shows 33 garages (other than those already cited) near 21 E. 12th St. with monthly parking spaces available, average monthly cost in the \$500 range. All of them, save three, offer hourly parking as well, along with 12 other garages. This is unlike SpotHero in the West Village, which shows few garages with monthly parking available and prices about twice as high as in the 21 E. 12th vicinity.
15. There was no public testimony favoring the application or expressing the need for additional spaces to serve residents in the area.
16. With the location of college dorms in the area and with the increased intensity of office and hotel development south of 14th St., sidewalks are packed with pedestrian traffic, which is in frequent conflict with vehicular traffic.
17. Sufficient monthly off-street parking appears to be available without the addition of 174 long-term spaces. In the absence of long-term parking demand, short-term parking could easily be substituted for those additional spaces, attracting more commuter and retail vehicular traffic.
18. This application is coming to CB2, Man. after work on the structural work including the parking facility space and ramp was completed.
19. The applicant stated their original plan called for storage space in that structure, and there also are many other potential uses that would better attract monthly renters and better serve the community than parking spaces, which can generate traffic and unwanted congestion.

**Therefore, it is resolved that CB2, Man.:**

Recommends **denial** of a special permit for additional parking spaces for residential growth at 21 East 12<sup>th</sup> Street;

Recommends that should the City Planning Commission consider adding any additional spaces, the maximum number of spaces should not exceed the number of dwelling units in the building, which is 53, and will be for residential customers only or for a combination of residential customers and car share spaces, along with at least 38 permanent bike stations for monthly rental.

Vote: Passed, with 30 Board members in favor, and 4 in opposition (A. Brandt, T. Connor, R. Rothstein, R. Sanz).

## **LANDMARKS AND PUBLIC AESTHETICS**

**1. \*64 Horatio St.** – Application is to replace windows at the front façade and at the visible secondary façade.

### **Whereas:**

A. The historic style wooden windows in the front facade are proposed to be replaced with non-historic and unsuitable aluminum clad six over six double hung windows painted black; and

B. The wooden historic style rear facade windows, clearly visible from Greenwich Street, are proposed to be replaced with non-historic and unsuitable black steel casement windows; now

**Therefore be it resolved** that CB2, Man. recommends denial of this application.

Vote: Unanimous, with 34 Board members in favor.

**2. \*375 W. Broadway** – Application is to install a trellis at the rooftop (amended application previously approved at staff level).

**Whereas:**

A. A brushed aluminum unadorned trellis on a steel frame is proposed to be incorporated into a previously approved configuration of raised bulkheads on the rooftop.

B. The trellis is without historic reference, is unsuitable to the building and to the neighborhood and the applicant did not produce the required photographs of a mockup; however the computer generated photo montage made clear that the trellis is clearly visible and an undesirable intrusion on the roofscape from a public thoroughfare;

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

Vote: Unanimous, with 34 Board members in favor.

**3. \*160 W. 12th St.** - Application is to install two pergolas and four trellis elements to the 11<sup>th</sup> floor terrace at PH3

**Whereas:**

A. Two pergolas, 9’ and 10’ high, with louvered side walls and tops, are to provide a base for plantings and are to be installed on the 11<sup>th</sup> floor of the narrow and completely visible 12<sup>th</sup> Street and Seventh Avenue terrace; and

B. The pergolas are bulky in appearance and are highly and intrusively visible from several locations on main thoroughfares; and

C. The flat trellises, attached to the walls that are set back from the edge of the terrace, were not represented in a visibility study, although they appear modest and their visibility is not objectionable; now

Therefore be it resolved that CB2, Man. recommends:

A. Approval of the flat trellises attached to the walls; and

B. Denial of the two pergolas.

Vote: Unanimous, with 34 Board members in favor.

**4. \*178 Spring St.** – Application is to construct a non-visible single-story rear yard extension for commercial use and enlargement of four existing rear elevation bathroom windows to match other existing windows on the rear façade on Thompson St.

**Whereas:**

A. The proposed one story rear yard extension is in keeping with the building and railing required by code and is not visible from any public thoroughfare; and

B. The new metal windows which are appropriate to the building and the district are obliquely visible from Thompson Street; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 34 Board members in favor.

**5. \*320 W. 13th St.** (aka 2 Gansevoort St.) Application is to install new storefront infill and signage at the former freight entrance on Horatio Street.

**Whereas:**

A. The commercial entrance, freight entrance and mechanical room bays are to be replaced with an inset storefront of black steel frames and doors with considerable glazing that reflects the style of the intact historical windows on the upper floors of this industrial building; and

B. The applicant agreed that the bulkheads would be painted entirely black, unlike the mixed black and white scheme shown in the rendering; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application provided that the bulkheads are painted black.

Vote: Unanimous, with 34 Board members in favor.

**6. \*9-19 9th Ave.** – Application is to alter a two story addition approved by LPC in 2015, and to remove existing glass art wall and install a decorative metal frame on the outside of the addition.

**Whereas:**

A. The proposal is to replace the previously approved and installed curtain wall with a new façade made up of a system of black metal (aluminum) frames with diagonal rod braces, with the intent of reflecting the High Line and other metal work in the neighborhood; and

B. The number of elements and the detailing of the facade, especially the punctured holes in the steel, appear to be overdone and not in keeping with the simpler industrial character of the district; and

C. The screen is set back approximately one foot from the position of the existing screen and the ends are foreshortened, reducing the apparent bulk and weight of the rooftop addition; and

D. The mullion caps on the lower floor will be added to with a heavier design in keeping with the industrial nature of the new screen wall.

**Therefore be it resolved** that CB2, Man. recommends approval of this application provided that the detailing of the steel facade is simplified to better reflect the industrial character of the district.

Vote: Unanimous, with 34 Board members in favor.

7. \*249 W. 13th St. – Application is to legalize the installation of signage, replacement of 3 lights and painting of the conduit, and installation of 3 window planters, all without LPC permits.

**Whereas:**

A. Photographs showed that the ground floor had been used for commercial purposes long before designation and that various signs had been in place; and

B. The proposed sign is of an appropriate design for the building and the district and is attached with stand off brackets to preserve the facade; and

C. The proposed lantern type fixtures to replace the three industrial fixtures are appropriate for the building and for the district.

D. The surface mounted conduit, that is proposed to be left in place, defaces the facade; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application provided that conduit is recessed and not visible on the façade.

Vote: Unanimous, with 34 Board members in favor.

8. \*5-7 Mercer St. – Application is to install a penthouse rooftop addition, restore the front façade, and install new lot line windows at the South wall.

**Whereas:**

A. The ground floor facade is to be restored with the cornice and capitals replaced, marble replaced, bulkheads raised, windows replaced and vault light steps restored according to historic photographs and elements revealed by removing non-historic material; and

B. A residential door modeled on a 1970 photograph is very much out of style for the building and does not reflect an important era in the evolution of the building; and

C. An existing fire escape is to be extended to the roof with an appropriate ladder and the elevator bulkhead is to be raised 3’-2”;

D. The southern parapet is raised to varying degrees with a maximum of 6’ at the highest point and the penthouse extends 10’ above the existing roof line; and

E. The raised parapet and the positioning of the penthouse minimize the visibility of various elements and is compatible within the neighborhood roof scape context; and

F. Several residents of the building spoke- they object to the residential door design and the reconfiguring of the roof; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application provided that the residential entrance door is in the style of the proposed door to the commercial entrance.

Vote: Unanimous, with 34 Board members in favor.

**9. \*102 Greene St.** – Application is to renovate the front and rear façades and install a bulkhead addition on the roof.

**Whereas:**

- A. The adjacent building is in the same style and is by the same architect and was shown as the example to be followed for restoration; and
- B. The entrance steps are to be restored; and
- C. The north door and surround was created by the artist/sculptor who created the bronze door and lived at 102 Greene Street was William Tarr. He also created the Martin Luther King Memorial sculpture at LaGuardia High School on the Upper East Side, and the steel memorial “Gates of the Six Million” at the Holocaust Museum in Washington, DC.
- D. The door and surround are to be relocated as a door to the roof terrace from a private, nonvisible penthouse clad in steel paneling; and
- E. The facade will be restored and elements replaced according to the example of the referenced adjacent building; and
- F. The windows on the upper floors are to be replaced with two over two historic style windows; and
- G. Rear facade, including the skylight will be restored and windows replaced with historic style two over two windows.
- H. There was considerable testimony from the public objecting to the removal of the door and that it would be placed on the roof and no longer visible to the public; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application provided that the metal door and surround remains in place without alteration to ensure that it is visible to the public and properly identified.

Vote: Unanimous, with 34 Board members in favor.

**SECOND LANDMARKS MEETING**

**10. \*201 W. 11th St.** – Application is to change display window to a single hung window.

**Whereas:**

The proposal is to replace a single pane window with a large double hung window in a similar style and to lower the bulkhead.

**Therefore be it resolved** that CB2, Man. has no objection to this proposal provided that care is taken that the materials and detailing are suitable to the building.

Vote: Unanimous, with 34 Board members in favor.

**11. \*109-111 Spring St.** – Application is to lower the storefront windowsills approximately 22”.

**Whereas:**

A. There existing bulkheads range from 57 ” to 67” on account of the grade of the sidewalk and the proposal is to lower the bulkheads by 22”, duplicating the current bulkhead design; and

B. Photos were shown of examples in the neighborhood similar to the proposed proportions; and

C. Probes of the existing bulkheads will be conducted which may reveal the presence of original cast iron material; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application provided that the design is modified to preserve in situ any original materials that may be revealed in the probes in situ.

Vote: Unanimous, with 34 Board members in favor.

**12. \*75 Washington Pl.** - Application is to add a one story rooftop addition plus mechanical bulkhead, add three-story rear addition, excavate at rear yard, and restore areaway fence.

A. The building is a twin to 73 Washington Place which retains its original ground floor windows and areaway and has received landmarks approval for considerable changes in the rear facade; and

B. The proposal uses the 73 Washington Place extant condition of the ground floor windows, areaway, and ironwork as an example for the modifications to the subject property and the approved plans as an example for the rear facade alterations;

C. The penthouse, elevator bulkhead, and mechanical equipment as proposed are in suitable materials, are set back and not visible from any public thoroughfare.

D. The chimney will be extended on account of the penthouse construction and, though visible, is acceptable in the roofscape of the street; and

E. The existing rear extensions are to be removed and replaced by a four story extension approximately 18’ deep; with large small pane windows on the ground, parlor, and second floors and a balcony on the third floor; and

F. The cellar level is to be excavated 30’ into the garden, leaving 5’ of the existing garden at the rear of the property; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 34 Board members in favor.

## QUALITY OF LIFE

### **1. New Application for revocable consent to construct, maintain, and use a new fenced-in area at:**

#### **55 Horatio Street**

**Whereas**, this applicant wishes to construct a fenced-in area along the front of this property— a four-story, single-family, brick row house at 55 Horatio Street between Greenwich and Hudson Streets—for security purposes, as the tenant has experienced an increase in incidents of disorderly individuals intruding on the resident’s peace and tranquility by peering into the windows that are adjacent to the sidewalk as well as loitering, littering and urinating along the front façade of this building; and

**Whereas**, the applicant received unanimous approval for this application from the Landmarks Preservation Commission on June 27, 2017; now

**Therefore Be It Resolved** that CB2, Man. recommends approval for revocable consent to construct, maintain, and use a new fenced-in area at 55 Horatio Street.

Vote: Unanimous, with 34 Board Members in favor.

### **2. New Application for revocable consent to operate an unenclosed sidewalk café for:**

#### **Gino Sorbillo, LLC, d/b/a Gino Sorbillo, 334 Bowery, between Great Jones and Bond Streets with 5 tables and 10 chairs (15793-2017-ASWC)**

**Whereas**, the applicant’s original application requested approval for 8 tables and 16 chairs which was inconsistent with the stipulations agreed to in April 2017 between the applicant and CB2, Man., in which the applicant indicated a sidewalk café with no more than 5 tables and 10 chairs; and

**Whereas**, the applicant agreed to amend its application and is now requesting approval for 5 tables and 10 chairs, and

**Whereas**, the applicant further confirmed that it intended to comply with other stipulations agreed to in April 2017 including the stipulation that the sidewalk café would not operate past 11 PM and that the establishment will not utilize any sandwich boards or A-frame style signage on the public sidewalk; and

**Whereas**, the applicant was informed that a letter was received by CB2, Man. from an area resident expressing opposition to this application due to the increased sidewalk café activity in this area and the applicant expressed its intention to minimize any noise and activity connected with this sidewalk café and confirmed that the café would not use any amplified sound and an awning would be utilized to contain any ambient noise within the sidewalk café; and

**Whereas**, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored in the cellar of the establishment when the sidewalk café was closed; and

**Whereas**, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all food and drink would be delivered by restaurant staff; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of a sidewalk café for **Gino Sorbillo**, 334 Bowery, between Great Jones and Bond Streets with **5 tables and 10 chairs (15793-2017-ASWC)**.

VOTE: Unanimous, with 34 Board Members in favor.

**3. FYI Sidewalk Café Renewals:**

**Yerena Restaurant Corp., d/b/a Arte Restaurant, 21 East 9<sup>th</sup> Street**, with 3 tables and 8 chairs (2021586-DCA).

**Innovation Kitchens, LLC, d/b/a Dominique Ansel Kitchen, 137 7<sup>th</sup> Avenue South**, with 5 tables and 24 chairs (2019224-DCA).

**Therefore Be It Resolved** that CB2, Man. recommends approval of the subject renewals.

VOTE: Unanimous, with 34 Board Members in favor.

**4. FYI/Renewal Street Activities**

**1/6/18-12/30/18 – St. Patrick’s Old Cathedral Basilica—Old Cathedral Outdoor Market (sidewalk sale), Prince Street between Mott and Mulberry Streets.**

**Whereas**, this application was not placed on the agenda for a public hearing, however, members of the public appeared to speak regarding this renewal application and the committee agreed to hear those comments; and

**Whereas**, the applicant has been operating this sidewalk sale for almost 20 years; and

**Whereas**, a representative from the newly formed Elizabeth Street Block Association (ESBA) appeared to express concern about the congestion on this section of Prince Street and its sidewalks and hoped that the operators of this sidewalk sale would encourage its vendors to be vigilant about minimizing congestion on the sidewalks when interacting with the sidewalk sale’s customers; and

**Whereas**, the representative of ESBA and a representative of the operator of this sidewalk sale engaged in an open dialogue about the measures the operator has implemented to minimize the congestion of this sidewalk sale by decreasing the amount of vendors from 20 to 15 and by minimizing the amount of set-up and breakdown times of the sidewalk sale, and the operator also detailed ways in which the operator has worked with local merchants to avoid duplication of items available for sale at the sidewalk sale; and

**Whereas**, the operator and the ESBA representative expressed that they intended to keep the line of communication open and would continue to explore ways to minimize sidewalk congestion in this area; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of this renewal application for **Old Cathedral Outdoor Market (sidewalk sale)** on Prince Street between Mott and Mulberry Streets from 1/6/2018-12/30/2018.

**All committee members in attendance expressed support for the application.**

**3/24/18 – Saint Joseph’s Church—Washington Place Festival, Washington Place between 6<sup>th</sup> Avenue and Grove Street.**

**3/31/18—Greenwich Village Chelsea Chamber of Commerce—GVCC Waverly Place Festival, Washington Square between 5<sup>th</sup> Avenue and University Place.**

**5/26/18—Stonewall Democratic Club West 4<sup>th</sup> Street Festival, West 4<sup>th</sup> Street between 6<sup>th</sup> Avenue and MacDougal Street.**

**5/26/18-6/3/18—Washington Square Outdoor Art Exhibit Inc.—Washington Square Outdoor Art Exhibit, University Place between Waverly Place and East 13<sup>th</sup> Street.**

**6/30/18—Bleecker Area Merchants and Residents Association—BAMRA Bleecker Street Festival, Bleecker Street between Broadway and 6<sup>th</sup> Avenue.**

**9/1/18—Bailey House Washington Square Festival, Waverly Place between Washington Square East and Broadway.**

**9/8/18—Sixth Precinct Community Council—Village Center for Care Bleecker Street Festival, Bleecker Street between 7<sup>th</sup> Avenue South and 8<sup>th</sup> Avenue.**

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the subject renewals.

VOTE: Passed unanimously, with 34 Board members in favor

**4/14/18—Community Board 2 Broadway Festival, Broadway between East 8<sup>th</sup> and East 14<sup>th</sup> Streets.**

VOTE: CB2, Man. takes no position on its own street festival renewal application.

## **SLA LICENSING**

### **1. Ballato’s Restaurant Corp., d/b/a Ballato’s, 55 E. Houston St. 10012 (OP – Restaurant)**

**i. Whereas**, the Applicant and his Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a corporate change of an existing Restaurant on premise license SN# 1224039 (Exp: 2/28/18) to continue to operate a full-service restaurant specializing in Italian fare within a mixed use five-story building (circa 1910) on East Houston Street between Mott & Mulberry Streets; and,

**ii. Whereas**, the Principal who appeared, Emilio Vitolo, who currently owns only 10% of the corporation and will continue to own only 10% of the corporation, presented a corporate change application to transfer 90% of the existing business to Adeline Lepore Sessa, who is listed as a principal in Ferrara Foods & Confection, Inc., also located within CB2, Man., but whose interest in Ferrara or experience operating Ferrara was not presented and who also did not appear despite being presented as the new majority owner of the business ; and,

**iii. Whereas**, Mr. Vitolo indicated that the existing method of operation as a full-service restaurant would remain the same, operating within a roughly 2,200 sq. ft. premise (ground floor and basement with basement for storage purposes only); there being 17 tables and 69 table patron seats in the restaurant, no bar, no TVs, no sidewalk café or outdoor areas for service and where the existing front facade is fixed and

does not open out to the sidewalk; the hours of operation will continue to be from 12 PM to 12 AM Sunday through Thursday and from 12 PM to 1 AM Fridays and Saturdays, and music will be quiet background only with no no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, while Ballato's has been open and operating at this location for some time, its was only licensed for the service of Alcohol via an On-Premise Liquor License in 2010, after originally trying to circumvent appearing before CB2 in 2009; at that time in 2010, the License being subject to the 500 ft. rule, CB2, Man. only supported the application to obtain a full liquor license because the Licensee was adamant that there would be absolutely no changes to the operation and they would not operated beyond the proposed hours of operation or the defined method of operation as presented as a restaurant; CB2's support was contingent on those limitations to the operation of the newly sought on-premise liquor license; the applicant appeared again in May 2010 in order to present an application to increase the space by taking over another storefront in the building at which time, CB2's support was conditional on the applicant agreeing to stipulations which mirror the hours of operation presented in the previous whereas and match the proposed method of operation; and;

**v. Whereas**, when a stipulation agreement was presented to the Principal owning only 10% of the business at this meeting in December/2017 meeting, which outlined the proposed method of operation for the Restaurant, the Attorney representing the Applicant declared that Mr. Vitolo does not sign stipulation agreements and will not agree to do so with CB2, Man. so that the proposed method of operation could be attached and incorporated in to the restaurant on premise license, providing no recognizable reason for refusing to do so other than simply stating "he doesn't do that"; the majority Principal owning 90% of the business was not present; and,

**vi. Whereas**, this refusal to sign any stipulations agreement, coupled with the failure of the new majority owner to appear before the Committee and to present her complete background and experience in operating such an establishment raised significant concerns with the Committee when no satisfactory reason was provided, the stipulations agreement being reasonable and designed only to hold (but not restrict) the applicant to its proposed method of operation as a full service restaurant, this on premise license existing since 2010 and subject to the 500 Foot Rule; and,

**vii. Whereas**, when Mr. Vitolo appeared before CB2, Man. for his existing on premise license in 2010, the recommendation from CB2, Man was to deny the on premise license unless all the conditions agreed to by the Applicant Mr. Vitolo during his application was incorporated into the method of operation of his business on the State Liquor Authority's on premise license, those conditions being stated as follows:

1. The premises operates as a restaurant.
2. The hours of operation are from 12 PM to 11 PM Monday through Friday, from 4 PM to 12 AM on Saturdays and from 4 PM to 11 PM on Sundays.
3. There will be no backyard garden, no sidewalk cafe or any outdoor area for commercial purposes.
4. Will close all doors and windows by 9PM every night.
5. The premises will play quiet ambient, recorded background music only.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the presented application seeking a corporate change to an existing restaurant on-premise liquor license for **Ballato's Restaurant Corp., d/b/a Ballato's, 55 E. Houston St. 10012**; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this corporate change on-premise liquor license 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. respectfully requests that the Liquor Authority make a condition of approval the stipulations and conditions as was previously agreed to by this same Applicant in 2010 for these same premises and as set forth above.

Vote: Unanimous, with 34 Board members in favor.

**2. Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome St. C-104, 10013** (Tavern Wine–alteration to add adjacent storefront to the licensed premises).

**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 to an existing Tavern Wine license to add an adjacent but separate storefront to the existing storefront premises, combining the two storefronts to expand the existing business currently operating as a “Classic Luncheonette” serving “craft hamburgers, milkshakes and beer” within an above ground, parlor floor storefront location within a 6 story mixed use building located on Broome St. between Sullivan Street and Thompson Street in Soho; and

**ii. Whereas**, the existing storefront premises is 480 sq. ft. and until 2015 operated as a Dog Grooming service and previously to that had never been licensed for the service of alcohol, the new and adjacent storefront to be added to the existing premises being 368 sq. ft., and which had previously operated as a dry-cleaning business, the total square footage of the two storefronts combined being roughly 850 sq. ft.; and

**iii. Whereas**, the Applicant also operates with a second, albeit separate basement space in the same building, located immediately below the existing storefront premises which operates as “Black Tap Down” with an identical method of operation and a separate Restaurant Wine license; and

**iv. Whereas**, the existing storefront premises has a window that opens out to the sidewalk but the new storefront does not and the Applicant will not install or add opening windows or an open door front to the new storefront to be added, there is no sidewalk café or other exterior areas for outdoor service of alcohol, the Applicant further agreeing that there will still only be one entrance to the eating and drinking business on the Parlor floor, that entrance continuing to be at the existing entrance to the original storefront C-104; and

**v. Whereas**, the combined storefront premises will continue to operate with a 15 seat counter in the existing storefront premises, and will now be adding 5 tables with 20 patron seats in the new storefront space to be combined, for a total patron seating capacity of the combined storefronts at 35; and

**vi. Whereas**, the hours of operation for the combined storefront premises will be from 11AM to 12 AM Sunday through Thursday from 11 AM to 1 AM on Fridays and Saturdays, 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, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

**vii. 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 Tavern Wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a “Classic Luncheonette” serving craft hamburgers and beer.
2. The hours of operation will be from 11AM to 12 AM Sunday through Thursday from 11 AM to 1 AM on Fridays and Saturdays.
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 not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. Will close all doors and windows by 10 PM.
8. The premises will play quiet ambient, recorded background music only.
10. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. There will be no unlimited food and drink specials, “boozy brunches, or pitchers of beer.
12. There will be no “bottle service” or sale of bottles of alcohol except for the sale of wine products.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an on premise license to **Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome St. C-104, 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Tavern Wine License.

Vote: Unanimous, with 34 Board members in favor.

**3. Amity Street Inc. d/b/a Amity Hall, 80 West 3rd St. 10003** (Existing On Premise— change in method of operation to add entertainment music and DJs)

**i. Whereas**, at the request of Community Board 2, Manhattan’s SLA Licensing Committee the licensee appeared in November/2017 for the purpose of responding to certain complaints arising from loud music, large crowds and operations with late-night hours consistent with a nightclub-type atmosphere that has persisted for a number of years at the licensed premises operated as Amity Hall; and

**ii. Whereas**, the licensed premise is located in a two-story storefront (basement and first floor) within a five-story building (Circa 1910) townhouse on West 3rd Street between Thompson and Sullivan Streets in a historic land marked district of Greenwich Village; and,

**iii. Whereas**, the complaints were generated by neighbors living in an adjacent townhouse building with a shared wall and shared, interconnected framing and support beams with the building occupied by Amity Hall, those living next door providing photos of the Amity Hall premises with bouncers out front with velvet ropes and long lines of patrons on the sidewalk seeking entry, with additional photos showing the interior premises with chairs and tables having been removed, the space being full with patrons dancing, there being a DJ booth and speakers mounted on a bare brick wall that is shared, the music until 4 AM being a thumping base sound through the shared wall; and,

- iv. Whereas**, Amity Hall has been and continues to be operated and advertised primarily as a Sports Bar with 15 TVs employing 4 security personnel or bouncers on a regular basis, but which also promotes, advertises and operates with Live DJs and Karaoke events every Fridays and Saturday nights until 3 AM, and advertises/operates/serves a “bottomless bunch” all day on Sundays; and,
- v. Whereas**, when the licensee first appeared before Community Board 2, Manhattan’s SLA Licensing Committee back in 2008, to apply for its existing on premise license (SN# 1221671 Exp. 11/30/2017), the licensee presented an application to operate as a full service restaurant with background music only, the method of operation presented in 2008 being entirely inconsistent with current operations as a “sports bar”, with the use of DJs, security personnel or bouncers, promoted events, cover fees, entertainment level music, velvet ropes and/or movable barriers; and,
- vi. Whereas**, the local Bleecker Area Merchants and Resident’s Association (“BAMRA”) supported the application in 2008 albeit on the pretext that it supported a restaurant operation going into the premises but were against adding another bar in the area, an area already greatly saturated with licensed late night establishments and bars; and,
- vii. Whereas**, the recommendation from CB2, Man. in 2008 was to deny the license unless the agreed upon method of operation, as presented as a restaurant, with background music, was incorporated into its liquor license; and,
- viii. Whereas**, the Licensee conceded with their Attorney present that they currently operate and have operated for some time with DJs at entertainment music levels until 3 AM, with 4 bouncers nightly, have increased their patron occupancy from 130 to 184, with ropes/patron lines and barriers on the public sidewalk, all changes to the operation of the business occurring without first giving notice of such changes to CB2, Man., and in response explained that they had attempted to soundproof the premises over the past year to prevent the noise and vibration intrusion caused by the loud music on their neighbors; and,
- ix. Whereas**, because it was made clear that Amity Hall deviated from its agreed upon method of operation to operate with background music only, the deviation establishing a significant and improper intrusion upon the lives and quiet enjoyment of their neighbors, being improper and illegal without first giving notice of such changes with notice to the Community and the Community Board; and,
- x. Whereas**, due to the clear deviation CB2, Man. voted in November/2017 to unanimously recommend the NYSLA investigate the noise complaints and improper deviation in method of operation undertaken by Amity Hall and to take all appropriate measures, including enforcement proceedings, to prevent any further late-night intrusions and insure that the Licensee operates within its agreed upon method of operation as a restaurant with background music levels, and,
- xi. Whereas**, the Applicant has no intention of operating the business with background music levels only and now seeks approval from the Liquor Authority to operate its business like a night club at entertainment levels until 4AM, with DJs, bouncers/security, velvet ropes and patron lines on the public sidewalk, hosting large promoted events; and,
- xii. Whereas**, the immediate area around Amity Hall being one of the most saturated locations for liquor licenses and late night establishments within CB2, Man. there being 67 on premise liquor licenses in 750 feet, there being no coherent reason for adding yet another late night, night club like operation in

this area, especially in light of the applicant's prior transgressions and conduct in derogation of its original promises to the Community and to CB2, which supported the licensee based on the licensee's material representations in 2008 that it would operate like a restaurant with background music only; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the presented application seeking a change in method of operation to an existing restaurant on-premise liquor license for **Amity Street Inc. d/b/a Amity Hall, 80 West 3rd St. 10003**; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this on-premise liquor license 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 CB2, Man. recommends that NYSLA investigate the noise complaints, and to take all appropriate measures to prevent any further late-night intrusions, including enforcement proceedings against **Amity Street Inc. d/b/a Amity Hall, 80 West 3rd St. 10003**, if necessary, to insure that the Licensee operate within its agreed upon method of operation as a restaurant with background music levels only.

Vote: Unanimous, with 34 Board members in favor.

**4. Raoul's Restaurant Corp. d/b/a Raoul's Restaurant, 180 Prince St. 10012** (Existing OP license at 180 Prince Street—alteration seeking to expand premises to add additional storefront located in adjacent building at 178 Prince St.)

**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 to an existing On Premise license (Lic. # 1028385; exp. 2/28/2018) to add an adjacent but separate storefront in a separate building address (178 Prince St.) to the existing storefront premises at 180 Prince St., combining the two storefronts to expand the existing business currently operating as a full service French bistro "family restaurant" serving brunch/lunch on the weekends and dinner every night in the existing ground floor storefront at 180 Prince Street, the two buildings being 5- and 6-story mixed-use buildings (Circa 1920) located on Prince St. between Sullivan Street and Thompson Street in Soho; and

**ii. Whereas**, the existing storefront premises is roughly 2,200 sq. ft. (ground floor 1,600 sq. ft., mezzanine with bathrooms 200 sq. ft. and cellar 400 sq. ft. with no patron use of the cellar) and the new and adjacent ground floor storefront to be added to the existing premises is nearly identical in size (1,600 sq. ft. with no cellar or basement space) to the existing ground floor space, the new space to be added and combined having been previously operated as an art gallery and never previously licensed for eating and drinking, the total square footage of the combined restaurant being roughly 4,000 sq. ft.; and

**iii. Whereas**, the Applicant has operated his business for many years at its existing location, the expansion plans being made because of its success and the popularity of its existing business which will continue to operate in combination with the new storefront location with an identical method of operation as a full service restaurant; and

**iv. Whereas**, the existing storefront premises has a fixed front façade with no windows or doors that open out to the public sidewalk, there being no plans to install open facades that open out to the sidewalk, there is no sidewalk café or other exterior areas for outdoor service of alcohol, the Applicant further agreeing that there will still only be one entrance to the eating and drinking business on the ground floor of the existing restaurant at 180 Prince, that entrance continuing to be the only entrance for the combined

restaurant in that the interior of the two storefronts will be combined via an internal passageway (to be made) in a common interior wall between the two buildings, the passageway being towards the rear of the two storefronts, the Applicant agreeing that the front doorway to 178 Prince will not be used as an entrance/exit for patrons; and

v. **Whereas**, the new storefront premises (178 Prince) will closely resemble the existing storefront premises at 180 Prince with one bar with nine stools, 14 tables with 82 patron seats (including a private dining room in the rear with 2 tables and 36 patron seats), which combined with 180 Prince for a total of 35 patron tables and 158 patron seats, two bars with 16 stools, a full service kitchen remaining at the rear of 180 Prince, with three bathrooms (ADA accessible); and,

vi. **Whereas**, the hours of operation for the combined storefront premises will be 5 PM to 2 AM Monday through Friday and from 11 AM to 2 AM on Saturdays and Sundays, 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, there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

vii. **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 On premise license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service French Restaurant.
2. The hours of operation will be from 5 PM to 2 AM Monday through Friday and from 11 AM to 2 AM on Saturdays and Sundays.
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 not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes.
7. All doors and windows will be closed at all times. Premises will not have French Doors, Operable Windows or open facades. Will close all doors and windows by 10 PM.
8. The premises will play quiet ambient recorded background music only.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. There will be no unlimited food and drink specials, "boozy brunches, or pitchers of beer.
12. There will be no "bottle service" or sale of bottles of alcohol except for the sale of wine products.
13. There will be only one entrance for patrons at 180 Prince Street.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an on premise license to **Raoul's Restaurant Corp. d/b/a Raoul's Restaurant, 180 Prince 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 their Restaurant On Premise License.

Vote: Passed, with 33 Board members in favor, and 1 abstention (A. Brandt).

**5. Hello Lafayette, LLC, d/b/a Bricia SoHo, 267 Lafayette St. aka 54 Prince St. 10012 (RW – 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 new Restaurant Wine to operate a Full-service Pizzeria and Restaurant in a storefront location in a six-story C6-2 zoned mixed use building (Circa 1926) on the corner of Lafayette Street and Prince Sts. (Block 495, Lot 11) in the SoHo section of Manhattan; and

**ii. Whereas**, the interior storefront premises is 700 SF (all on the ground floor), and has one (1) patron bathroom, 15 tables with 31 seats and one (1) bar with six seats for a total of 37 interior seats, with additional sidewalk café seats for a total of 61 seats.

**iii. Whereas**, the hours of operation will be from 11 AM to 12 PM seven days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors will be closed by 10 PM every night, the sidewalk café will be closed and broken down by 11 PM, 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 televisions; and,

**iv. 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 Pizzeria and Restaurant.
2. The hours of operation will be from 11 AM to 12 PM Sunday through Saturday.
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 no televisions.
5. The premises will not permit dancing.
6. If a sidewalk café is used, it will close by 11PM ever night.
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 accordion facades. All exterior doors and windows will be kept closed after 10 PM every night.
10. There will be no unlimited food and drink specials, “boozy brunches, or pitchers of beer.
11. There will be no “bottle service” or sale of bottles of alcohol except for the sale of wine products.

**v. Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the Restaurant Wine application to **Hello Lafayette, LLC, d/b/a Bricia SoHo, 267 Lafayette St. aka 54 Prince 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 Restaurant Wine License.

Vote: Unanimous, with 34 Board members in favor.

**6. Dez Mulberry, LLC d/b/a Dez, 227 Mulberry St., Store B 10012** (New Restaurant Wine, previously unlicensed location)

**i. Whereas**, the applicant appeared before CB2’s SLA committee for the purpose of seeking a restaurant wine license to operate a “quick service Mediterranean-style food “in a storefront premise located in a six-story mixed-use building (Circa 1999) on Mulberry Street between Spring and Prince Streets; and

**ii. Whereas**, the interior storefront premises previously operated for years as a retail clothing store with fixed facades and was never previously licensed for eating and drinking purposes, the applicant seeking to gut renovate the premises, replace the fixed front facades with operable doors that open the entire storefront out to the public sidewalk, as well as to add a sidewalk café on the public sidewalk in front where none has ever previously existed; and,

**iii. Whereas**, the storefront is approximately 1,980 SF, with one bathroom, one entrance, 20 interior tables with 54 interior seats, a food counter but no stand up bar for a total patron seating capacity of 54; and

**iv. Whereas**, the with hours of operation will be from 10 AM to 12 AM Sunday through Saturday, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors will be closed by 10 PM every night, the sidewalk café will be closed by 10 PM Sunday through Thursday by 11 PM Fridays and Saturdays, 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 televisions; and,

**v. 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 fast-casual Mediterranean style restaurant with a full-service kitchen.
2. The hours of operation from 10 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. All doors and windows will close by 10 PM every night.
5. The premises will not permit dancing.
6. The premises will play quiet ambient, recorded background music only.
7. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. There will be no unlimited food and drink specials, “boozy brunches, or pitchers of beer.
9. There will be no “bottle service” or sale of bottles of alcohol except for the sale of wine products.
10. There will be no televisions.

**vi. Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to **Dez Mulberry, LLC d/b/a Dez, 227 Mulberry St., Store B 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 Restaurant Wine License.

Vote: Unanimous, with 34 Board members in favor.

**7. Atla Lafayette, LLC, d/b/a N/A, 372 Lafayette St. 10012** (*Method of Operation-increase operating hours*)

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present a request for a change in method of operation to extend the hours of their on premise liquor license for a Mexican Restaurant serving breakfast, lunch and dinner in a recently built six-story mixed use building (Circa 2013) on the corner of Lafayette Street and Bond Sts. in the Noho section of Manhattan; and

**ii. Whereas**, the committee and the Community Board supported the current license and hours in a resolution in May 2016; and

**iii. Whereas**, the applicant seeks to extend the hours of their “chef-driven authentic Mexican cafe,” on Thursday, Friday, and Saturday nights until 2AM, such that the revised hours will be Sunday through Wednesday 8AM-1AM and Thursday, Friday, and Saturday 8AM-2AM; and,

**iv. Whereas**, no other changes are being sought to the method of operation or the license at this time, and all previous stipulations and representations made by the applicant are affirmed and recommitted to by the applicant as part of this application; including:

1. The premises will be advertised and operated as a full service Mexican restaurant with a full service kitchen.
2. The hours of operation from 8 AM to 1 AM Sunday through Wednesday and 8AM to 2 AM Thursday 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. There will be no outdoor service and no sidewalk café at this time but if permits are obtained for such café in the future, the sidewalk café will close by 11 PM every night.
5. 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.
6. There will be no televisions.
7. The premises will not permit dancing.
8. There will not be French doors, operable windows or open façades and will close all doors by 10 PM every night.

**v. Whereas**, there are currently approximately 12 On Premise Liquor Licenses within 500 ft. of the premises, an unknown number of beer and wine licenses and 27 On Premise Liquor Licenses within 750 ft. of the premises and an additional 5 pending On Premise Liquor Licenses within 750 ft. of the premises; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application to **Atla Lafayette, LLC, d/b/a TBD, 372 Lafayette 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 Restaurant On-Premise License.

Vote: Unanimous, with 34 Board members in favor.

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

**8. English Road, LLC, d/b/a TBD, 324 Spring St. 10013 (OP – Café/Bar) (withdrawn)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to withdraw its application from further consideration at this time and would refile a new 30 day notice to CB2 Manhattan should it seek to move forward with this application at any time in the future;

**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 **English Road, LLC, d/b/a TBD, 324 Spring 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 34 Board members in favor.

**9. 135 Tart, LLC, d/b/a Once Upon A Tart, 135 Sullivan St., South Store 10012 (OP-Restaurant—laid over at request of Applicant).**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application to January/2018;

**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 **135 Tart, LLC, d/b/a Once Upon A Tart, 135 Sullivan St., South Store 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 34 Board members in favor.

**10. Great Jones Distillers, LLC, d/b/a Great Jones Distillers, 686 Broadway Basement, 1st, 2nd, & 3rd floors 10012 (OP – Distillery/Restaurant—laid over at request of Applicant).**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a new on premise license to January/2018;

**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 **Great Jones Distillers, LLC, d/b/a Great Jones Distillers, 686 Broadway Basement, 1st, 2nd, & 3rd floors 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 34 Board members in favor.

**11. Suri Restaurant Corp., d/b/a Bari, 417 Lafayette St. 10003 (OP – Restaurant) (laid over).**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for an on premise license to January/2018;

**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 **Suri Restaurant Corp., d/b/a Bari, 417 Lafayette St. 10003, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**12. 524 Broadway Tenant, LLC, d/b/a WeWork, 524 Broadway 7<sup>th</sup>, 8<sup>th</sup> & 9<sup>th</sup> floor 10012 (RW – Bar/Tavern seeking live music and DJs) (RW – Restaurant) (laid over)**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a Restaurant Wine license to January/2018;

**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 **524 Broadway Tenant, LLC, d/b/a WeWork, 524 Broadway 7<sup>th</sup>, 8<sup>th</sup> & 9<sup>th</sup> floor 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 34 Board members in favor.

**13. 524 Broadway Tenant, LLC, d/b/a WeWork, 524 Broadway 10<sup>th</sup> & 11<sup>th</sup> floors 10012 (RW – Bar/Tavern accessory to office space)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a Tavern Wine license to January/2018;

**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 **524 Broadway Tenant, LLC, d/b/a WeWork, 524 Broadway 10<sup>th</sup> & 11<sup>th</sup> floors 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 34 Board members in favor.

**14. 428 Broadway Tenant, LLC, d/b/a WeWork, 428 Broadway 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> floor 10012 (RW – Bar/Tavern accessory to office space)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a Tavern Wine license to January/2018;

**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 **428 Broadway Tenant, LLC, d/b/a WeWork, 428 Broadway 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> floor 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 34 Board members in favor.

**15. WW 379 W Broadway, LLC, d/b/a WeWork, 379 W. Broadway 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> floors 10012 (RW – Bar/Tavern accessory to office space)**

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a Tavern Wine license to January/2018;

**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 **WW 379 W Broadway, LLC, d/b/a WeWork, 379 W. Broadway 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> floors 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 34 Board members in favor.

**16. 88 U Place Tenant, LLC, d/b/a WeWork, 88 University Pl. 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> floor 10003**  
(RW – Bar/Tavern accessory to office space)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a Tavern Wine license to January/2018;

**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 **88 U Place Tenant, LLC, d/b/a WeWork, 88 University Pl. 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> floor 10003, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**17. 88 U Place Tenant, LLC, d/b/a WeWork, 88 University Pl. 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> & 10<sup>th</sup> floor 10003** (RW – Bar/Tavern accessory to office space)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a Tavern Wine license to January/2018;

**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 **88 U Place Tenant, LLC, d/b/a WeWork, 88 University Pl. 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> & 10<sup>th</sup> floor 10003, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**18. WeWork Little West 12<sup>th</sup>, LLC, d/b/a WeWork, 1 Little W. 12<sup>th</sup> St. 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> floor 10014 (RW – Bar/Tavern accessory to office space)**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on December 12, 2017, the Applicant requested to lay over this application for a Tavern Wine license to January/2018;

**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 **WeWork Little West 12<sup>th</sup>, LLC, d/b/a WeWork, 1 Little W. 12<sup>th</sup> St. 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> floor 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 34 Board members in favor.

**19. Murray’s Cheese, LLC, d/b/a Murray’s Cheese Shop, 254 Bleecker St. 10014 (TW – Specialty Cheese shop with cellar level)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new tavern wine license for a specialty cheese shop on ground floor with cellar for ticketed events, classes, reserved lunches or dinners only operating under the name of Murray’s Cheese Shop; while this is a new tavern wine application pursuant to the purchase of assets from the previous operator, the premises was previously operated on the ground floor as a specialty cheese shop with the same d/b/a name and in a mezzanine; the mezzanine is no longer a part of the licensed premises; this is a new application and not a “transfer” application because the current applicant intends to now expand the license to two rooms in the cellar area; and,

**ii. Whereas**, this application is for a new tavern wine license for a premises which has previously been licensed on the ground floor only, this application will also include a basement portion which was previously unlicensed; the premises is located in a space also owned by the parent organization for the applicant in a building on Bleecker St. between Cornelia Street and Leroy St. in a mixed-use residential building on the ground floor and basement (3,697 sq. ft. ground floor and 2,380 sq. ft. cellar), with 8 tables and 36 table seats, 2 counters and 8 counter stools and 1 standup bar with no seats; there is an existing temporary certificate of occupancy which indicates patron use of the ground floor and basement; there is no sidewalk café or other outdoor seating areas and there are no French doors or operable windows; and,

**iii. Whereas**, the hours of operation for the ground floor retail area will end at 9PM 7 days a week, the cellar may operate with ticketed events or classes and/or reserved lunch or dinners from 8AM to 12AM 7 days a week (no patrons shall remain at closing), music will be ambient 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 dj, 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 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 specialty cheese shop on ground floor with cellar for ticketed events or classes and/or reserved lunch or dinners only.
2. The hours of operation for the ground floor retail area will end at 9PM 7 days a week. The cellar may operate with ticketed events or classes and/or reserved lunch or dinners from 8AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will not have televisions except for ancillary use in conjunction with educational/class use.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes including a 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, cover charges (cover charges ok for classes/educational events) or promoted events.
9. All doors and windows will be closed at all times except for patron ingress and egress. There will only be a fixed façade, which will remain unchanged.
10. Will play quiet ambient background music only. No music will be audible in any adjacent residences anytime.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. The mezzanine utilized by the previous licensee will no longer be part of the licensed premises.

v. **Whereas**, the applicant previously conducted community outreach and a petition was provided to CB2, Man. with signatures supporting Murray’s Cheese Shop;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Tavern Wine License for **Murray’s Cheese, LLC, d/b/a Murray’s Cheese Shop, 254 Bleecker 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 Tavern Wine License.

Vote: Unanimous, with 34 Board members in favor.

**20. DM 31 Hospitality, LLC (previously Entity to be formed by Arun Mirchandani), d/b/a The Royal Munkey, 31 Cornelia St. 10014 (OP – Indian 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 new on-premise liquor license for a full service Indian restaurant; and,

**ii. Whereas**, this application is for a new Restaurant On-Premise Liquor License for a previously licensed location on the Cornelia Street between Bleecker Street and West 4<sup>th</sup> Street in a mixed-use residential and commercial building on the ground floor and basement (1,450 sq. ft. ground floor, 350 sq. ft. basement – no patron use of basement), with 18 tables and 38 seats and 1 stand up bar with 8 seats; there is an existing letter of no objection from the New York City Department of Buildings; there will not be a sidewalk café and there are no French doors and the façade will not be changed; and

**iii. Whereas**, the hours of operation will be 11AM to 12AM 7 days a week (no patrons shall remain at closing), music will be ambient 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 dj, 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 would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. Premise will be advertised and operated as a full service Indian restaurant.
2. The hours of operation will be 11AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise will have 1 television no larger than 46 inches. There will be no projectors.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, cover charges or promoted events.
9. All doors and windows will be closed at 10PM every night and anytime there is amplified music. All doors will remain closed after 10 pm except for patron ingress and egress.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. There will be only 1 sandwich board/signboard/a-frame, which will be placed against the building as per law.
13. Trash will be kept inside until 1 hour before pickup.
14. Will post a “please be considerate to residential neighbors” type sign.
15. Will comply with all NYC Landmarks regulations.
16. There will be 18 Tables, 38 Seats and 1 bar with 8 seats.
17. There will be no security/no doorman.

**v. Whereas**, the applicant operates several other Indian restaurants and several other establishments in Manhattan, including Hudson Bar & Books located within CB2, Man.; and,

**vi. Whereas**, the applicant reached out to the local block association and met with them directly, the local block association submitted a letter in support provided that the applicant adhere to certain stipulations which the applicant did so and are reflected above; and,

**vii. Whereas**, there are currently approximately 27 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 **DM 31 Hospitality, LLC, d/b/a The Royal Munkey, 31 Cornelia 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 On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**21. Tokyo Restaurants Factory International NY, Inc., d/b/a Toriko New York, 76-78 Carmine 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 new on-premise liquor license for a full service Japanese restaurant with kitchen open and full menu available until closing; and

**ii. Whereas,** this application is for a new Restaurant On-Premise Liquor License for a previously but not currently licensed location on the Carmine Street between Varick Street and Bedford Streets in a mixed use residential building for a restaurant on the ground floor and basement (2,000 sq. ft. ground floor, 2,000 sq. ft. basement – no patrons in basement), with 8 tables and 24 seats, 1 food counter with 16 seats and 1 standup bar with 6 seats for a total of 46 seats; all alcohol service to the food counter will be by server only; there is an existing certificate of occupancy; there may be a future sidewalk café; and there are no French doors or operable windows; and

**iii. Whereas,** the hours of operation will be 11AM to 11PM Sunday to Thursday and 11AM to 12AM Friday and Saturday (no patrons shall remain at closing), music will be ambient 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 dj, 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 would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. Premise will be advertised and operated as a full service Japanese restaurant with kitchen open and full menu available until closing.
2. The hours of operation will be 11AM to 11PM Sunday to Thursday and 11AM to 12AM Friday and Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise 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 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, cover charges or promoted events.
9. All doors and windows will be closed at 10PM every night and anytime there is amplified music. All doors will remain closed after 10 pm except for patron ingress and egress.
10. There will only be a fixed façade. There will be no French doors or operable windows.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. On the interior, there will be 8 tables and 24 seats, 1 bar with 6 seats and another food counter with 16 seats (the food counter will not be a standup bar).
14. All alcohol service, including to the food counter, will be by servers.
15. There will be no security personnel.

16. Will post a “please be considerate to residential neighbors” type sign.
17. Any future sidewalk café will be closed/dark at 10PM Sunday to Thursday and 11PM Friday to Saturday.

**v. Whereas**, the applicant currently operates a restaurant in midtown Manhattan and 34 other restaurants mostly in Japan; and,

**vi. Whereas**, the applicant reached out to the local block association; and

**vii. Whereas**, there are currently approximately 27 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 **Tokyo Restaurants Factory International NY, Inc., d/b/a Toriko New York, 76-78 Carmine 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 On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**22. Local & Vine Co Corp., d/b/a Local & Vine, 282 Hudson St. 10013 (Class Change - TW SN#1296773 to OP)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present a class change application for an existing tavern wine license SN#1296773 to an on-premise liquor license for a Wine Bar which will now also serve spirits with a focus on New York State wines and spirits; and,

**ii. Whereas**, the premises is located in a mixed-use building on Hudson St. at the corner of Dominick Street between Dominick and Spring Streets (block 579/lot 1); it is a roughly 1,200 sq. ft. premise (600 ft ground floor and 600 ft. basement – no patrons in basement); the premises will continue to have 9 tables and 18 table seats, 1 stand-up bar with 8 seats for total interior seating of 26 and a licensed DCA sidewalk café with 9 tables and 18 seats; there is an existing Certificate of Occupancy; and,

**iii. Whereas**, the hours of operation will continue to be Sunday from 12PM to 12AM, Monday to Wednesday from 4PM to 12AM, Thursday 4PM to 2AM and Friday to Saturday from 12PM to 2AM, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j. except as noted in stipulations, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the existing sidewalk café will close by 10PM Sunday through Thursday and 11PM on Friday and Saturday (all tables and chairs will be removed at this hour); and,

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

1. Premise will be advertised and operated as a Wine Bar that also serves spirits with a focus on New York State wines and spirits.

2. The hours of operation will be 12PM to 12AM Sundays, 4PM to 12AM Mondays, Tuesdays, and Wednesdays, 4PM to 2AM Thursdays, and 12PM to 2AM Fridays and 10AM to 2AM Saturdays. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge,” tavern, or sports bar. Will operate as wine bar with spirits (Tavern OP).
4. The premises will not permit dancing.
5. Sidewalk café no later than 10PM Sundays through Thursdays, and 11PM on Fridays and Saturdays. All tables and chairs will be removed at this hour.
6. The premises will play quiet ambient-recorded background music only on the interior. 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.
7. The premises will not have DJ’s, live music, cover charges or promoted events.
8. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
9. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
10. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
11. Will never return to extend the hours of operation.
12. Will continue to focus on New York State wines; will strive to focus liquor selection on New York based products.
13. Will not have DJ’s at any time (removed previous exceptions for DJ’s)

**vi. Whereas**, prior to this applicant opening a wine bar at this location, the premises was previously licensed with an on-premises liquor license; the applicant was very clear in stating that there would be no change in character from the current wine bar except that spirits would be added to the menu; there would be no future extension of hours of operation at anytime in the future; the area has had a number of new residential buildings constructed and is located near the entrance to the Holland Tunnel; and,

**vii. Whereas**, several patrons who are also local residents living in the newly constructed buildings appeared and spoke in support; a petition in support was submitted; and,

**viii. Whereas**, there are currently approximately 10 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a class change application from a tavern wine license SN#1296773 to an on-premise liquor license for **Local & Vine, Inc. d/b/a Local & Vine, 282 Hudson St. 10013** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On-premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

**23. KLT Ventures, LLC, d/b/a TBD, 430 Hudson 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 new on-premise liquor license for a family friendly neighborhood restaurant featuring local and seasonal American cuisine with daily fresh plates and specials; and,

**ii. Whereas,** this application is for a new Restaurant On-Premise Liquor License for a previously licensed location located on Hudson Street between Morton Street and Leroy Street in a mixed use residential building for a 3,240 sq. ft. restaurant on the ground floor and basement and sub-basement (1,260 sq ft ground floor, 1,080 sq. ft. basement and 900 sq. ft. basement – no patrons in basement or sub-basement), with 29 tables and 58 seats and 1 stand up bar with 12 seats; there is an existing certificate of occupancy; there is no sidewalk café included, there are no French doors, the rear windows looking onto a rear yard will remain closed at all times; and,

**iii. Whereas,** the hours of operation will be 12PM to 12AM Sunday to Wednesday and 12PM to 1AM Thursday to Saturday (no patrons shall remain at closing), music will be ambient 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 dj, 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 would be attached and incorporated in to the method of operation on the new Restaurant On-Premise Liquor License stating that:

1. Premise will be advertised and operated as a family friendly restaurant with American cuisine.
2. The hours of operation will be 12PM to 12AM Sunday to Wednesday and 12PM to 1AM Thursday to Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
4. The premise 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 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, cover charges or promoted events.
9. All doors and windows will be closed at 10PM every night and anytime there is amplified music. All doors will remain closed after 10 pm except for patron ingress and egress. The rear windows
10. There will only be a fixed façade. There will be no French doors or operable windows that are opened. Rear windows facing backyard will remain closed at all times.
11. Will play quiet ambient background music only. No music will be audible in any adjacent residences anytime.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
14. There is no sidewalk café included in this application.
15. There are 29 tables and 58 seats and 1 bar with 12 seats.
16. There will be no security Personnel.
17. Will not alter the existing front façade.

**v. Whereas,** the principals currently operate several restaurants on Long Island and Shelter Island and have an extensive background in fine dining; and,

**vi. Whereas,** the applicant submitted a petition in support; and,

vii. **Whereas**, there are currently approximately 8 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On-Premise Liquor License for **KLT Ventures, LLC, d/b/a TBD, 430 Hudson 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 On Premise Liquor License.

Vote: Unanimous, with 34 Board members in favor.

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

**24. Upright Holdings 547, LLC, d/b/a Upright Brew House, 547 Hudson St. 10014 (Class Change from TW SN#1261312 to OP)**

i. **Whereas**, the Licensee appeared before CB2’s SLA Licensing committee to present an application to upgrade an existing tavern wine license SN#1261312 to a full on-premise liquor license and to extend by one hour the stipulated operating times for the Department of Consumer Affairs Licensed Sidewalk Cafe; there was community opposition from immediately impacted residents who spoke in opposition; and

ii. **Whereas**, after presenting before CB2, Man. and after CB2’s SLA Licensing Committee had unanimously recommended to Deny the proposed application as presented on December 13<sup>th</sup>, 2017, but prior to it’s presentation to the full board of CB2 in December 2017, the Licensee requested to return to CB2, Man. in January 2018 to further discuss the application and use the interim time period explore additional changes that may be worthy of reconsideration by the Committee and local residents; the applicant will not submit the application to the SLA in the interim until after they appear before CB2 in January/2018;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of alteration or class change application or any other changes to the existing tavern wine license SN#1261312 for **Upright Holdings 547, LLC, d/b/a Upright Brew House, 547 Hudson St. 10014**, **until** the Applicant has returned to re-present the application before CB2, Man. in front of CB2’s SLA Licensing Committee and CB2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA without reappearing before CB2, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**25. Slice West Village, Ltd. d/b/a Slice, The Perfect Food, 535 Hudson St. 10014 (RW – Restaurant) (Layover)**

**Whereas**, at the October 12<sup>th</sup> CB2, Man. SLA Licensing Committee #2 meeting, the Applicant agreed to return to CB2 in December to further address issues and complaints raised by local residents; On December 13, 2017, the manager, representative and contractor appeared but not the owner; the manager had only been working at the establishment for a number of weeks; CB2, Man. requested that the owner return in January 2018; the complaints to be addressed are the same that have been raised year over year and were last memorialized by CB2 in 2013 in a resolution to the Liquor Authority; residents and the

applicant agreed to try to once again resolve these issues which center around issues with operation of the sidewalk café and not adhering to Department of Consumer Affairs regulations and ongoing Quality of Life Issues centering around an inability to resolve issues with noisy ventilation fans which the applicant has promised to fix for YEARS but still continues to cause problems; in December 2017, the contractor who appeared acknowledged that the timer on the ventilation fan that shuts it off over night may be defective and stated they would mount the ventilation equipment on the roof on rubber mounts; as a continuing good faith gesture, CB2, Man. extended the courtesy to the Applicant of a 2-month layover which was extended to 3 months during which time they can meet with local residents and hopefully resolve the matter once and for all;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends that the applicant, **Slice West Village, Ltd. d/b/a Slice, The Perfect Food, 535 Hudson St. 10014**, resolve with local immediately impacted residents the issues surrounding the operation of their sidewalk café and the quality of life issues, particularly the noise issues associated with their vent fan which is left on 24 hours a day causing unnecessary noise and vibration and that they return to CB2, Man. in January 2018 to update the Board on these matters and CB2 requests that the Liquor Authority await further advisement on this situation from CB2 regarding any recommended course of conduct.

Vote: Unanimous, with 34 Board members in favor.

**26. Beau Maison Corp. d/b/a El Cantinero, 86 University Pl. 10003 (OP – Bar/Tavern) [Alteration Application/Change in Method of Operation, No Show/ Subsequent Layover request]**

**Whereas**, after not appearing at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on December 13th, 2017 without prior notice, the Applicant subsequently requested to **layover** this application for an alteration/change in method of operation to add security guards in response to disciplinary proceedings for an existing on premise liquor license SN# 1024183 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; there were members of the community present and in opposition;

**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 **Beau Maison Corp. d/b/a El Cantinero, 86 University Pl. 10003**, **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**27. Soho Village Hotel, LLC & San Marino at Soho, Inc. d/b/a Four Points by Sheraton & San Marino Ristorante, 66 Charlton St. 10014 (SN#1203960 OP - Hotel Restaurant)(Change Method of Operation) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on December 13th, 2017, the Applicant requested to **withdraw** this application for an alteration to an existing Hotel Liquor License, SN#1203960 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 **Soho Village Hotel, LLC & San Marino at Soho, Inc. d/b/a Four Points by Sheraton & San Marino Ristorante, 66 Charlton St. 10014 SN#1203960**, 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 34 Board members in favor.

**28. Moon Wrap, LLC d/b/a Wolfnights, 235 Bleecker St. 10014 (Beer/Cider – Quick Service Wraps Restaurant) (withdrawn-will resubmit)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on December 13<sup>th</sup>, 2017, the Applicant requested to layover this application for a new beer/wine/cider 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 an **Moon Wrap, LLC d/b/a Wolfnights, 235 Bleecker 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 34 Board members in favor.

**29. Mezzrow LLC d/b/a Mezzrow, 163 W. 10th St. 10014(OP-Piano Bar/Jazz Club SN#1276530) (Method of Operation/Stipulations –Change in hours: from 12:30 am Sun.-Thurs to 2 am; from 2 am Fri.-Sat. to 3 am) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on December 13<sup>th</sup>, 2017, the Applicant requested to withdraw this application for an alteration/change in stipulations to extend their hours of operation from 12:30 am Sun.-Thurs to 2 am and from 2 am Fri.-Sat. to 3 am for an existing on-premise liquor license SN#1276530 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, modification of stipulations, transfer, upgrade or changes to any existing license for **Mezzrow LLC d/b/a Mezzrow, 163 W. 10th St. 10014 SN#1276530**, 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 34 Board members in favor.

**30. LPBK Corp., d/b/a N/A, 1 University Pl. Store #2 10003 (RW – Restaurant) (laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on December 13th, 2017, the Applicant requested to **layover** this application for a new restaurant 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 **LPBK Corp., d/b/a N/A, 1 University Pl. Store #2 10003, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**31. Zhang Ba Gou, Inc., d/b/a Xi’an Famous Foods, 313 6th Ave. 10014 (RW – Restaurant) (withdrawn-will resubmit)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on December 13th, 2017, the Applicant requested to **withdraw** this application for a new restaurant 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 **Zhang Ba Gou, Inc., d/b/a Xi’an Famous Foods, 313 6th Ave. 10014, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

**32. TB Cantina, LLC, d/b/a Taco Bell, 647 Broadway 10012 (OP - Restaurant) (withdrawn-will resubmit)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on December 13th, 2017, the Applicant requested to **withdraw** this application for a new on premise liquor 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 **TB Cantina, LLC, d/b/a Taco Bell, 647 Broadway 10012**, until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **Resolution requesting a granite strip bicycle lane on Morton St. btw. West St. and Washington St. and a striped and painted bicycle lane continuing east on Morton beyond Washington on the asphalt pavement to Bleecker St. or one of the other connecting north-south streets**

**Whereas** Morton St., as a main thoroughfare from West St. eastward and one of the four exit points from the Hudson River Park (HRP) esplanade and bicycle path to the street in CB2, Man., is much used as a bicycle way, especially because it serves as a link between the HRP bicycle paths and the residential area to the east; and

**Whereas** the Belgian block surface on Morton St. btw. West and Washington Sts. is unsuitable for bicycles, and as a result, cyclists ride on the sidewalks there, which residents in the surrounding community report creates hazardous conditions for pedestrians, and are requesting a bike lane in the street bed; and

**Whereas** with the anticipated opening of the new middle school at 75 Morton St. in Sept. 2018, it is expected that sidewalk usage and bicycle traffic will increase considerably, including from students and their families, with bicycle access and sidewalk safety becoming more needed than ever in that area; and

**Whereas** it also has been requested that the proposed bike lane be continued on Morton St. (from that one block where Belgian blocks remain) with customary striping and paint on the asphalt pavement that extends beyond Washington St. to Bleecker or another connecting street to provide direct and safe bicycling access east and safe links to north and south bicycle lanes; and

**Whereas** there is no viable east/west street for a bicycle path nearby that proceeds in a southeast direction; and

**Whereas** Morton St. is 36 ft. in width, wide for a side street, that allows for retention of existing parking on both sides with the addition of a bike lane; and

**Whereas** the NYC Dept. of Transportation (DOT) has developed a new bikeway design to use in Belgian block streets and blend with their historical character that consists of a 2 1/2 -ft.-wide, 6-in.-deep granite strip inlaid into the existing paving blocks. This type of bikeway has been installed successfully on Varick St. btw. Canal and Laight Sts.; and

**Whereas** Morton St. btw. West and Washington Sts. is not in a designated historic district, but because its Belgian block street bed is a historic feature, CB2's Landmarks Committee was asked for input and agreed unanimously that the proposed granite strip bike lane would provide needed pedestrian safety there and had no objection to its installation, asking that efforts be made to blend the granite strip with the Belgian blocks so as to maintain historical character as much as possible, including elimination of inappropriate painted signage; and

**Whereas** this type of granite strip bike lane has already undergone extensive review and been approved by the Landmarks Preservation Commission for use in historic districts such as DUMBO and Vinegar Hill in Brooklyn; and

**Whereas** historic photographs show long granite slabs being used with Belgian blocks in NYC streets in similar configurations to the proposed granite strip bike lane (source: *Toward Accessible Historic Streetscapes: A Study of New York City's Belgian Block Heritage*, Prepared for the Historic Districts Council, April 2017, Cover, pp. 13, 14 &15); and

**Whereas** the methodology for removing and replacing Belgian blocks individually in streets is flawed and results in irregularly laid configurations that are not only unattractive and historically incorrect, but also exceptionally dangerous for pedestrians and bicyclists; and

**Whereas** as more and more bicycle lanes are created, with many extending into streets with Belgian blocks (both in and out of historic districts), and ADA requirements for adapting Belgian block streets to accommodate disabled access and pedestrian safety will call for historically appropriate adaptations, the requested granite strip bicycle lane can serve as a pilot to evaluate for future designs; and

**Whereas** bicyclists travel both west and east on Morton St. en route from or to the HRP;

**Therefore be it resolved** that CB2, Man. requests that a granite strip bicycle lane, the same as (or similar to) the one already installed on Varick St. btw. Canal and Laight Sts. be installed on Morton St. btw. West St. and Washington St.; and

**Be it further resolved** that CB2, Man. also requests that the bike lane be continued on Morton St. beyond Washington St. with customary striping and paint on the asphalt pavement to Bleecker St. or one of the other connecting streets, such as Hudson St. or 7th Ave. S. to provide safe and direct bicycling access east and safe links to north and south bicycle lanes; and

**Be it further resolved** that CB2, Man. would appreciate that utmost care be given to the placement and use of the granite strip, so that it blends with the Belgian blocks to preserve as much historic integrity and character as possible; and

**Be it further resolved** that CB2, Man. asks that no inappropriate painted signage be installed on Morton St. btw. West and Washington Sts., but if signage is necessary, that it is in keeping with the historical veracity of the Belgian blocks; and

**Be it further resolved** that CB2, Man. urges that Belgian blocks be removed and replaced in an array that maintains alignment and consistency and includes the use of a specific process and infrastructure; and

**Be it finally resolved** that CB2, Man. recommends that a two-way bicycle lane on Morton St. be considered.

Vote: Unanimous, with 34 Board Members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan