

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



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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

### FULL BOARD MINUTES-AMENDED

**DATE:** September 20, 2018  
**TIME:** 6:30 P.M.  
**PLACE:** P.S. 41 (Greenwich Village Elementary School), 116 W. 11<sup>th</sup> Street, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, Amy Brenna, Richard Caccappolo, Lisa Cannistraci, Ritu Chatree, Erik Coler, Tom Connor, Terri Cude, Chair; Coral Dawson, Valerie De La Rosa, Doris Diether, Cristy Dwyer, Robert Ely, Joseph Gallagher, Susan Gammie, Jonathan Geballe, Susan Kent, Janet Liff, Edward Ma, Brian Pape, Lois Rakoff, Robin Rothstein, Sandy Russo, Rocio Sanz, Scott Sartiano, Shirley Secunda, Kristin Shea, Shirley Smith, Cathy Sullivan, Adam Zeldin

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** William Bray, Kathleen Faccini, Daniel Miller, Robert Riccobono, Georgia Silvera Seamans, Susan Wittenberg

**BOARD MEMBERS ABSENT:** Cormac Flynn

**BOARD MEMBERS PRESENT/ARRIVED LATE:** David Gruber, Jeannine Kiely, Patricia Laraia, Maud Maron, Frederica Sigel, Chenault Spence, Antony Wong

**BOARD MEMBERS PRESENT/LEFT EARLY:** Nicholas Gottlieb

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

**GUESTS:** Avery Cohen, Senator Brad Hoylman's office; Fiona Jung, Senator Brian Kavanagh's office; Andrew Chang, Manhattan Borough President Gale Brewer's office; Laurence Hong, Assembly Member Yuh-Line Niou's office; Assembly Member Deborah Glick, Charles Anderson, Assembly Member Deborah Glick's office, Patrice Comerford, Council Speaker Corey Johnson's office; Irak Cehonski, Council Member Carlina Rivera's office; Marian Guerra, Council Member Margaret Chin's office; Brady Littlefield, Maxwell Freyre, Gianni Grieco, Monica Yan, Pete Davies, Marie Herman, Andrew Berman, Lenique Vincent. Ron Lyons, Emily Gibson, Maria Belen Aryarra, Claire Yg, Bora Kim, Sammy Nussdorf, Jane Carey, Gabriella Green, Christine Zhou, Larissa Gentile, Joseph Tuano, Cherno Sow, Ethan Shekib, Brooke Krasler, Samantha Simon, Rachael Kirkhan, Nolan Greeley, David Rivera, Nicolette Muro, Sophia Isidue, Jeremy Posner, Judith Monaco-Callet, Anah Oozeeralhy, Ranna Zaman, Matteo Pavon, Maria Elena Yero, Cordelia Persen, Darlene Lutz, Ari Mayhew, Liza Hegeclus, Patrick Q. Barr, Andrew Holtzman, Aline F. Estefan, Claudia Azalde, Zella Jones

**MEETING SUMMARY**

Meeting Date – September 20, 2018  
Board Members Present – 41  
Board Members Absent With Notification – 6  
Board Members Absent - 1  
Board Members Present/Arrived Late - 8  
Board Members Present/Left Early – 1

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**II. PUBLIC SESSION**

**Non-Agenda Items**

L Train Shutdown

Pete Davies spoke regarding the shutdown and the effects on Kenmare St. and Little Italy.

SoHo Strut Block Party

Coral Dawson and Jeanine Kiely made an announcement regarding the upcoming block party.

Mental Health Resources

David Rivera spoke regarding the Dept. of Mental Health’s resources.

Taste of the Village

Kristin Shea made an announcement regarding the upcoming food event.

Grupo Gitano, 76 Varick St. & Trinity Property

Darlene Lutz spoke regarding ongoing issues with this establishment.

Whitney Museum

Jane Carey updated everyone on the museum’s upcoming events.

### Food Scrap Drop-off

Gabriella Green announced locations for food scrap drop-offs.

### Tech Hub Rezoning

Andrew Berman spoke regarding the Union Square Tech Hub rezoning.

### Cents Ability

Bora Kim spoke regarding the non-profit organization's programs and services

### Community Solar

Cherno Sow spoke regarding the community solar electricity program.

## **Traffic and Transportation Items**

### Request for traffic and pedestrian safety improvements at Cooper Square Plaza

Zella Jones spoke in favor of the requests.

### Request for a speed hump on Perry St. btw. W. 4th St. and 7th Ave.

Jeremy Posner spoke in favor of the speed hump.

## **III. ADOPTION OF AGENDA**

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

Avery Cohen, Senator Brad Hoylman's office

Fiona Jung, Senator Brian Kavanagh's office;

Laurence Hong, Assembly Member Yuh-Line Niou's office

Charles Anderson, Assembly Member Deborah Glick's office

Andrew Chang, Manhattan Borough President Gale Brewer's office

Patrice Comerford, Council Speaker Corey Johnson's office

Marian Guerra, Council Member Margaret Chin's office

Irak Cehonski, Council Member Carlina Rivera's office

## **V. ADOPTION OF MINUTES**

Adoption of July minutes

## **VI. BUSINESS SESSION**

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

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

3. **Treasurer's Report** Antony Wong reported.

## **STANDING COMMITTEE REPORTS**

### **EXECUTIVE (August Resolutions Adopted)**

## **LANDMARKS & PUBLIC AESTHETICS**

### **FIRST LANDMARKS MEETING**

1. **\*133 W. 3rd St.** – Application is to legalize the installation of a banner without LPC permits.

**(Laid over)**

2. **\*765 Greenwich St.**– Application is to remove existing sheet metal covers installed over window lintels and sills, and restore original brownstone lintels and sills.

**(Reviewed at LPC staff level)**

3. **\*77 Jane St.** – Application is to install rooftop mechanicals, alterations to the existing non-historic rear addition, and excavation of back garden; areaway alterations to match the areaway at 75 Jane St. including new bluestone pavers and cedar planter boxes.

**Whereas,**

A. The front facade, including the areaway and planter boxes, is to be restored and modeled after the existing, LPC approved condition at 75 Jane Street, built as a matching mirror image building; and

B. The doorway surround lacks depth and appears as a stripped down design of the historic style appropriate to the building; and

C. The ironwork at the parlor iron balcony railings and basement window grills at 75 are not historic and not suitable to the building and the existing parlor iron balcony railing at 77, its condition notwithstanding, is historic and appropriate as a model; and

D. The rear addition has been determined by staff to be a late addition and not constructed as a tea porch and therefore its removal and the removal of ruined original brick is not objectionable; and

E. The rear addition, though of a modern design and not in total harmony with the historic character of the house, as would usually be required, is copied from the LPC approved rear façade of the companion building and incorporates materials and proportions in a modern expression of a design reminiscent of the rear façade of a row house in the district.

F. The cellar and rear yard are excavated to within 8'-0" from the rear property line and the full width of the property to provide for a subterranean swimming pool covered by a rear yard terrace. The applicant represented that proper care will be taken during construction to ensure the structural integrity of the subject property and adjoining properties is carefully preserved by the correct underpinning and construction; now

**Therefore be it resolved** that CB2, Man. recommends:

- A. **Approval** of the facade and areaway; and
- B. **Denial** of the entry door surround and the front façade window grill at the basement windows and the balcony ironwork at the Parlor windows; and
- C. **Approval** of the demolition of the rear addition; and
- D. **Approval** of the modern rear yard addition on account of its being copied from the next door LPC approved addition; and
- E. **Approval** of the excavation and rebuilding of the rear garden provided that all care will be taken to ensure the structural integrity of the subject property and adjoining properties in carrying out the underpinning and construction.

Vote: Unanimous, with 41 Board members in favor.

4. **\*75 Bank St.** – Application is to legalize the installation of an aluminum modular ramp and modify an existing gate and door.

**Whereas,**

- A. The bright, reflective aluminum ramp is 100’ long and located 150’ from the Bleecker Street and Bank Street corner and the ramp is in an alleyway and is clearly visible from a public thoroughfare, and
- B. The representative of the applicant stated that its purpose is to facilitate rubbish removal and that it does not have an ADA purpose; and
- C. It is of utilitarian design, more suited to a construction site than to a historic district and it detracts from the building, the adjacent building and the neighborhood; and
- D. The ramp obscures the view of carefully preserved historic windows in the adjacent building and poses a security risk in that it provides easy entry to windows on the alleyway; and
- E. The ramp replaces historic steps that were removed without LPC permits; and
- F. The revised application provides for painting the ramp railings black and the surface grey to match the adjoining concrete and for a security fence modeled on an existing ground floor window security grill in the building and backed by mesh with planter boxes behind the fence; and
- G. No samples of the paint or materials were presented, and there were only elevation drawings of the fence, and vague oral representations were made concerning colors and materials, making reasonable evaluation of the proposal impossible; and
- H. The proposed painting of the ramp in no way lessens the intrusive and inappropriate structure’s intrusion in the alleyway and its acceptability is not mitigated by planter boxes being used as presumed masking; and
- I. The fence is to be of a rod and finial design which, though drawn from existing adjoining small window guards, on such a large scale do not reflect the art deco style of the building and is without precedent in the neighborhood; and

J. The wire mesh backing for the fence is an industrial material and evokes a factory yard rather than being suitable to this landmark district; and

K. Members of the public, a majority being residents of the building and residents of the building to the west which has widows facing and in some cases blocked by the ramp voiced objection and members of the board of the building expressed support for the proposal; now

**Therefore be it resolved** that CB2, Man. recommends **denial** of this application and that the ramp installed without a permit from the Landmarks Commission be removed and the steps restored.

Vote: Unanimous, with 41 Board members in favor.

5. **\*74 Grand St.** - Application to reconstruct 5-story cast iron façade, add rooftop addition, install rooftop mechanical equipment, restore sidewalk vault lights, install lot line windows and alter rear façade.

**Whereas,**

A. The building is to be reconstructed with modifications to the previously approved design; and

B. The details of the modifications to the cast iron façade are more faithful to the original design of the cast iron elements than the approved design and the vault lights will be restored, and, and the building will adhere to the original five story height with the original 15' rear yard; and

C. The ground floor storefront will be modified to provide grade level entry with the removal of the steps and extension of the pilasters; and

D. A penthouse clad in corrugated metal and the elevator bulkhead are in keeping with numerous similar rooftop structures in the district. These rooftop structures are clearly visible from various vantage points owing to a vacant lot to the west and a low building to the east. Similar visibility is prevalent in the neighborhood and it is not objectionable; and

E. The side elevations will have visible lot line windows; and

F. The rear facade will have three windows per floor (double hung 4 over 4 lights) with new shutters to match the original; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of this faithful reconstruction of an important cast iron building.

Vote: Unanimous, with 41 Board members in favor.

6. **\*246 W. 12th St.** - Application is to install rooftop mechanical equipment, cellar and rear yard excavation, redesigning existing basement and parlor floor extension and create one large masonry opening to accommodate new windows and doors on the 2nd floor.

**Whereas:**

A. The front elevation is to be altered with removal of paint, solid two panel entry doors replacing the older, more appropriate existing doors, casement windows with transoms at the parlor level and four over

four double hung windows in the basement and upper floors where six over six would be accurate and more in keeping with the style of building; and

B. The areaway is in bluestone with planters behind the fence with alterations to the steps and there are small security cameras and an appropriate lighting fixture at the entry; and

C. The roof is to be raised and leveled which exacerbates the visibility of the bulkhead and flues; and

D. The stair bulkhead is unnecessarily high, is highly visible and is unacceptably obtrusive, in part because it is full-height rather than having a sloped roof as is common with row house stair bulkheads and is especially obtrusive in a well preserved row where rooftop additions are minimal; and

E. The rear extension is to be rebuilt with a full wall of windows at the basement and parlor levels; and

F. The second floor original facade, intact apart from the central window's having been replaced by a doorway, is proposed to have the same full wall of windows; and

G. The rear windows at the parlor level are without any historical reference to the tri-part configuration of the windows common in row houses and the alterations to the second floor introduces the modern windows on the original rear facade with considerable destruction of historic material; and

H. The back garden is to be excavated for subterranean rooms covered by a terrace to 3' from the rear lot line and the full width of the lot line with underpinning of the adjoining buildings;

**Therefore be it resolved** that CB2, Man. recommends:

A. **Approval** of the paint removal from the brick of the front facade, areaway changes, windows at the basement level rear extension, and excavation of the rear garden provided that that the distance from the rear lot line conforms to regulations and that all care is taken to ensure the structural integrity of the subject property and adjoining properties while carrying out the underpinning and construction; and

B. **Denial** of the inappropriate four over four double hung windows where six over six would be historically correct to the building and denial of the change of the existing front door; and

C. **Denial** of the rooftop bulkhead and chimney flues – both aggressively visible and unduly obtrusive; and

D. **Denial** of the removal of historic material, and the windows and door of the second floor facade and the proposed window wall at this level; and

E. **Request** that a revised rooftop design, with photographs of the mockup taking into account the objections listed above concerning the visibility as well as the refinement of the parlor and second floor windows on the rear facade be presented for public review to CB2, Manhattan before being heard by the Commission.

Vote: Unanimous, with 41 Board members in favor.

7. **\*27 W. 11th St.** - Application to legalize facade alterations and window replacement done without LPC permits.

**Whereas:**

A. The alterations and window replacements to the facade are extensive and vary in faithfulness to the documented original design and suitability to the building; and

B. The building is used as a hotel in an otherwise completely residential block with a mix of row houses and apartment buildings; and

C. The restoration of the brickwork above the ground level is acceptable and enhances the building's appearance; and

D. The cornice gives the appearance of a small molding rather than a strong termination suitable to the building and is evident in a historic photograph; and

E. The design of the window openings reflects the original window designs with the exception of oddly placed brownstone pediments over certain windows and unacceptable straight topped sashes in arched openings; and

F. The flat white stucco finish of ground floor and stoop, which can only be assumed to be for commercial visibility, is without historic reference, is without texture or articulation, and is remarkably unsuited as the base to the floors above and intrudes on the streetscape which otherwise has ground floor design that is unified with their upper stories; now

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

A. A heavy cornice with reference to the historic photograph is added; and

B. The overall design of the façade is carefully considered and the odd surface mounted pediments over the windows are removed; and

C. Curved top sashes are installed in the curved window frames; and

D. The ground floor is unified with the upper floors by exposing the brick or cladding it in brownstone.

Vote: Unanimous, with 41 Board members in favor.

8. **\*90 Prince St.** - **Application for a painted wall sign master plan.**

**Whereas:**

A. There is a ghost sign on the facade above the proposed position of the sign which has been pierced by a lot line window; and

B. The sign is on the same wall and it was represented by the applicant that the placement and proposed design parameters conform to all regulations for a painted wall sign in the district; and



C. Staff will review each innovation of the individual designs to ensure that they conform to regulations; now

**Therefore be it resolved** that CB2, Man. recommends approval of this application provided that the placement and proposed design parameters conform to regulations and that staff review each design for adherence to the approved master plan.

Vote: Unanimous, with 41 Board members in favor.

**9. \*838 Greenwich St. - Application for a painted wall sign master plan.**

**Whereas:**

A. The rationale for the proposed placement of the sign at the top of the facade was weak, with minimal margins which make it appear, from the street level, to be flush with the top edge of the parapet and if lowered the applicant presented that it is obscured by a skylight on an adjoining building; and

B. There is not sufficient space for placement of a sign with the usual, required margins that provide for the traditional design of a sign painted on an expanse of wall; and

C. The proposed location looks oddly placed, much too high on the side elevation of the building and the proposed location is unsightly and there is no suitable expanse on the building for a painted sign; and

C. There is no obligation to consider approval of a sign of any sort on a building without evidence of an historical painted sign, and especially a configuration that requires variance from the normal regulations; now

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

Vote: Unanimous, with 41 Board members in favor.

**SECOND LANDMARKS MEETING**

10. **\*159 Blecker St.** – Application is to restore the existing facade and marquee to their original state.

**Whereas:**

A. The applicant has had two prior hearings in connection with this application and the application was recommended for denial with specific recommendations concerning the doors, the windows and the marquee; and

B. The materials presented depicted two contradictory designs for the doors and the applicant represented that the elevation (Page 7) and the rendering (Page 8), rather than the very different rendering (Page 11), is the proposed design; and

C. The design for the doors duplicates the original design as closely as can be determined from a photograph and the windows to either side occupy approximately the same area as the original windows with a reasonable infill configuration; and

D. The large, tri-part marquee, a recent addition to the building, is without historical reference for the building or of a theatre building of the same period and size, and is overly bulky for the façade; and

E. The facing of the marquee is proposed to be in reflective translucent glass applied directly to a black backing and without detailing or graphics, giving it a blank, unfinished appearance and increasing its apparent out-of-scale size; and

F. The repeated recommendation has been, and continues to be, to replace the marquee with one whose design, is drawn from the original design or from the modified design of The Circle in the Square shown in historic photographs; and

G. The historic integrity of the building would be better served with no marquee rather than the existing one; now

**Therefore be it resolved** that CB2, Man. recommends that:

A. The doors and windows as depicted in the rendering be **approved**; and

B. That the non-historic, over large tri-part existing marquee be removed and that it be replaced with a marquee drawn from original design or from the modified design of The Circle in the Square shown in historic photographs; and

C. That in the event that at it is not possible to provide a replacement marquee that the façade behind the existing marquee be restored as required when it is exposed.

Vote: Unanimous, with 41 Board members in favor.

11. **\*483 Broadway** - Application is to restore the cast iron elements, restore vault lights, install a recessed storefront with modified retail entryway to provided accessibility, install illuminated signage and install five awnings.

**Whereas:**

A. The cast iron elements and vault lights in the sidewalk and below the bulkhead are to be restored, returning the building to its historic condition; and

B. The historically referenced wooden infill is to be recessed, revealing the cast iron elements obscured by the present infill – further enhancing the historic character of the building; and

C. The steps to the retail entry will be removed and grade level ADA entry doors will be incorporated into the new infill which does not detract from the historic character of the infill; and

D. The odd size transom above the commercial entry should be the same size as the other transoms with a panel to correct for the difference in the height of the doors and the windows; and

E. There are five bright red awnings, one in each bay, with the name of the tenant in white, that overpower the façade and obscure and detract from many of the carefully restored historic elements in the facade; and

F. An overly large internally illuminated sign spelling out the name of the tenant in bright red channel letters is proposed to be attached to the façade by drilling through cast iron columns and anchoring it into in steel behind the facade; and

G. There was written and oral testimony from members of the community opposing the size and illumination of the sign; now

**Therefore be it resolved** that CB2, Man. recommends:

A. **Approval** of the restoration of the cast iron and vault lights; and

B. **Approval** of the design the wood infill provided that the transom lights are of uniform size and that the space over the commercial entry be filled with a wooden panel; and

C. That the awnings be **denied** or limited to one over the commercial entrance; and

D. That the sign or any sign that is internally illuminated or overly bright or large be **denied** and that a new design for the sign be submitted for public review before the Community Board prior to consideration by the Landmarks Commission.

E. **Denial** of attaching any sign, awning, or any other elements to the building that compromises the cast iron façade.

Vote: Unanimous, with 41 Board members in favor.

12. \*521 Broadway - Application is to rebuild an elevator bulkhead.

**Whereas:**

A. The a new elevator is being installed in the existing shaft and the applicant represented and presented confirming documentation that care has been taken to ensure the size and placement of the bulkhead results in minimal visibility from a public thoroughfare; and

B. The proposed bulkhead is 12'6" x 13' x 9', larger than the prior bulkhead and setback 2'6".

C. The bulkhead will be faced with salvaged brick from the building and matching brick as necessary toward the rear to be as inconspicuous as possible when viewed against the taller building to the south; and

D. The guardrail will be installed as far from the front of the building as permissible and, together with the stair railings, will be painted black; now

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

Vote: Unanimous, with 41 Board members in favor.

## QUALITY OF LIFE

### **1. New application for revocable consent to operate an unenclosed sidewalk café for:**

**Dean & Deluca Small LQ, LLC, 29-35 9<sup>th</sup> Avenue (between W. 13/14 Sts.) with 12 tables & 36 chairs (13432-2018-ASWC)**

**Whereas**, this location was previously occupied by Spice Market which operated a similar size sidewalk café with no reported complaints or issues; and

**Whereas**, the applicant appeared before the Community Board 2 SLA committee in February 2017 and CB2 recommended approval for an on-premises liquor license for this new style Dean & Deluca café at which time the operator stipulated that any future sidewalk café would close by 10 PM seven days a week and that all tables, chairs, and railings would be stored within the restaurant over night; and

**Whereas**, the applicant confirmed that all alcohol in the sidewalk café would be served by waitstaff; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the application for revocable consent to operate an unenclosed sidewalk café for **Dean & Deluca Small LQ, LLC, 29-35 9<sup>th</sup> Avenue (between W. 13/14 Sts.) with 12 tables & 36 chairs (13432-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 41 Board members in favor.

### **2. Street Activity Applications:**

**Tuesday, September 4, 2018 — Touch a Truck Event (NYC Sanitation): Spring Street between West and Washington Sts. (full street closure)**

**Whereas**, the Department of Sanitation (DSNY) is presenting this back-to-school event in order to collect children's clothing donations and also to educate the public about textile waste reduction; and

**Whereas**, the DSNY will also be presenting the touch-a-truck event which is conducted around the city at public schools and the event provides an opportunity for young people to learn about the DSNY and the equipment used to keep the city clean and also introduces young people with sound sensitivity to DSNY trucks in a controlled setting; and

**Whereas**, DSNY held an event on this block 2 years ago that was successfully conducted without any reported complaint or issue; and

**Whereas**, the block will be closed from 6 AM to 6 PM with a corridor reserved for emergency vehicles and with the event itself occurring from 12:30 PM to 4:00 PM; and

**Whereas**, this event is free and will be open to all and the DSNY will be collecting any and all clothing and textiles with resources to either recycle or donate the items collected; and

**Whereas**, DSNY will be working with the DOT to notify drivers for a week in advance of the event with a large sign that this block of Spring Street will be closed on the day of the event; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the **Touch a Truck Event (DSNY) full street closure for Spring Street between West and Washington Sts.** on September 4, 2018.

Vote: Unanimous, with 41 Board members in favor.

**Sunday, September 16, 2018— Grand Opening of the Chabad School: Thompson Street between Bleecker and West 3<sup>rd</sup> Sts. (full street closure)**

**Whereas**, the area was posted and the applicant **was NOT** present, and a resident email was received by the committee expressing opposition to this event; and

**Whereas**, the application indicates that this block would be closed from 8 AM until 2 PM for an event welcoming this new pre school to the community with amplified sound, food and drink, an inflatable bouncy house, and truck mounted rides; and

**Whereas**, a resident of this block expressed concern that there is not enough of a public interest in closing this entire street for the grand opening of a business; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of the **Grand Opening of the Chabad School: Thompson Street between Bleecker and West 3<sup>rd</sup> Sts. (full street closure)** on September 16, 2018.

Vote: Unanimous, with 41 Board members in favor.

**Saturday, September 22, 2018 — SoHo Block Party (SoHo Strut Organization): Sullivan Street between Prince and Spring Sts. (full street closure)**

**Whereas**, the area was posted and the applicants were present, and no member of the public appeared to speak regarding this application; and

**Whereas**, the applicant wishes to host this neighborhood block party featuring local artists, musicians, and activities for families; and

**Whereas**, the street will be permitted to close from 11 AM to 8 PM with the event taking place from 2 PM to 6 PM; and

**Whereas**, the applicant is the founder of the SoHo Strut organization which has provided and maintains over 70 new garbage cans in SoHo to improve the quality of life in this neighborhood; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the **SoHo Block Party (SoHo Strut Organization): Sullivan Street between Prince and Spring Sts. (full street closure)** on September 22, 2018.

Vote: Unanimous, with 41 Board members in favor.

**Saturday, September 22, 2018 — New York eBike & eBoard Festival (sponsor: Fillipacchi): Prince Street between Mott and Elizabeth Sts. (full street closure)**

**Whereas**, the area was posted and the applicant **was NOT** present, and 3 community members appeared at the meeting to express opposition to this event; and

**Whereas**, this application is for a full street closure on Prince Street between Mott and Elizabeth Sts. to advertise products from the Fillipacchi store on this block, and requesting the street be closed from 7:30 AM to 7 PM; and

**Whereas**, this event is for a for-profit business on this block and would close a major East-West thoroughfare in this neighborhood at the same time as the Feast of San Gennaro is occurring; and

**Whereas**, three members of the public appeared at the committee meeting to express their concerns about this street being closed and the effect it would have on the neighborhood and other businesses especially during the Feast of San Gennaro and two letters were received by the committee in opposition to this event for many of the same listed reasons; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of the **New York eBike & eBoard Festival (sponsor: Fillipacchi): Prince Street between Mott and Elizabeth Sts. (full street closure)** on September 22, 2018.

Vote: Unanimous, with 41 Board members in favor.

**Sunday, September 23, 2018 — Il Buco Pig Roast 2018: Bond Street between Bowery and Lafayette St. (sidewalk and curb lane closure)**

**Whereas**, the area was posted and the applicant **was NOT** present, and a resident email was received by the committee expressing opposition to this event; and

**Whereas**, this event has historically received strong opposition from this Board because of the amount of smoke coming from the fire pit at this event which causes apartments and clothing to smell of pig roasting smoke and several neighboring buildings have complained about the encroachment of this event's seating area in front of residential buildings; and

**Whereas**, CB2, Man. has repeatedly recommended denial for this event, yet the Street Activities Permit Office repeatedly has approved this event and it is of concern that the applicant chose not even to appear before the Board this year to discuss how to ameliorate any negative effects of this event; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of the **Il Buco Pig Roast 2018: Bond Street between Bowery and Lafayette St. (sidewalk and curb lane closure)** on September 23, 2018.

Vote: Unanimous, with 41 Board members in favor.

**Monday, October 1, 2018- Monday, October 8, 2018 — Mile Long Opera (Friends of the High Line): Gansevoort Street between Washington Street and 10<sup>th</sup> Avenue (curb lane closure)**

**Whereas**, the area was posted and the applicants were present, and no member of the public appeared to speak regarding this application; and

**Whereas**, the applicant wishes to use the curb lane of this block in order to set up queue lines for this unique event being presented along the length of the High Line; and

**Whereas**, the applicant has retained the services of an experienced consultant to manage the queue and barricades along this block; and

**Whereas**, the committee received an email from the community liaison at the Whitney Museum which is adjacent to this block in support of this queue plan; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the **Mile Long Opera (Friends of the High Line): Gansevoort Street between Washington Street and 10<sup>th</sup> Avenue (curb lane closure)** from October 1-8, 2018.

Vote: Unanimous, with 41 Board members in favor.

**Sunday, October 21, 2018 — Moroccan Festival (Moroccan Americans in New York, Inc.): Great Jones Street between Broadway and Lafayette Street (full street closure)**

**Whereas**, the area was posted and the applicants were present, and three members of the public appeared in opposition to this application and 4 emails in opposition were received and 2 emails in support were received; and

**Whereas**, the applicant wishes to present this street fair as a celebration of Moroccan culture with food, amplified music, and vendors; and

**Whereas**, this block is host to another cultural festival in June and residents appeared and expressed that that festival creates a disturbance to work and relaxation on the block and includes loud music and an excessively large crowd; and

**Whereas**, the applicant wishes to close the entirety of this block from 10 AM to 7 PM with the festival occurring from 12 PM to 6 PM; and

**Whereas**, the organizers of this event have no geographical relationship to this block or this neighborhood and chose this block because of its centrality in NYC; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of the **Moroccan Festival (Moroccan Americans in New York, Inc.): Great Jones Street between Broadway and Lafayette Street (full street closure)** on October 21, 2018.

Vote: Unanimous, with 41 Board members in favor.

### **3. FYI/Renewal Street Activities**

**10/13/18 – Tavern on Jane 21<sup>st</sup> Annual Block Party (Jane St. Block Association): Jane Street between 8<sup>th</sup> Avenue and Hudson Street**

**Whereas**, this item was on the public agenda and was not requested to be heard for further discussion by any community member; now

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

Vote: Unanimous, with 41 Board members in favor.

**10/31/18 – Children’s Halloween Parade (NYU and CB2): West 3<sup>rd</sup> Street between LaGuardia Place and Mercer Street**

**Whereas**, CB2, Man., as co-sponsor of this event, is advised by the NYC Conflicts of Interest Board to refrain from taking a position on this street activity application; now

**Therefore Be It Resolved** that CB2, Man. takes no position on the subject renewal.

Vote: Unanimous, with 41 Board members in favor.

**SLA LICENSING**

**1. Empanada Fresca, LLC d/b/a Pending, 95 Greenwich Ave. 10014 (RW – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “high-end fast casual Columbian food” restaurant focusing on empanadas in a C1-6R6 zoned 6-story, mixed-use 1930 building on Greenwich Avenue at the corner of Bank Street and between West 12<sup>th</sup> and Bank Streets (block #615 lot #36) in Greenwich Village; the building falls within NYC LPC’s designated Historic District; and,

**ii. Whereas**, the premises have approximately 585 sq. ft. of ground floor space, was previously operated as Nourish Kitchen, a small café and catering company that closed by 10 PM nightly, and applicant presented a Certificate of Occupancy consistent with the proposed usage; and

**iii. Whereas**, the premises will have with 7 tables and an aggregate 14 seats plus one bar without seating, all service and patron areas will be on the ground floor, the basement being restricted to staff; no sidewalk café was included in this application, but may be filed for in the future; and,

**iv. Whereas**, the applicant proposes to run the restaurant until 12:00 a.m. Sunday through Wednesday, 2:00 a.m. Thursday, and 4:00 a.m. Friday and Saturday 11:00 a.m. to 11:00 p.m.; but the service of alcohol will cease by 11:00 p.m. Sunday to Thursday, and by 12:00 a.m. Friday and Saturday; and any future sidewalk café will close no later than 11:00 p.m. every night; and the applicant signed and notarized a stipulations agreement with CB2, Man. which includes the following:

1. Premise will be advertised and operated as a fast-casual restaurant specializing in empanadas.
2. The hours of service of beer and wine will be: 10AM to 11PM Sunday, 9AM to Monday through Thursday, 9AM to 12AM Friday and Saturday.
3. Will operate full service restaurant, specifically a fast casual empanada restaurant with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including license sidewalk cafés).
7. Will operate a sidewalk café no later than 11PM every night (all tables and chairs will be removed at this hour).
8. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.



9. Will close all doors & windows at 9:00 PM every night and anytime there is amplified music, live music, or DJ.
10. Will not install or have French doors, operable windows or open facades.
11. Will not make changes to the existing façade except to change signage or awning.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Restaurant Wine license for **Empanada Fresca, LLC d/b/a Pending, 95 Greenwich Ave. 10014**, **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**2. FTG Company USA, d/b/a Nikutei Futago, 341 W. Broadway 10013 (RW – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “high-end Japanese” restaurant in a M1-5A zoned 2-story, mixed-use 1930 building on West Broadway between Grand and Broome Streets (block #475 lot #3), the building falls within NYC LPC’s designated SoHo Cast Iron Historic District; and,

**ii. Whereas**, the two-story premises are approximately 1,700 sq. ft., with 1,100 sq. ft. on the ground floor store level and an addition 600 sq. ft. on the second floor, has a maximum occupancy of 74, the premises previously operated as a Hogar Dolce bakery closing by 11 PM every night, there are operable doors on the front façade facing the sidewalk, and the applicant presented a Certificate of Occupancy consistent with the proposed usage; and

**iii. Whereas**, the premises will have 7 tables with an aggregate of 30 seats on the ground floor and 2 tables with an aggregate of 8 seats on the second floor, for a total of 9 tables and 38 seats; no sidewalk café was included in this application; and,

**iv. Whereas**, the applicant’s proposed hours of operation will be from Sunday through Saturday 5:00 p.m. to 11:00 p.m.; and the applicant signed and notarized a stipulations agreement with CB2, Man. which includes the following:

1. Premise will be advertised and operated as a Japanese restaurant.

2. The hours of operation will be: 5 PM to 11 PM Sunday to Saturday (every day of the week). Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate full service restaurant, specifically a Japanese restaurant with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including license sidewalk cafés).
7. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will close all doors & windows at 9:00 PM every night and anytime there is amplified music, live music, or DJ.
9. Will not install or have French doors, operable windows or open facades.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
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. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
15. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Restaurant Wine license for **FTG Company USA, d/b/a Nikutei Futago, 341 W. Broadway 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 Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**3. 50 Greenwich Ave. Sushi, Inc., d/b/a Umani Sushi, 50 Greenwich Ave. 10011 (RW – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “cozy, warm, family-style Japanese restaurant” in a C1-6 zoned 5-story, mixed-use 1900 building on Greenwich Avenue between Charles and Perry Streets (block #606 lot #19) in Greenwich Village; the building falls within NYC LPC’s designated Historic District; and,

**ii. Whereas**, the two-story premises are approximately 1,400 sq. ft., with 700 sq. ft. on the ground floor store level and an additional 700 sq. ft. in the basement, has a maximum occupancy of 74, the premises having previously operated as the Lumpia Snackbar without the sale of alcoholic beverages, albeit consistent with the proposed usage; and

**iii. Whereas**, the premises will have 7 tables with an aggregate of 14 seats and 1 sushi bar with 4 seats for total patron seating of 18, all service and patron areas will be on the ground floor, the basement being restricted to staff; no sidewalk café was included in this application and applicant stipulated that they will not ever seek a sidewalk café in the future; and,

**iv. Whereas**, the applicant's proposed hours of operation will be Sunday 12:00 p.m. to 11:00 p.m., Monday to Thursday 11:00 a.m. to 11:00 p.m., Friday 11:00 a.m. to 12:00 a.m., and Saturday 12:00 p.m. to 12:00 a.m.; and the applicant signed and notarized a stipulations agreement with CB2, Man. which includes the following:

1. Premise will be advertised and operated as a family style Japanese restaurant.
2. The hours of operation will be: 12PM to 11:00PM Sunday, 11AM to 11PM Monday to Thursday, 11AM to 12AM Friday, 12PM to 12AM Saturday. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate full service restaurant, specifically a Japanese restaurant with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including license sidewalk cafés).
7. Will not have a sidewalk café now or in the future.
8. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
9. Will close all doors & windows at 9:00 PM every night and anytime there is amplified music, live music, or DJ.
10. Will not install or have French doors, operable windows or open facades.
11. Will not make changes to the existing façade except to change signage or awning.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. \Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Restaurant Wine license for **50 Greenwich Ave. Sushi, Inc., d/b/a Umani Sushi, 50 Greenwich Ave. 10011, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**4. Shigemitsu New York, Inc., d/b/a Harbs, 465 W. Broadway 10012 (RW – Previously unlicensed location)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “full-service Japanese restaurant featuring cakes, teas, coffee, sandwiches and pastas” in a M1-5A zoned 6 story, mixed use 1900 building on West Broadway between West Houston and Prince Streets (block #515 lot #8); the building falls within NYC LPC’s designated SoHo Cast Iron Historic District; and,

**ii. Whereas**, the two-story premises are approximately 2,500 sq. ft., with basement area for storage purposes only, there are no operable doors or windows and there is no plan to alter the front façade of the storefront, the premises having never been licensed for the service of alcohol or for eating and drinking, the premises having previously operated for years as a retail apparel store, a Certificate of Occupancy having been presented permitting an art gallery and store, the applicant stating there will be a maximum occupancy of 74; and,

**iii. Whereas**, the premises will have 26 tables and 60 patron seats for an aggregate of 60 patrons seats, there will be no stand-up bar, all service and patron areas will be on the ground floor, the basement being restricted to staff; no sidewalk café was included in this application; and,

**iv. Whereas**, the applicant’s proposed hours of operation will be from Sunday through Saturday 11:00 a.m. to 11:00 p.m.; and the applicant signed and notarized a stipulations agreement with CB2 which includes the following:

1. Premise will be advertised and operated as a Japanese restaurant.
2. The hours of operation will be: 11AM to 11PM Sunday to Saturday (every day of the week). Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate full service restaurant, specifically a Japanese restaurant with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including license sidewalk cafés).
7. There will be no sidewalk café.
8. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
9. Will close all doors & windows at 9:00 PM every night.
10. Will not install or have French doors, operable windows or open facades.

11. Will not make changes to the existing façade except to change signage or awning.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Restaurant Wine license for **Shigemitsu New York, Inc., d/b/a Harbs, 465 W. Broadway 10012, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**5. Entity to be formed by Watches of Switzerland, LLC, d/b/a Watches of Switzerland, 60 Greene St. 10012 (New OP – Retail Watch Store)**

**i. Whereas**, the Applicant and their Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a new On-Premises liquor license to operate a luxury watch retail store in a roughly 10,000 sq. ft. space within a 5-story, landmarked (circa 1873) mixed-use building on Greene Street between Broome and Spring Streets, this building falling within NYC LPC’s designated Soho-Cast Iron Historic District; and,

**ii. Whereas**, the two-story premises (4,740 sq. ft. ground floor with 5,300 sq. ft. basement level) operated previously as a high-end retail furniture store and has never operated for eating or drinking purposes and has never been licensed for the service of alcohol, a certificate of occupancy being presented for commercial retail store use on the ground floor and boiler room access for the basement level, the Applicant indicating that they plan to change the certificate of occupancy in the future to permit the service of spirits while also seeking a public assembly permit for a proposed occupancy of 164 patrons; and,

**iii. Whereas**, the Applicant plans to have a café-like space in the cellar where they will provide customers complimentary drinks such as coffee, tea, juice, mostly wine or champagne but also other Hard Spirits, the beverages being an amenity for guests, there will be no kitchen and food service will be the minimum and the bare necessity to obtain an OP license, there will be one bar with 5 seats and 8 additional lounge chair seats for 13 total patron seats in the basement level; and,

**iv. Whereas**, the applicant’s proposed hours of operation will be 12 PM to 6 PM Sundays, 11 AM to 8 PM Monday through Saturday, music will be background only, there will be no sidewalk café or other outdoor areas for the service of alcohol, there will be no operable doors or windows plans but the Applicant seeks to have large events with occasional live music and a live DJ, the Applicant stating that there will be no more than one such event per month at the premises; and,

v. **Whereas**, the Applicant did reach out to the Soho Alliance which voiced no objection to the application to operate a retail watch store with an on-premise license as proposed; and.

vi. **Whereas**, there are 2 existing On Premises licenses within 500 feet of the storefront premises and 16 On Premise licenses within 750 feet of the premises, with 1 additional pending license not including the numbers of eating and drinking establishments in the area holding beer and wine licenses; and,

vii. **Whereas**, questions were raised and concerns voiced by members of CB2, Man. that the issuance of an on premise license (including the service of hard alcohol and spirits) was entirely inconsistent with and inappropriate for a retail store whose sole purpose is to sell watches, **a beer/wine license being more appropriate in the instant situation**, there being a significant retail presence in the Historic Soho District triggering additional concerns of other retailers seeking similar licensing, this particular retailer not being distinguishable from other high-end retail vendors that predominant the area, there being no permits in place to operate in the manner applied, the licensing and change in occupancy to permit eating and drinking, should a conversion in occupancy/use be allowed, also being a longer term concern after the instant Applicant moves out or tenancy ends, leaving the area exposed to a licensed premises for eating and drinking and night-time impacts where those types of impacts previously never existed;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Entity to be formed by Watches of Switzerland, LLC, d/b/a Watches of Switzerland, 60 Greene St. 10012** on its application seeking a new OP license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Executive Committee of the SLA; and,

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

Vote: Unanimous, with 41 Board members in favor.

**6. 14 West Chelsea, Inc., d/b/a TBD, 248 W. 14<sup>th</sup> St. 10011 (New OP)**

i. **Whereas**, a representative and an attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a transfer of Catering Cabaret license to operate a "Neighborhood Italian Restaurant" in a 6-story, mixed-use building on West 14<sup>th</sup> Street between 7<sup>th</sup> and 8<sup>th</sup> Avenues; and,

ii. **Whereas**, the two-story premise was previously operated as a restaurant specializing in hamburgers and milk shakes, is approximately 4,000 sq. ft., with 2,000 sq. ft. ground floor and an additional 2,000 sq. ft. in the basement, there being 60 tables with 130 table seats, one bar with 20 additional seats, patron seating being on both ground floor and basement levels, with a total number of patron seats at 150, there are no outdoor areas for the service of alcohol; and,

iii. **Whereas**, the application also includes "live" DJ music at entertainment levels, dancing and security personnel with hours of operation until 2 AM every night; and,

iv. **Whereas**, the Applicant also operates Il Bastardo in Chelsea (Lic.#1305161), a highly-problematic establishment in Chelsea subject to constant community complaints and numerous police involvement, previously operated by her husband Robert Malta, the NYS SLA having caused Mr. Malta to surrender the license to this establishment only to have the Applicant, who appears to have been acting as a “front” for her husband, opening up another problematic establishment reusing the Il Bastardo name claiming at the time of her Application that she was planning to open up a “family friendly neighborhood restaurant”, instead opening up an establishment specializing in all day boozy brunches with a \$75 price fixe menu that includes one bottle of champagne & one entrée per person, the extent of the derogation being detailed by Community Board 4 in multiple correspondence to the NYS SLA, the most recent being from January 5, 2018 demonstrating the Applicant was not truthful when applying for the above-referenced license and made material misrepresentations when presenting the application to CB4, Manhattan; and,

v. **Whereas**, when CB2’s SLA Committee sought to question the Applicant about her recent liquor license applications before CB4, Manhattan, she failed to appear to answer questions, no request being made to adjourn or layover the matter for her to appear at a later date, the Applicant instead sending a Manager at Il Bastardo working at the establishment for 3 months who was not sure about the types of music that would be played except to state that there was a trend in the area for DJs, was not knowledgeable about the “d/b/a” for the premises, could not explain the type of clientele being marketed for the location, explained there would be wedding and baby showers where there would be DJs and dancing but also insisted it would be a “typical Italian Restaurant”; and,

vi. **Whereas**, a neighborhood resident appeared in opposition to the application citing the Applicant’s prior applications to CB4, the lack of credibility to the instant application while questioning the Applicant’s use of DJs and entertainment music levels for a full-service Italian Restaurant, there already being a significant number of late-night drinking establishments existing in this specific area; and,

vii. **Whereas**, additional concerns were raised about this application because the application materials did not identify the Applicant’s other licensed establishment in CB4, Manhattan “Il Bastardo”, this application being consistent with the Applicant’s prior application to CB4 where the true nature of the Applicant’s method of operation not being fully presented in an honest manner and in good faith; and,

viii. **Whereas**, this application being subject to the 500 ft. rule requiring the applicant to demonstrate a recognizable public interest for adding yet another on premise liquor license in an area already greatly saturated with licensed establishments, there being 16 existing On Premises licenses within 500 feet of the storefront premises, 34 On Premise licenses within 750 feet of the storefront premises, with 3 additional pending licenses and without even including the vast numbers of eating and drinking establishments in the area holding beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **14 West Chelsea, Inc., d/b/a TBD, 248 W. 14<sup>th</sup> St. 10011** on its application seeking a new OP license; and

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Executive Committee of the SLA; and

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

Vote: Unanimous, with 41 Board members in favor.

**7. Sunrise Corp. d/b/a N/A, 391 6<sup>th</sup> Ave. 10014** (Transfer of OP – Failure to Appear)

**i. Whereas**, the Applicant and Current Licensee appeared in front of CB2, Manhattan’s SLA Licensing Committee #1 Meeting on July 10<sup>th</sup>, 2018, to present an application for a transfer of an existing on premise license (ADSAD, LLC d/b/a Onegin; SN #1254846) with the intent of transferring ownership of the restaurant and license so that Applicant could continue to operate a restaurant within a 3,356 sq. ft. storefront, with a 140 occupancy on 6<sup>th</sup> Avenue between Waverly Place and Christopher Street in Greenwich Village; and

**ii. Whereas**, when the current licensee originally applied for and appeared before CB2, Man. in June/2012 for its On Premise license, no valid certificate of occupancy to operate at a 140 patron occupancy was provided and the current licensee stated his intent and agreed to obtain all the proper permits prior to operating a restaurant at such capacity; and,

**iii. Whereas**, when the Applicant and current Licensee both appeared for the instant transfer application it became clear that such permits to operate at a 140 person occupancy had never been obtained, the Applicant and current Licensee providing only a letter of no objection that limited the number of patrons at the premises to 74 patrons but did not present the proper permits, including a certificate of occupancy, letter of no objection or public assembly permit permitting a 140 occupancy; and,

**iv. Whereas**, as a result of not having the proper permits in place to operate the business at a patron capacity in excess of 74 patrons, the Applicant requested to **lay over** this application until August/2018 for the purpose of presenting the proper permits and for further consideration as to its instant application to transfer the existing license; and

**v. Whereas**, neither the Applicant nor the current Licensee appeared at CB2, Man. SLA Committee meeting on August 8, 2018 as they requested and agreed, and provided no notice or correspondence for their non-appearance; and

**vi. Whereas**, the premises continues to operate with a patron capacity in excess of what is permitted by the NYC Dept. of Buildings:

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed transfer application for **Sunrise Corp. d/b/a N/A, 391 6<sup>th</sup> Ave. 10014**; and,

**THEREFORE BE IT FURTHER RESOLVED** CB2, Man. requests that the NYS SLA review and investigate the existing license issued to ADSAD, LLC d/b/a Onegin; SN #1254846 to ascertain the proper patron capacity for their operations and to limit such patron capacity should the required permits demonstrate that such capacity for the licensed premise is limited to an occupancy of 74 persons.

Vote: Unanimous, with 41 Board members in favor.



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

**8. Black Rose Hospitality, LLC, d/b/a N/A, 74 5<sup>th</sup> Ave. 10011 (RW – Laid Over)**

**Whereas**, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on August 8th, 2018 the Applicant requested **to lay over** this application for a restaurant wine license to September/2018 and indicated that 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, corporate change, alteration, transfer or other changes to the existing license for **Black Rose Hospitality, LLC, d/b/a N/A, 74 5<sup>th</sup> Ave. 10011** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**9. Be Westbourne Something Special, LLC (to be created), d/b/a TBD, 137 Sullivan St. South Retail Unit 10012 (OP — Withdrawn)**

**Whereas**, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on August 8th, 2018 the Applicant requested **to withdraw** this application from further consideration and did not appear, present or discuss this application for on premise license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **Be Westbourne Something Special, LLC (to be created), d/b/a TBD, 137 Sullivan St. South Retail Unit 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**10. Arthur’s Tavern, Inc., d/b/a N/A, 57 Grove St. 10014 (OP transfer—laid over to September)**

**Whereas**, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on August 8th, 2018 the Applicant requested **to lay over** this application for a restaurant wine license to September/2018 and indicated that 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; a

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **Arthur’s Tavern, Inc., d/b/a N/A, 57 Grove St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a

recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**11. Gadberry Pizza, Inc., d/b/a Bleecker Street Pizza, 69 7th Ave. So. 10014 (Corp Change - RW)**

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a corporate change for a restaurant wine license for a Pizzeria; due to the death of a shareholder, those shares have been willed to his brother; the establishment has been operating since 2004; and,

**ii. Whereas,** this application is for a “corporate change” of a restaurant wine license at a currently licensed location in a commercial building located on the corner of 7<sup>th</sup> Avenue South and Bleecker St. for a roughly 450 sq. ft. premise located on the ground floor with 10 tables and 30 table seats, and a sidewalk café with 3 tables and 6 seats; there is no standup bar; there is an existing Certificate of Occupancy; and,

**iii. Whereas,** the hours of operation are Sunday to Thursday from 10AM to 2AM and Friday to Saturday from 10AM to 4AM, music will be quiet background only consisting of music from ipod/CDs (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 DJ, no promoted events, no scheduled performances or cover fees, no velvet ropes; and,

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

1. The premises will be advertised and operated as a Pizzeria; and,
2. The hours of operation will be Sunday to Thursday from 10AM to 2AM and Friday to Saturday from 10AM to 4AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
6. The existing sidewalk café will operate no later than 12AM Sunday to Thursday and 1AM Friday and Saturday (all tables & chairs will be removed at this hour).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. All doors and windows will be closed at 10PM every night and anytime there is music.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
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. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. The premises will not have dancing, DJs, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.

v. **Whereas**, in the past, several letters were received expressing concerns with the manner in which the operator handles their trash from patrons, the cleanliness of the corner, and blocking the sidewalk with delivery bikes; those issues have since been rectified and the operator took immediate steps in April 2016 to address those issues and continues to do so to present;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a “corporate change” application for an existing Restaurant Wine License for **Gadberry Pizza, Inc., d/b/a Bleecker Street Pizza, 69 7th Ave. So. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**12. Hudson & Charles Dinette, Inc., d/b/a TBD, 522 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 restaurant on premise liquor license for a farm to table casual American restaurant; and,

ii. **Whereas**, this application is for a new on-premise liquor license; the premises is located in a portion of a previously licensed location one storefront away from the corner location, it is in a mixed- use residential/commercial building located on the ground floor on Hudson Street between Charles Street and West 4<sup>th</sup> Street for a roughly 1,290 sq. ft. premise (645 sq. ft. ground floor and 645 sq. ft. basement – no patron use of basement), with 11 tables and 26 seats, and one stand-up bar with 8 seats for a total of 34 seats; a Certificate of Occupancy was provided; and,

iii. **Whereas**, the hours of operation will be from Sunday from 10:30AM to 11:30PM, Monday to Wednesday from 11:30AM to 11:30 PM, Thursday and Friday from 11:30AM to 12:30AM and Saturday from 10:30AM to 12:30AM, there will be a future sidewalk cafe, all doors and windows will be closed at all times except for patron ingress and egress, there are no operable windows, music will be quiet background only consisting of music from ipod/CDs (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; there will on occasion be live music from a three person acoustic only trio which will play no more than two sets on Thursday, Friday and Saturday ending by 9:30PM; 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. This application is for a restaurant on-premise liquor license for a farm to table casual American restaurant.
2. The hours of operation are Sunday from 10:30AM to 11:30PM, Monday to Wednesday from 11:30AM to 11:30 PM, Thursday and Friday from 11:30AM to 12:30AM and Saturday from 10:30AM to 12:30AM. All patrons will be cleared and no patrons will remain after stated closing times.

3. The premises will operate a full service restaurant; specifically a farm to table casual American restaurant with the kitchen open and full menu items available until closing every night.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premise will not have televisions or projectors.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
7. Any future sidewalk café will operate no later than 10PM (No patrons at that time) and all tables and chairs will be removed by 11PM.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. All doors will be closed at all times except for patron ingress and egress.
10. Will not install or have French doors, operable windows or open facades. All windows will remain fixed windows.
11. Will not make changes to the existing façade except to change signage or awning.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. The premises will not have dancing, DJs, live music\*, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.
17. There may be occasional live music from three-piece non-amplified acoustic band only ending by 9:30PM. Occasional is described as Thursday to Saturday, two 50 min sets each night.
18. There will be proper sound insulation to eliminate noise intrusion into neighboring apartments.
19. for residents, especially as they relate to noise and vibrations.
20. Hours of operation will be posted in the window.

**v. Whereas**, the applicant met with members of the local residents association, the West Village Residents Association at the location prior to this meeting and the President of WVRA appeared and stated that they were not in opposition to the application provided the applicant adhered to the agreed up stipulations without exception; and,

**vi. Whereas**, there are currently approximately 18 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new restaurant on-premise liquor license for **Hudson & Charles Dinette, Inc., d/b/a TBD, 522 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 41 Board members in favor.

**13. 29 Bedford Street, LLC, d/b/a Daily Provisions, 29 Bedford St. aka 34 Downing 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 restaurant on premise liquor license for a “Neighborhood coffee shop, bakery and sandwich shop. Open throughout the day with everything needed to dine in or take away. Open early in the morning with fresh baked goods and breakfast sandwiches and throughout the afternoon and evening offering sandwiches, rotisserie chicken, seasonal sides and a selection of beer, wine and select liquor beverages”; and,

**ii. Whereas,** this application is for a new on-premise liquor license in a previously licensed location formerly occupied by Ditch Plains; the premises is located in a residential only R6 zoned district in a grandfather commercial space located on the ground floor of a 5 story residential building circa 1910 on the corner of Bedford and Downing Street for a roughly 1,675 sq. ft. premise (1,075 sq. ft. ground floor and 600 sq. ft. basement – no patron use of basement), with 2 tables and 12 seats, and one stand-up bar with 6 seats and 6 counter seats for a total of 24 seats; there are no other outdoor seating areas and no outdoor benches and a Certificate of Occupancy was provided; and,

**iii. Whereas,** the hours of operation will be 7AM to 11PM 7 days a week, there is no sidewalk café included with this application (not permitted in residential zoning), all doors will be closed at all times, windows will be permanently sealed, music will be quiet background only consisting of music from ipod/CDs (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. This application is for a neighborhood coffee shop, bakery and sandwich shop.
2. The hours of operation are 7AM to 11PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will operate a full service restaurant; specifically a neighborhood coffee shop, bakery and sandwich shop with the kitchen open and full menu items available until closing every night.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premise will have not have televisions or projectors.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
7. No sidewalk café is included in this application (not permitted per zoning).
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. Will not install or have French doors, operable windows or open facades.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
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. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

14. The premises will not have dancing, DJs, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.
15. Will maintain permanently sealed windows.
16. All doors and windows will be closed at all times except for patron ingress and egress.
17. Will post a “please respect residential neighbors” style sign.
18. There will be no exterior benches.
19. Will provide contact information/phone number to immediate residents in case of complaints.

**v. Whereas**, the applicant initially included in their application operable windows and 4 outdoor benches; a number of local community groups, including the local block association spoke in opposition to the operable windows and outdoor benches specifically; the applicant after their presentation through their attorney, but prior to the business section of the committee meeting where the application was discussed and voted on by the committee, notified CB2, Man. that they would eliminate operable windows and remove all benches from their application consistent with other licensed premises in the area and consistent with the requests of the local Block Association; and,

**vi. Whereas**, the applicant was in communication with the local block association, the Bedford Downing Block Association, by email prior to the meeting, but did not actually address the concerns of the local block association, specifically that there would be no operable windows and no outdoor benches, the block association explained that these two critical issues along with hours of operation, active management of outdoor patrons and direct communication with managers was crucial to maintaining residential quality of life and were the same conversations and discussion had with every liquor license applicant going back for well over a decade in the block association’s area; the applicant provided a letter of support from the co-op board in the building in which they are located and a petition in support, neither of which indicated operable new windows or outdoor benches which were a significant deviation from the previously licensed location which had neither; and,

**vii. Whereas**, the principal on this license, Daniel Meyer, is a principal in over 50 liquor licenses in New York City, including 3 licensed or pending licenses within CB2, Man.; and,

**vi. Whereas**, there are currently approximately 20 on Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new restaurant on-premise liquor license for **29 Bedford Street, LLC, d/b/a Daily Provisions, 29 Bedford St. aka 34 Downing 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 41 Board members in favor.

**14. Advance Aerospace, LLC, d/b/a N/A, 51 Christopher St. 10014 (OP – Bar/Tavern)**

**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 tavern on premise liquor license on the ground floor only for a gay bar with drag show performances; the applicants are long time local neighborhood operators who seek to reclaim the eastern storefront of the recently individually landmarked historic Stonewall Inn, the starting point in 1969 of the Stonewall rebellion, which is also located within the Stonewall National Monument, as a gay bar to better serve as a space for the gay community; and,

**ii. Whereas,** this application is for a new on-premise liquor license in a previously unlicensed location currently occupied by QQ Nails & Spa; the premises is located in a C4-5/R6 zoned district in a mixed use building located on the ground floor and basement of a 2-story residential building circa 1843 (combined with new façade to 53 Christopher St in 1930) on Christopher Street within Sheridan Square for a roughly 4,000 sq. ft. premise (2,500 sq. ft. ground floor and 1,500 sq. ft. basement – no patron use of basement), with 15 tables and 40 seats, and one stand-up bar with 12 seats for a total of 52 seats; total occupancy will be 74 people; there are no outdoor seating areas and no outdoor benches; there is no valid Certificate of Occupancy in Place, the original Certificate of Occupancy #16826 dated September 19, 1930 which covered 51-53 Christopher St. has been superseded by a new Certificate of Occupancy, which only covers 53 Christopher St., which is listed on the NYC DOB website as a separate building, there is no Current Certificate of Occupancy which indicates usage for 51 Christopher St. because the original Certificate of Occupancy was superseded; a Letter of No Objection will be provided by the applicant; and,

**iii. Whereas,** the hours of operation will be Sunday from 11AM to 2AM, Monday to Thursday from 12PM to 2AM and Friday and Saturday from 12PM to 4AM, there is no sidewalk café, all doors will be closed at all times, windows will be permanently sealed, music will be at entertainment level by DJs and background, there will be drag show performances ending by times agreed to in the stipulations; there will be no promoted events, no other scheduled performances or cover fees, no velvet ropes, no movable barriers and no private parties; and,

**iv. Whereas,** the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated into the method of operation on the new tavern on premise liquor license stating that:

1. This application is for a tavern gay bar with drag show performances.
2. The hours of operation are Sunday from 11AM to 2AM, Monday to Thursday from 12PM to 2AM and Friday and Saturday from 12PM to 4AM. All patrons will be cleared and no patrons will remain at stated closing times.
3. Will operate a tavern with less than a full service kitchen, but will serve food during all hours of operation.
4. The premises will have no more than 4 televisions, no larger than 55 inches (there will be no projectors except in conjunction with any performances). The premises, or any portion of the premises will not operate as sports bar.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
6. Will not install or have French doors, operable windows or open facades.
7. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
8. Will obtain a Letter of No Objection indicating allowable use or file for a new Certificate of Occupancy.
9. There will be 15 tables and 40 seats, 1 standup bar with 12 seats for a total of 52 seats. Total occupancy will be less than 75 people. Patrons will be on the 1<sup>st</sup> floor only.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products. No pitchers of beer.
12. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. The premises will not have dancing, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades.

14. There will be scheduled drag show performances that will end by 12AM Sun-Thursday and 2AM Friday to Saturday.
15. There may be DJs at all times.
16. The entire premises will be fully soundproofed and comply with all NYC Noise codes and regulations. Will add vestibule or double doors to prevent noise and music from escaping premises.
17. All doors & windows will be closed at all times except for patron ingress and egress.
18. Will post a “please respect residential neighbors” style sign.
19. Any entrance lines will be maintained across the street from the premises.
20. Premises may also be open until 4AM on LGBT Pride March, Stonewall Riots Anniversary, New Year’s Eve, and Halloween.
21. Appropriate security will be utilized as needed. ID checking will occur inside the door when possible to minimize outdoor noise. Security will also take steps when necessary to not permit large groups of patrons from congregating in front of the premises and to prevent or limit vehicles from standing or double parking at or near the premises. Smokers will be directed away from residential building entrances and any windows where smoke may enter into residences.
22. Will provide contact information/phone number to immediate residents in case of complaints.

**v. Whereas,** the premises in this application at 51 Christopher St. is within the eastern portion of two buildings, 51 and 53 Christopher St. which are together an Individual New York City Landmark known as The Stonewall Inn that was designated on June 23<sup>rd</sup>, 2015 (<http://s-media.nyc.gov/agencies/lpc/lp/2574.pdf>); on June 24<sup>th</sup>, 2016 both buildings also became a part of the Stonewall National Monument, the first U.S. National Monument dedicated to LGBT rights and history; The Stonewall Inn in 1969 occupied a combined space/footprint in both 51 and 53 Christopher Street; in 1969, The Stonewall Inn was the starting point of the Stonewall Rebellion, one of the most important sites associated with Lesbian, Gay, Bisexual, Transgender history in New York City and the nation; The Stonewall Inn subsequently closed in late 1969 and the combined space located within 51 and 53 Christopher St. was separated in 1975; there have been a number of intervening uses in both buildings; in 1987 a bar named Stonewall opened in 51 Christopher St which closed in October 1989; a new Stonewall opened in 1993 at 53 Christopher St. and became a multi-floor night club which subsequently closed in 2006; a new operator took over the space at 53 Christopher naming the space The Stonewall Inn in 2007 and continues to operate the multi-floor venue today; and,

**vi. Whereas,** the Applicant seeks to convert this historic space at 51 Christopher that has been operated as a nail salon and spa for over a decade back to a gay bar to better serve as a space for the gay community; this application and applicant are not connected to the currently operating The Stonewall Inn bar at 53 Christopher St.; and

**vii. Whereas,** the applicant performed outreach in the immediate area including posting signs on light posts and buildings inviting local residents to a meeting to answer questions and address any concerns; the applicant sent emails and spoke with several block associations and reached out to individuals including the 7<sup>th</sup> Avenue South Alliance, the Central Village Block Association, the West Village Residents Association; the applicant was also in contact with the Greenwich Village Society for Historic Preservation, the National Parks Conservation Association and the NYC LGBT Historic Sites Project; the applicant left information with employees of 45 Christopher St., a very large residential building located immediately adjacent, for residents in the building; the applicant did not reach out to the principals of the currently operating The Stone Wall Inn next door; and,



**viii. Whereas**, several letters were received in support and 9 individuals spoke in support, including a representative of the West Village Residents Association; those individuals highlighted a variety reasons in support of the application including the positive benefits of returning the use of this space to reflect the historical significance of the space to the gay community, the experience of the operators especially operating another similar space called Pieces at 8 Christopher St. just down the street and Hardware 697 10<sup>th</sup> Avenue in Chelsea, a number of speakers in support shared personal anecdotes of the importance of gay bars and their involvement in the creation of the Stonewall National Monument, several speakers indicated the importance of bolstering the number of gay bars in the area to maintain the West Village’s historical character as one of the oldest gay communities; there was support because of the efforts the applicant planned to take to sound proof the establishment; a representative of the landlord indicated they would only agree to this tenant if the space was properly soundproofed; the West Village Block Association was in support but requested lesser hours of operation until 2AM; there was overall support of the applicants as good operators; and,

**ix. Whereas**, several letters in opposition were received outlining opposition to any more liquor licenses in this densely saturated area, especially any brand new license with hours until 2AM during the week and 4AM on the weekend with DJs and entertainment level music, while credit was given to the operator as a good operator, it was expressed that the they already operate 1 long running bar a block away and have a pending liquor license for a not yet opened venue one block away in the other direction, those in opposition stated they would not be in opposition if the applicant sought a license in a currently licensed premises; the main reasons for opposition were the increases in noise, impacts on quality of life at later hours, impacts on traffic and sanitation issues, all of which ranked highest on a list of resident concerns on a recently conducted poll of area residents; additionally, it was stated that the existing historically gay bars in the area were well positioned to meet the needs of those who live in the immediate community and those from outside the area who might chose to bar hop with many local options within two blocks and that adding another bar operating until 2AM/4AM would not enhance the economic vibrancy of the area in a meaningful fashion that would provide public benefit; and,

**x. Whereas**, there are currently approximately 42 on Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new tavern on-premise liquor license for **Advance Aerospace, LLC, d/b/a N/A, 51 Christopher 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 On-Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

**15. JaJaJa West Village, LLC d/b/a JaJaJa, 63 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 restaurant on premise liquor license for a “restaurant focused on healthy plant based cuisine inspired by Mexican street food”; the applicants operate a similar restaurant on East Broadway; and,

**ii. Whereas**, this application is for a new on-premise liquor license in a previously licensed location formerly occupied by NECF Inc., d/b/a Mr. Dennehy’s; the premises is located in a commercial mixed use residential building located on the ground floor and basement of a 5-story residential building circa 1900 on Carmine St. between Bedford and 7<sup>th</sup> Avenue South with an additional rear entrance on

7<sup>th</sup> Avenue South for a roughly 3,000 sq. ft. premise (1,800 sq. ft. ground floor and 1,200 sq. ft. basement – no patron use of basement), with 22 tables and 44 seats, 3 counter seats and 1 Standup Bar with 11 seats (58 interior seats total) on the Interior 1<sup>st</sup> Floor, 3 tables and 6 seats in a small rear yard along 7<sup>th</sup> Avenue South and 14 tables and 28 seats in a future sidewalk café along 7<sup>th</sup> Avenue South; the basement will not be used for patrons; a letter of no objection for the *ground floor only* was provided indicating interior occupancy for less than 75 persons for eating and drinking use; and,

**iii. Whereas,** the interior hours of operation will be 11AM to 2AM 7 days a week, the exterior hours of operation for any future sidewalk café (SWC) and for the rear yard are 11AM to 10PM Sunday to Thursday and 11AM to 11PM Friday to Saturday, all doors and windows will be closed at 10PM, music will be quiet background only consisting of music from ipod/CDs (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. This application is for an on premise liquor license for a restaurant focused on healthy plant based cuisine inspired by Mexican street food.
2. The interior hours of operation are 11AM to 2AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The exterior hours of operation for any future sidewalk café (SWC) and for the rear yard are 11AM to 10PM Sunday to Thursday and 11AM to 11PM Friday to Saturday. No patrons will remain in SWC or rear yard at SWC closing time and all tables and chairs will be removed by ½ hour after SWC closing from the sidewalk café.
4. The rear entrance from 7<sup>th</sup> Ave South will not be used for patrons after the rear yard and sidewalk café close at 10PM Sunday to Thursday and 11PM Friday to Saturday.
5. The premises will operate as a full service restaurant, specifically a restaurant focused on plant based cuisine with the kitchen open and full menu items available during all hours of operation.
6. The premises, or any portion of the premises will not operate as a tavern, lounge or sports bar.
7. The entire premises will be operated under one trade name (D/B/A) only.
8. The premise will have not have televisions or projectors.
9. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime. There will be absolutely no music or speakers in the outdoor portion of the premises. No music on the interior will be played at anytime when any exterior windows are open.
10. All doors and windows will be closed at 10PM except for patron ingress and egress
11. Additional soundproofing will be installed to achieve fully soundproofed premises as described in questionnaire.
12. The existing facade on Carmine St. will be changed by moving the existing door to the center bay of the existing façade and adding new operable vertical opening windows in the left and right bays as indicated on provided diagrams. The existing façade on 7<sup>th</sup> Ave South will be changed by moving the door to the Northern portion of the façade and installing two vertical opening windows in addition to several non operable windows as indicated on provided diagrams. All installed windows will be constructed of laminated glass to reduce any noise issues.
13. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
14. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”.

15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. The premises will not have dancing, DJs, live music, promoted events, cover charges, scheduled performances, velvet ropes, metal barricades or security guards.
17. This application does not include the basement for any patron use and no permit exists that allows patron use of the basement at this time. No patrons are permitted in the basement.
18. The applicant presented to CB2 a Letter of No Objection for an Eating and Drink establishment, Use Group 6, on the First (1st) floor, Non-Place of Assembly, for less than 75 persons.
19. This application includes:
  - Interior 1<sup>st</sup> Floor: 22 tables and 44 seats, 3 counter seats and 1 Stand-up Bar with 11 seats (58 interior seats total)(all bar seats will be bolted to the floor)
  - Outdoor Rear Yard: 3 tables and 6 seats
  - Future Sidewalk Café: 14 tables and 28 seats
20. All waiting patrons will be accommodated inside the premises. If there are additional waiting patrons an electronic paging style system will be utilized to alert patrons when seating is available so that they will not wait in front of the premises.
21. There will be a designated manager or employee to actively manage the exterior of the premises to ensure that patrons or smokers do not congregate outside the premises and to ensure that any groups leaving leave quietly.

**v. Whereas,** the applicant initially appeared in July/2018 and included in their initial application the basement for patron use believing that appropriate documentation could be produced from the NYC Department of Buildings showing that this was an allowable use of the basement; the basement space was improperly and illegally utilized for patrons and eating and drinking uses by the previous operator without any permits in place; the applicant was unable to produce any such documentation showing that the basement could be used for eating and drinking uses or patron use; when the applicant reappeared in August/2018 they provided from the NYC Department of Buildings a Letter of No Objection indicating that the *ground floor only* could be used for eating and drinking for less than 75 people; the applicant agreed to revise their application to only the ground floor for patron use in addition to a rear yard and future sidewalk café; in addition they modified their floor plans and elevation drawings to show interior changes to the location of the kitchen and changes to the basement food preparation areas as well as moving the front door to the center bay on Carmine St. and addition of windows on Carmine St. as well as moving the rear door on 7<sup>th</sup> Ave South from the South portion to the North portion of the façade and the addition of several windows; if the applicant is able to obtain a new Certificate of Occupancy for the basement indicating eating and drinking use and patron occupancy, they will return to CB2, Man. before proceeding with an alteration application to then include the basement space for patron use; and,

**vi. Whereas,** the applicant reached out to the local block association which provided no objections as long as the improper use of the basement was excluded from the application, and the Applicant also presented a petition; and,

**vii. Whereas,** there are currently approximately 18 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new restaurant on-premise liquor license for **29 Bedford Street, LLC, d/b/a Daily Provisions, 29 Bedford St. aka 34 Downing 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 41 Board members in favor.

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

**16. HH F&B, LLC, d/b/a Mulino a Vino SoHo, 525 Greenwich St. 10013 (OP – Restaurant)  
[Layover at meeting]**

**Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 9th, 2018, the Applicant requested to **layover** this application for a new restaurant on premise liquor license on only the ground floor of an already licensed hotel liquor license; no accompanying alteration application to the existing hotel liquor license was presented relinquishing the ground floor restaurant and it was brought to the attention of CB2, Man. that the existing Hotel Liquor License was not operating in adherence with their existing stipulations agreement and operating an unlicensed venue within the hotel; this applicant, HH F&B, LLC, d/b/a Mulino a Vino SoHo, will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed and after consulting with the existing Hotel Licensee with respect to altering the Hotel Liquor License;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, alteration, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **HH F&B, LLC, d/b/a Mulino a Vino SoHo, 525 Greenwich St. 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**18. Perry & Hudson, LLC, d/b/a TBD, 551 Hudson St. 10014 (OP – Restaurant) (withdrawn-will resubmit)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 9th, 2018, the Applicant requested to **withdraw** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Perry & Hudson, LLC, d/b/a TBD, 551 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**19. Hudson Café, Inc., d/b/a Hudson Café, 628 Hudson St. 10014 (Class Change to OP – Restaurant)(laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 9th, 2018, the Applicant requested to **layover** this application for a class change application 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Hudson Café NYC, LLC d/b/a Hudson Café NYC, 628 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**20. Showfields NY 1, LLC, d/b/a Pending, 11 Bond St. 10012 (OP – Bar Event Space)(4th floor outdoor rooftop deck) (laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on August 9th, 2018, the Applicant requested to **layover** this application for a new On Premise Liquor License for a Café and Bar Event Space on the 4<sup>th</sup> floor and outdoor rooftop deck 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 is community opposition and concerns that this application is contrary to an approved NYC BSA Zoning Variance;

**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, transfer, upgrade or changes to any existing license for **Showfields NY 1, LLC, d/b/a Pending, 11 Bond St. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**STANDING COMMITTEE REPORTS**

**LAND USE**

- 1. 27-29 Great Jones St. (Between the Bowery and Lafayette St.) - BSA Cal. No. 193-97-BZ is an application to extend the term of a previously-granted special permit to allow the operation of a physical culture establishment (PCE) called Great Jones Spa.**

**Whereas:**

1. This is an application to extend for a second time, the term of a previously -granted special permit allowing the operation of a physical culture establishment and spa called the Great Jones Spa.
2. The PCE occupies 11,941sf and is located in portions of the sub-cellar, cellar, cellar mezzanine, first floor and first floor mezzanine.
3. The operator remains the same and the spa has operated without incident. Therefore, this use should not adversely affect the community.
4. A term of 10 years is requested.
5. Hours of operation are reduced to 9:30am to 10pm daily.
6. The facility has a sprinkler system and an approved fire alarm system.
7. The space is ADA accessible.
8. No one from the neighborhood appeared to speak against the application.
9. As of April 23, 2018, there were three open DOB violations, which are the responsibility of the owner and will be cleared prior to the new Certificate of Occupancy being issued.

**Therefore,** CB2, Man. has no objection to this application.

Vote: Unanimous, with 41 Board members in favor.

**2. 111 Varick St. (West side) - Affordable housing application to the City of New York Department of Housing Preservation and Development for new construction pursuant to the Voluntary Inclusionary Housing program in the Special Hudson Square District (100 total units, 25 inclusionary housing units).**

**Whereas:**

1. The project at 111 Varick will be a newly-constructed, 27-story, 100-unit residential rental building.
2. The building will contain 73,730sf of net residential floor area, 25 units of which will be inclusionary housing affordable units as per the Inclusionary Housing Program of the NYC Dept. of Housing Preservation and Development.
3. These 25 units will also be utilized to partially satisfy the 421-a/Affordable NY requirement, which requires a total of 20 affordable units; an additional five units will be deemed affordable for purposes of Inclusionary Housing only.
4. Ten percent of the units will be for residents at 40% AMI; 10% at 60% AMI; and 5% at 80% AMI.
5. The building will have 20 accessory parking spaces.
6. The project exceeds inclusionary requirements for the units' vertical distribution over floors and meets the mandatory bedroom mix. However, seven of the market-rate apartments have terraces whereas none of the affordable units do.
7. Finishes in affordable and market-rate apartments are "comparable" and there is a single entrance and lobby for all residents.
8. CB2 commends this developer for electing to participate in the Inclusionary Housing Program, especially at the AMI levels that it is targeting, and hopes that the success of the building will inspire other developers in Hudson Square to do the same.
9. The applicant proposes to bundle a roof terrace, a "great lounge" and gym on the fourth floor, and a childrens' room in the basement into a \$100-per-month amenity package.
10. CB2 is concerned that IH residents at these AMI levels will find the \$100 per month unaffordable, and the amenity package will ultimately work against the spirit of inclusivity that the program is meant to foster—especially in the case of the amenities that encourage socializing and community.

**Therefore, CB2 recommends approval of this project on condition that:**

- 1. All residents will have free and equal access to all building amenities.**
2. If not all amenities are free, then at a minimum the childrens' room and roof deck should be offered gratis to all residents, with a reduced rate offered to IH residents for the gym and "great lounge."

Vote: Unanimous, with 41 Board members in favor.

### **LANDMARKS AND PUBLIC AESTHETICS**

1. **\*12-14 Minetta St.** – Application is to legalize the replacement of a window and security grille installed without landmarks permits and to install a security gate at the entry.

#### **Whereas:**

- A. A window, presumably existing at the time of designation, has been replaced by plate glass without regard of an appropriate historic style of the original window; and
- B. The window grill, though modern in design, is simple and not unduly obtrusive; and
- C. The design proposed for a gate at the entry is typical to those elsewhere in the district and will provide the necessary security; and
- D. The necessity for reasonable protection for the ground floor window and the stoop on this small lane near an active "party" street is undisputed and was affirmed by a caretaker of the building; and

**Therefore be it resolved** that CB2, Man. recommends:

- A. Denial** of the legalization of the window and that it be modified to an appropriate historic design; and
- B. Approval** of the existing window grate and the proposed stoop gate.

Vote: Unanimous, with 41 Board members in favor.

2. **\*53 Mercer St.** – Application is to construct a partial two-story addition on an existing three-story building. **(Laid over)**
3. **\*770 Broadway** – Application is to partially replace the ground floor (Kmart) storefront. **(Laid over)**
4. **\*225 W. 13th St.** - Application is to install new storefront, new windows at street and secondary facades, build new bulkhead, install rooftop mechanical equipment and partially excavate rear yard.

#### **Whereas:**

- A. The proposal at the ground floor is to be non-historic multi-pane windows without transoms or other separating elements with an entrance in each bay; and

- B. Historic photographs depict large windows with transoms, typical of a commercial building of the period in the district; and
- C. A step is to be removed to conform to accessibility requirements and adjacent materials are proposed to be removed that **should** be left intact to preserve the character of the building; and
- D. The facade will be restored in the existing color and existing lighting fixtures and intercoms will be removed; and
- E. The rear facade, visible from the rear of a few buildings, is to have the fire escape removed, reconfigured multi-pane windows, the rear facade restored, and the garden level excavated 8' deep to the rear of the property; and
- F. The bulkhead and mechanical equipment on the roof are minimally visible from any public thoroughfare; now

**Therefore be it resolved** that CB2, Man. recommends:

- A. Denial** of the aggressively modern ground floor infill and upper floor windows in the front facade as out of character with the building and with the district, and which serve to effectively erase the story of the manufacturing history of the building; and
- B. Approval** of removal of the step to provide accessible access provided that there is only minimal destruction of historic material and that the several courses of brick and the sill that define this entrance be preserved; and
- C. Approval** of the rear facade windows, although they are of modern design, in this particular case, there is no viable doughnut and they are minimally visible from other properties; and
- D. Approval** of the rear facade restoration and the excavation provided that care is taken to ensure the integrity of the building and surrounding buildings; and
- E. Approval** of the mechanical equipment and bulkhead on the roof which are minimally visible from any public thoroughfare.

Vote: Unanimous, with 41 Board members in favor.

5. \*256 W. 4<sup>th</sup> St. - Application is to install a new roof deck and stair bulkhead and safety railing and to raise chimney flue.

**Whereas:**

- A. The stairs are being extended to the roof and a bulkhead 4'-0" wide and approximately 11'-0" high from the existing rear roof, is proposed in zinc and steel, and a new safety railing in black steel to be added; and
- B. The bulkhead is minimally visible from any public thoroughfare and the railing is somewhat visible and the chimney extensions for code requirements are clearly visible, though not objectionably so; and



C. It was clearly demonstrated that care has been taken to reduce all visibility to the minimum; now

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

Vote: Unanimous, with 41 Board members in favor.

**6. \*68 Bank St.** - Application is to extend all 10 chimney flues to 3'-0" above adjacent bulkhead and equipment at 70 Bank St.; north and middle chimneys to receive masonry enclosure to match brick.

**(Laid over)**

**7. \*196 Spring St.** – Application to restore front façade and replace ground floor infill.

A. The existing infill, canopies and security gate are to be removed; and

B. The water table will be restored to aligned with the existing, restored section and have a similar finish; and

C. The infill is an operable folding window in a black finished aluminum frame with a 12" tall bulkhead in wood; and

D. The windows will collapse in one direction leaving a large void when they are in the open position; and

E. The black canvas awnings are over the windows with proper interruption for original pilasters and are 5'-0" deep and 2'-6" high; now

**Therefore be it resolved** that CB2, Man. recommends:

A. **Denial** of the windows unless they have historically referenced wooden frames and are of a design that does not leave a complete void when in the open position; and

B. **Approval** of the black color, wooden bulkhead, restoration of the water table, and the awnings.

Vote: Unanimous, with 41 Board members in favor.

## **PARKS/ WATERFRONT & ARTS/INSTITUTIONS**

### **A Resolution In Support Of "Day's End," A Public Artwork By Sculptor David Hammons To Be Permanently Installed In Hudson River Park**

#### **Whereas:**

1) The planned art installation, "Day's End", the proposal for which CB2, Man. wrote and approved a resolution in October 2017, has progressed through public hearings and public commentary phases.

2) CB2's resolution supported this project only with the understanding that it will undergo environmental assessments to ensure that it poses no harm to the Hudson River, neither in its construction nor its continued presence; and only with the assurances given that this sculpture will place no constraints on future uses of the parkland at Gansevoort Peninsula.

3) Adam Weinberg, Director of the Whitney Museum of American Art, provided an update on the project, which will be installed in Hudson River Park, along the south edge of the Gansevoort Peninsula on the former site of a warehouse that resided on Pier 52.

4) The sculpture will be a life-size skeletal replica of Pier 52, which will stand on the exact site where the original once stood, will appear as a “ghost pier,” a silhouette constructed of 8” diameter steel tubing with dimensions that adhere exactly to those of the original pier: 52’ tall, 325’ long, and 65’ wide.

5) The community has expressed concern that the art installation might limit what can be designed and developed on the remainder of Gansevoort Peninsula. The Hudson River Park Trust and the Whitney Museum of American Art adamantly insisted that “Day’s End” will not impinge upon or in any way limit potential future uses of the space on Gansevoort Peninsula.

6) The community has expressed concern that the art installation might limit access to the waterfront on the south side of Gansevoort Peninsula, the desire for which has been consistently communicated. The Hudson River Park Trust and the Whitney Museum of American Art adamantly insisted that “Day’s End” will not cause access to the waterfront to be limited or eliminated.

7) The community has expressed concern that installation of “Day’s End” will delay the design process and development of the passive and active park uses on Gansevoort Peninsula. The Hudson River Park Trust and the Whitney Museum of American Art adamantly insisted that “Day’s End” will not be the cause of delays of the project to develop Gansevoort Peninsula.

8) The Hudson River Park Trust has ensured that the project to develop Gansevoort Peninsula will be a public, community-based design process.

**Therefore, Be It Resolved** that CB2, Man.:

1) Reiterates support for the “Day’s End” sculpture to be permanently installed in Hudson River Park

2) Supports this project on the condition – as the Hudson River Park Trust and the Whitney Museum of American Art have affirmed - that the art installation will not reduce public enjoyment of the park by limiting the design and usage options of the peninsula; and

3) Supports this project on the condition of continued public community participation in the design process of the Gansevoort Peninsula within the Hudson River Park as an amenity with active or passive recreation including public access to the waterfront.

VOTE: Unanimous, with 41 Board Members in favor.

## **QUALITY OF LIFE**

### **1. New Application to Department of Consumer Affairs for Newsstand at:**

**Northwest Corner of Washington Street and West 13<sup>th</sup> Street in front of 860 Washington Street (13222-2018-ANWS)**

**Whereas**, the area was posted, a representative from the president of ownership of 860 Washington Street LLC appeared in opposition to the location, and the applicant failed to appear to speak about this application; and

**Whereas**, the representative from 860 Washington Street, LLC presented a letter and testimony asserting that the applicant's submission was not drawn to scale and does not properly reflect the building's canopy which projects 10 feet from the building thereby making it impossible for the newsstand to be legally situated at this location; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of the application for a newsstand at the **Northwest Corner of Washington Street and West 13<sup>th</sup> Street in front of 860 Washington Street**, and further requests that an inquiry is made as to the existence of the canopy of 860 Washington Street before any application is considered by the Department of Consumer Affairs.

Vote: Unanimous, with 41 Board Members in favor.

**Northwest Corner of 7<sup>th</sup> Avenue South and West 10<sup>th</sup> Street in front of 175 West 10<sup>th</sup> Street (13630-2018-ANWS)**

**Whereas**, the area was posted, the owner of a newsstand located one block south of this location appeared in opposition to the location, and the applicant failed to appear to speak about this application; and

**Whereas**, the owner of the newsstand outside the Christopher Street subway station presented testimony indicating that he has operated his newsstand for the past 35 years and that business is not robust enough that he could withstand new competition from a newsstand located just one block away; now

**Therefore Be It Resolved** that CB2, Man. recommends denial of the application for a newsstand at the **Northwest Corner of 7<sup>th</sup> Avenue South and West 10<sup>th</sup> Street in front of 175 West 10<sup>th</sup> Street**.

Vote: Unanimous, with 41 Board Members in favor.

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

**Chalait LLC, d/b/a Chalait, 375 Hudson St. with 6 tables and 12 chairs (14277-2018-ASWC)**

**Whereas**, this location, a café offering coffee, matcha, and light refreshments, has been in operation on the Houston side of the Saatchi & Saatchi building for over a year with operating hours of 7 AM – 6 PM; and

**Whereas**, the applicant appeared before the Community Board 2 SLA committee in October 2017 and CB2, Man. recommended approval for an on-premises beer and wine license for this location and the applicant's SLA license includes the sidewalk café; and

**Whereas**, the applicant confirmed that all alcohol in the sidewalk café would be served by waitstaff and the café would maintain the same operating hours as the cafe of 7 AM – 6 PM; and

**Whereas**, the applicant confirmed that all tables, chairs, and railings would be stored within the restaurant over night; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the application for revocable consent to operate an unenclosed sidewalk café for **Chalait LLC, d/b/a Chalait, 375 Hudson St. with 6 tables and 12 chairs (14277-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

**Whitmans 261 Hudson LLC, d/b/a N/A, 261 Hudson St. with 10 tables and 20 chairs (14503-2018-ASWC)**

**Whereas**, this is a second location of this establishment, the first is located in the East Village at 406 East 9<sup>th</sup> Street, which offers American fare of burgers and salads and the like and is family friendly; and

**Whereas**, the applicant appeared before the Community Board 2 SLA committee in October 2017 and CB2, Man. recommended approval for an on-premises liquor license for this location and the applicant is in the process of amending their SLA license to include this sidewalk café; and

**Whereas**, the applicant confirmed that all alcohol in the sidewalk café would be served by waitstaff and the sidewalk café would not operate past 10 PM, seven days a week; and

**Whereas**, the applicant confirmed that all tables, chairs, and railings would be stored within the restaurant over night;

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Whitmans 261 Hudson LLC, d/b/a N/A, 261 Hudson St., with 10 tables and 20 chairs (14503-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

**3. New assignment application for revocable consent to operate an unenclosed sidewalk café for:**

**Root Nolita LLC, d/b/a Root Nolita, 371 Broome St. with 11 tables & 22 chairs (13543-2018-ASWC)**

**Whereas**, this location was previously operated by Officina Café and will become Root Café, offering “healthy and affordable Mediterranean food”; and

**Whereas**, the applicant confirmed that this sidewalk café would replicate the one operated by the previous owner with no alterations, including the operating hours; and

**Whereas**, the applicant confirmed that all alcohol in the sidewalk café would be served by waitstaff; and

**Whereas**, the applicant confirmed that all tables, chairs, and railings would be stored within the restaurant over night;

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the assignment application for revocable consent to operate an unenclosed sidewalk café for **Root Nolita LLC, d/b/a Root Nolita, 371 Broome St. with 11 tables & 22 chairs (13543-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

**4. FYI Sidewalk Café Renewals**

- **Half Pint on Thompson, LLC d/b/a The Half Pint, 234 Thompson St. with 9 tables and 18 chairs (1279573-DCA)**

- **Spring Soho, Inc., d/b/a Spring Natural, 98 Kenmare St. with 11 tables and 22 chairs (2035053-DCA)**
- **La Ripaille Corp., d/b/a La Ripaille Restaurant, 605 Hudson St. with 4 tables & 11 chairs (1010686-DCA)**
- **Olio Restaurant, LLC, d/b/a Olio, 3 Greenwich Ave. with 21 tables and 46 chairs (1344146-DCA)**
- **Boucherie, LLC, d/b/a N/A, 99 7th Ave. South with 42 tables and 84 chairs (2043296-DCA)**

**Whereas**, these items were on the public agenda and none were requested to be heard for further discussion by any community member; now

**Therefore Be It Resolved** that CB2, Man, recommends **approval** of the subject renewals provided that the applications conform with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

## **5. Street Activities Applications**

**September 26, 2018-October 3, 2018 — NEPAL (event at Industria): 1) West 12<sup>th</sup> Street between Washington and Greenwich Streets 2) Washington Street between Jane and West 12<sup>th</sup> Streets (curb lane closure)**

Whereas, Industria is a large event space that describes itself as a “versatile facility specifically designed to host events across industries” and “offers a beautiful industrial character and an incredible location” with several event spaces totaling 13,400 square feet offering “street access and is car accessible”; and

**Whereas**, the applicant that appeared is an independent event planning organization that will operate this event within Industria and appeared with a comprehensive plan to minimize impact on the neighboring residents including having a dedicated community liaison, a traffic attendant, and security team; and

**Whereas**, the applicant indicated that the owner of Industria had communicated to them that these events create a disturbance for neighboring residents and all must be done to minimize any disturbance; and

**Whereas**, the committee was impressed with the applicant’s preparation but still concerned about the number of events occurring at Industria and the lack of direct communication between the owner of Industria and neighbors; and

**Whereas**, although the applicants stated that the curb lane closures will be used intermittently during the period of the event, the residents and businesses will not be able to rely on using any of the portioned off parking spaces during the duration of the event; and

**Whereas**, because Industria rents out space to external event planners, like the present applicant, each individual event planner, and not Industria, attains all permits for use during individual events, which causes these blocks in the West Village to become a continuous loading and unloading zone for huge events which cuts off all access to the curb lane and sidewalk for neighboring residents, many who have lived in the neighborhood for decades; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the **NEPAL (event at Industria): 1) West 12<sup>th</sup> Street between Washington and Greenwich Streets 2) Washington Street between Jane and West 12<sup>th</sup> Streets (curb lane closure)** from September 26- October 3, 2018.

VOTE: Unanimous, with 41 Board members in favor.

**October 9, 2018-October 10, 2018 — Stripe Road Show NYC (event at Industria): 1) West 12<sup>th</sup> Street between Washington and Greenwich Streets 2) Bethune Street between Washington and Greenwich Streets (curb lane closure)**

**Whereas**, Industria is a large event space that describes itself as a “versatile facility specifically designed to host events across industries” and “offers a beautiful industrial character and an incredible location” with several event spaces totaling 13,400 square feet offering “street access and is car accessible”; and

**Whereas**, the applicant that appeared is an independent event planning organization that will operate this event within Industria and appeared with a comprehensive plan to minimize impact on the neighboring residents and this event is a smaller event expecting 150 people and no garbage will be placed on the street and the applicant would strive to use signs indicating when specific parking spots would be used; and

**Whereas**, the applicant indicated that the owner of Industria had communicated to them that these events create a disturbance for neighboring residents and all must be done to minimize any disturbance; and

**Whereas**, the committee was impressed with the applicant’s preparation but still concerned about the number of events occurring at Industria and the lack of direct communication between the owner of Industria and neighbors; and

**Whereas**, although the applicants stated that the curb lane closures will be used intermittently during the period of the event, the residents and businesses will not be able to rely on using any of the portioned off parking spaces during the duration of the event; and

**Whereas**, because Industria rents out space to external event planners, like the present applicant, each individual event planner, and not Industria, attains all permits for use during individual events, which causes these blocks in the West Village to become a continuous loading and unloading zone for huge events which cuts off all access to the curb lane and sidewalk for neighboring residents, many who have lived in the neighborhood for decades; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the **Stripe Road Show NYC (event at Industria): 1) West 12<sup>th</sup> Street between Washington and Greenwich Streets 2) Bethune Street between Washington and Greenwich Streets (curb lane closure)** from October 9 - 10, 2018.

VOTE: Unanimous, with 41 Board members in favor.

**October 12-14, 2018 — Production Parking – NYCWFF Industria: 1) West 12th St. between Washington St. and Greenwich St., 2) Washington St. between West 12 St. and Jane St. [curb lane closure only]**

**Whereas**, Industria is a large event space that describes itself as a “versatile facility specifically designed to host events across industries” and “offers a beautiful industrial character and an incredible location” with several event spaces totaling 13,400 square feet offering “street access and is car accessible”; and

**Whereas**, the applicant that appeared is an independent event planning organization that will operate this event within Industria and appeared with a comprehensive plan to minimize impact on the neighboring residents, including closely coordinating with the private trash hauler, having an on site security team, having 15-20 employees expediting entrance to these events and trying to minimize time loading and unloading production trucks; and

**Whereas**, the applicant indicated that the owner of Industria had communicated to them that these events create a disturbance for neighboring residents and all must be done to minimize any disturbance; and

**Whereas**, the committee was impressed with the applicant's preparation but still concerned about the number of events occurring at Industria and the lack of direct communication between the owner of Industria and neighbors; and

**Whereas**, although the applicants stated that the curb lane closures will be used intermittently during the period of the event, the residents and businesses will not be able to rely on using any of the portioned off parking spaces during the duration of the event; and

**Whereas**, because Industria rents out space to external event planners, like the present applicant, each individual event planner, and not Industria, attains all permits for use during individual events, which causes these blocks in the West Village to become a continuous loading and unloading zone for huge events which cuts off all access to the curb lane and sidewalk for neighboring residents, many who have lived in the neighborhood for decades; now; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the NYCWFF **Industria: 1) West 12th St. between Washington St. and Greenwich St., 2) Washington St. between West 12 St. and Jane St. [curb lane closure only]** from October 12 - 14, 2018.

VOTE: Unanimous, with 41 Board members in favor.

**Saturday, October 20, 2018 — Future Streets (Sponsor: Kyle Gorman): LaGuardia Place between West Houston St. and Bleecker St. [full street closure]**

**Whereas**, the area was posted and the applicants were present, and a member of the Bleecker Area Merchants and Residents Association (BAMRA) appeared to speak regarding this application; and

**Whereas**, the applicant wishes to host this block festival which will “provide a platform for social interaction by opening LaGuardia Place to pedestrians and bicyclists” and restricting vehicular access to just emergency vehicles in order to create a “lively public room environment” with a 300 feet long table that will invite neighbors and passers by to enjoy a “bring your own picnic” lunch; and

**Whereas**, event is hosted by the Center for Architecture, one block north of the event, which will host a public presentation inside the center just prior to this street festival; and

**Whereas**, the applicant had intended to host this event one block north but was prohibited from doing so due to ongoing construction and the Street Activity Permit Office recommended this block instead; and

**Whereas**, the festival will not include any vendors and participants will be encouraged to patronize the surrounding establishments for food to enjoy at the event; and

**Whereas**, the applicant and the representative from BAMRA exchanged contact information in order to facilitate coordination between the two; and

**Whereas**, the applicant indicated this is a one time event on this block and it is not intended as an annual event; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the **Future Streets (Sponsor: Kyle Gorman): LaGuardia Place between West Houston St. and Bleecker St. [full street closure]** on October 20, 2018.

VOTE: Unanimous, with 41 Board members in favor.

**Saturday, October 13, 2018 — Bedford Downing Block Association Sidewalk Sale: 6th Ave. between Downing St. and West Houston St. [partial sidewalk closure]**

**Whereas**, the area was posted and the applicant was present and no member of the public appeared regarding this application; and

**Whereas**, this application is for a longstanding sidewalk sale previously held on Downing Street and moving to this very wide sidewalk on 6<sup>th</sup> Avenue and will include residents selling personal and home items to passer-by; and

**Whereas**, this applicant indicated that they will not be using the entire sidewalk and will ensure that there is adequate room for pedestrians to walk and will not interfere with any of the sidewalk cafes or other businesses on this block; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the **Bedford Downing Block Association Sidewalk Sale: 6th Ave. between Downing St. and West Houston St. [partial sidewalk closure]** on October 13, 2018.

VOTE: Unanimous, with 41 Board members in favor

**October 27-30, 2018 — American Idol Season 2 (American Idol Production, Inc): West 14th St. between 10th Ave. and Washington St. [sidewalk and curb lane closure]**

**Whereas**, the area was posted and the applicant was **NOT** present; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of **American Idol Season 2 (American Idol Production, Inc): West 14th St. between 10th Ave. and Washington St. [sidewalk and curb lane closure]** on October 27-30, 2018.

VOTE: Unanimous, with 41 Board members in favor

## **SCHOOLS AND EDUCATION**

**Resolution in Support of Restoring New York University’s Commitment to our Community and Reinstating the Bleecker School Option to 2025**

**Whereas:**

1. Before December 31, 2018, our elected officials and New York University (NYU) must act to reinstate the “School Election Notice” back to 2025; otherwise, the Department of Education will



lose its option to build a 100,000 square foot school on the Bleecker School site and \$65+ million<sup>1</sup> will transfer from NYC taxpayers to NYU:

- a. In a real estate market where the price per buildable square foot in Manhattan averages more than \$650, this option is worth in excess of \$65 million<sup>1</sup>; and,
  - b. The value is arguably higher due to the lack of vacant land in CB2, Man., either city-owned or city-optioned;
2. New York University has made a series of shrinking commitments to build a public school over the last 50 years:
- a. In the 1960s, NYU promised to build an elementary school for neighborhood children on the site of the former Coles Sports Center and the future 181 Mercer building;
  - b. Again in 2010, NYU promised to build the core and shell of a new 600-seat public elementary school on one of its three superblocks; and,
  - c. In 2012, NYU promised the land for the School Construction Authority (SCA) to build a 100,000 square foot school in the Bleecker Building (“Bleecker School”), with the option expiring in 2025;
3. Despite the shrinking commitment, a public school on NYU’s core campus would be attractive to its faculty, staff and their families and provide lab opportunities to NYU Steinhardt;
4. As part of the 2012 NYU rezoning, NYU made a good faith promise to our community for the Bleecker School, committing to a 100,000 square foot public school and a 2025 option date:
- a. As part of the NYC Charter mandated Uniform Land Use Review Process, Community Board 2, the Manhattan Borough President and the NYC Department of City Planning all reviewed a rezoning package that included NYU’s commitment for a 100,000 square foot public school and a 2025 option date; and,
  - b. However, the final rezoning approved by the NYC City Council included an option, or “School Election Notice” that would expire *11 years earlier* on December 31, 2014 and required that school construction begin no more than four years after school funding, as detailed in the final Restrictive Declaration of Large-Scale Development for the NYU LSGD (“Restrictive Declaration”);
5. Since the 2012 rezoning, CB2, Man. along with Community Education Council District 2 (CECD2) and community leaders, have been working to reinstate the “School Election Notice” to 2025, the date that NYU originally proposed:
- a. In October 2014, both CB2, Man. and Community Education Council District 2 (CECD2) unanimously passed resolutions in support of reinstating the “School Election Notice” to the 2025; but, in a letter dated October 21, 2014, NYU only extended the “School Election Notice” four years to December 31, 2018 and shortened the allotted time between school funding and school construction to two years from four years;
  - b. In June 2017, CB2’s demographic analysis demonstrated the need for the Bleecker School based on projected and current demand for public school seats, including the following drivers of demand:
    - i. Current elementary schools remain over capacity and overcrowded;
    - ii. Continued development, rezoning and future zoning changes;

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<sup>1</sup> “The Performance of the Manhattan Land Market in 2016” *Commercial Observer*, January 25, 2017. <https://commercialobserver.com/2017/01/the-performance-of-the-manhattan-land-market-in-2016/>

- iii. Unmet programmatic needs, such as dual-language programs, language based learning programs and inadequate space for physical education, arts, science and other non-math/ELA academic subjects;
  - iv. Need to modernize 19<sup>th</sup> century school facilities throughout District 2 to meet 21<sup>st</sup> century education needs and comply with ADA standards for accessible design;
  - v. Expansion of Pre-K and 3K programs;
  - vi. Inclusion of District 75 seats;
  - vii. CEQR flaws and growth of family-sized apartments; and,
  - viii. Reduction in class size to comply with Contract for Excellence laws; and,
  - c. In 2017, both CB2, Man. and CECD2 unanimously passed resolutions in support of reinstating the “School Election Notice” to the 2025;
6. In 2018, the SCA stated that it will need more than two years between school funding and school construction due to the complexities of the Bleecker School site – not only is the site NYU-owned and controlled, it also will require demolition and construction of 32,000 square feet of below-grade space for NYU, allowances for construction staging and coordination with the 181 Mercer build-out and other parties on the superblock;
7. Meanwhile, not only was 2025 promised, it is needed because:
- a. The Bleecker School remains unfunded in the FY 2015 – FY 2019 capital plan;
  - b. New school planning takes time – 75 Morton took 12 years from advocacy to opening and NYU’s own 181 Mercer Building remains under construction;
  - c. Downtown schools at Trinity Place and Duarte Square are delayed; and,
  - d. The additional time allows more time to consider educational needs in a dynamically changing residential environment;
8. Potential future options for the Bleecker School site include:
- a. Moving an existing District 2 middle school to a new location and expanding a co-located elementary school, such as when PS 3 expanded after Greenwich Village Middle School moved downtown as Lower Manhattan Community School or PS 11 expanded after The Clinton School moved and also expanded; and,
  - b. Opening a new elementary or middle school, including a zoned school, a NYU lab school or a District 2-wide school based on diversity, dual-language, learning disability or other admission criteria.

**Therefore be it resolved** that CB2, Man. urges our elected officials and New York University to restore NYU’s commitment to our community by reinstating the School Election Notice to 2025, the date NYU originally promised in its 2012 rezoning; and

**Be it further resolved** that failure to extend the option to 2025 will transfer \$65+ million of value from NYC taxpayers to NYU; and

**Be it further resolved** that CB2, Man. urges our elected officials and NYU to ensure that there is more than two years between the required funding and construction dates, given the complexities of the Bleecker School site; and,

**Be it further resolved** that because CB2’s demographic analysis and projections demonstrate the need for approximately 600 public school seats at the 100,000 square foot Bleecker School, CB, Man. urges the School Construction Authority and the Department of Education to take into account this analysis and fund the Bleecker School in the SCA’s next five year Capital Plan.

VOTE: Unanimous, with 41 Board Members in favor.

## **SLA LICENSING**

### **1. AOA786, LLC, d/b/a Panorama, 820 Broadway 10003 (RW – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a fast-casual restaurant “delivering middle eastern cuisine with Lebanese, Turkish and Israel influences” in a 13 story, mixed use (residential apartments above and ground floor commercial) building (circa 1964) Broadway between 11<sup>th</sup> and 12<sup>th</sup> Streets in Greenwich Village; and,

**ii. Whereas**, the storefront premise has approximately 1,700 sq. ft. (with no basement), was previously operated as “Mama Gyro” with similar method of operation, the applicant presenting a Certificate of Occupancy consistent with the proposed usage; and

**iii. Whereas**, the premises will have 21 tables with 54 table seats, no bars, with an ordering counter without seats for a total patron seat capacity of 54 patrons, no TVs, background music only, one entrance/exit for patrons, one bathroom; a sidewalk café is planned but it will be closing every night by 9PM; and,

**iv. Whereas**, the hours of operation will be from 10 AM to 11 PM daily, the applicant signed and notarized a stipulations agreement with CB2, Man., which includes the following:

1. Premise will be advertised and operated as a fast-casual restaurant specializing in Middle Eastern cuisine.
2. The hours of service of beer and wine will be 10AM to 11PM Sunday through Saturday.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not have televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes (not including DCA licensed sidewalk café).
6. Will operate a sidewalk café no later than 9PM every night (all tables and chairs will be removed and stored overnight).
7. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will close all doors & windows at 9:00 PM every night.
9. Will not install or have French doors, operable windows or open facades.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Restaurant Wine license for **AOA786, LLC, d/b/a Panorama, 820 Broadway 10003** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**2. Frevo, LLC, d/b/a N/A, 58 MacDougal St. Ground Floor 10012 (RW – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “small and intimate 20-seat restaurant” serving “fine dining French cuisine” in a six-story mixed-use building (circa 1900) on MacDougal Street at the intersection with King Street, the building falling within NYC LPC’s designated South Village Historic District; and,

**ii. Whereas**, the storefront premise is approximately 700 sq. ft., there will be an open kitchen surrounded by a 20 seat counter for a total patron seating of 20, with one bathroom, the storefront having previously operated as Comodo with a similar method of operation as an intimate restaurant with a restaurant wine license, there are operable windows on the front façade facing the sidewalk but the applicant has no plans to open them and will keep them closed at all times; and

**iii. Whereas**, there will be no exterior seating or sidewalk café, the hours of operation will be for dinner service only from 5:00 p.m. to 12:30 a.m. Sunday through Wednesday and from 5:00 p.m. to 1:00 a.m. Thursday through Saturday; and the applicant signed and notarized a stipulations agreement with CB2 which includes the following:

1. Premise will be advertised and operated as a fine dining French restaurant.
2. The hours of operation will be from 5:00 p.m. to 12:30 a.m. Sunday through Wednesday and from 5:00 p.m. to 1:00 a.m. Thursday through Saturday.
3. Will operate full service restaurant with the kitchen concept with counter seating.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (including licensed sidewalk cafés).
7. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will close all doors & windows at 9:00 PM every night.
9. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
10. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Restaurant Wine license for **Frevo, LLC, d/b/a N/A, 58 MacDougal St. Ground Floor 10012** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Passed, with 40 Board members in favor, and 1 recusal (R. Sanz).

**3. St. Tropez Soho, LLC, d/b/a St. Tropez, 196 Spring St. 10012 (RW – Restaurant, previously unlicensed location)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a “intimate French restaurant” in a 6-story, mixed-use building (circa 1900) on Spring Street between Sullivan and Thompson Streets in Greenwich Village; the building falls within NYC LPC’s South Village designated Historic District; and,

**ii. Whereas**, the premises is a combination of two storefronts in the same building, the two storefronts having previously operated as retail clothing stores closing by 7 PM every night, neither storefront having previously operated for purposes of eating and drinking nor licensed for the service of alcohol, the applicant plans to gut renovate the entire premises, installing a full service electric kitchen, replacing the existing fixed storefront windows and opening up the front facades of both storefronts installing French style doors, the interior premises being approximately 1,200 sq. ft., with one bathroom; the applicant did not present a valid certificate of occupancy or letter of no objection permitting the change of use to eating and drinking but acknowledged and agreed that a letter of no objection would be obtained from the NYC Dept. of Buildings and filed with the NYS SLA prior to issuance of a license at this combined premise; and,

**iii. Whereas**, the combined premise will have 7 tables with an aggregate of 34 seats, 1 bar with 8 seats for total patron seating of 42, all service and patron areas will be on the ground floor, the basement being restricted to staff; and no sidewalk café was included in this application; and,

**iv. Whereas**, the hours of operation will be 12:00 p.m. to 12:00 a.m., Sunday to Wednesday and from 12:00 p.m. to 1:00 a.m. Thursday to Saturday; and the applicant signed and notarized a stipulations agreement with CB2, Man., which includes the following:

1. Premise will be advertised and operated as an intimate French restaurant.
2. Will obtain Letter of No Objection from NYC Dept. of Buildings prior to issuance of license.
3. The hours of operation will be: 12:00 p.m. to 12:00 a.m., Sunday to Wednesday and from 12:00 p.m. to 1:00 a.m. Thursday to Saturday.
4. Will operate full service restaurant with the kitchen open and full menu items available until closing every night.
5. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
6. Will not have televisions.
7. Will not operate a backyard garden or any outdoor area for commercial purposes (not including license sidewalk cafés).
8. There is no sidewalk café included.
9. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
10. Will close all doors & windows at 9:30 PM every night and anytime there is amplified music, live music, or DJ.
11. Will obtain all permits with NYC Landmarks prior to making any changes to the existing front façade of building.

12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new Restaurant Wine license for **St. Tropez Soho, LLC, d/b/a St. Tropez, 196 Spring St. 10012** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**4. Local & Vine Co. Corp., d/b/a Local Vine, 282 Hudson St. 10013** (OP – Alteration to reconfigure interior seating)

**i. Whereas**, the Applicant and her Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for an alteration to an existing on premise license (SN# 1296773) to reconfigure and add interior seating; and,

**ii. Whereas**, the existing storefront premises is roughly 1,200 sq. ft. and currently operates as a “neighborhood tavern specializing in local New York State products” in a mixed-use building on Hudson St. at the corner of Dominick Street between Dominick and Spring Streets (block 579/lot 1); with 6 tables and 32 table seats and 1 stand-up bar with 7 seats for total interior seating of 39; and,

**iii. Whereas**, the hours of operation for the interior premise remain 12PM to 12AM Sundays, 4PM to 12AM Monday through Thursday, from 4PM to 2AM on Fridays and from 12 PM to 2 AM on Saturdays, all doors and windows will be closed by 10PM daily, 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 DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, there is an existing sidewalk café that will continue to close by 10PM Sunday through Thursday and 11PM on Friday and Saturday (all tables and chairs will be removed at this hour).

**v. Whereas**, the Applicant previously executed a stipulations agreement with CB2, Man., which will continue to be incorporated into the method of operation on the on premise and those stipulations are as follows:

1. Premise will be advertised and operated as a Neighborhood Tavern.
2. The hours of operation will be 12PM to 12AM Sundays, 4PM to 12AM Monday through Thursday, from 4PM to 2AM on Fridays and from 12 PM to 2 AM on Saturdays.

3. The premises, or any portion of the premises will not operate as a “lounge,” tavern, or sports bar.
4. Will not have televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk cafés).
6. The premises will not permit dancing.
7. Will operate a sidewalk café no later than 10PM Sundays through Thursdays, and 11PM on Fridays and Saturdays. All tables and chairs will be removed and stored at this hour.
8. 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.
9. The premises will not have DJs, live music, cover charges, or promoted events.
10. There will be no velvet ropes or movable barriers on the sidewalk.
11. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
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.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an alteration for the existing on premise 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 Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor .

**5. C7 Ave. South, LLC d/b/a t/b/a, 1 7<sup>th</sup> Ave. South 10014 (New OP)**

**i. Whereas**, the Applicant and the Applicant’s Representative appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a new On-Premises liquor license to operate a “family friendly neighborhood” restaurant in a roughly 1,150 sq. ft. ground floor storefront within a 6-story, mixed-use building (circa 2006) on the corner of 7<sup>th</sup> Avenue South and Carmine St. in a landmarked district of Greenwich Village; and,

**ii. Whereas**, the storefront premise was previously occupied and operated as a full-service restaurant known as El Gallo de Oro, a certificate of occupancy being presented for commercial retail store use on the ground floor with a maximum occupancy of 60; and,

**iii. Whereas**, the storefront premise will have 15 tables and 35 seats and 1 stand up bar with 13 seats on the interior, for a total of 48 seats inside, there is also an existing sidewalk café located on 7<sup>th</sup> Avenue South façade only which includes 18 tables and 36 seats included in this application, there is full service kitchen, two bathrooms and existing French doors which run along the 7<sup>th</sup> Avenue South Façade; and,

**iv. Whereas**, the hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday, all doors or windows will be closed by 10 PM every night music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of

music – only passive prearranged music), there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, the sidewalk café will close by 11PM Sunday through Thursday and by 12 AM Fridays and Saturdays (all tables and chairs will be removed and stored at this hour).

**v. Whereas**, the Applicant executed a stipulations agreement with CB2, Man., which will be incorporated into the method of operation on the on premise and those stipulations are as follows:

1. Premise will be advertised and operated as a full-service restaurant.
2. The hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday.
3. The premises, or any portion of the premises will not operate as a “lounge,” tavern, or sports bar.
4. Will have no more than 2 televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
6. The premises will not permit dancing.
7. The sidewalk café will close no later than 11PM Sundays through Thursdays, and 12AM Fridays and Saturdays. All tables and chairs will be removed and stored at this hour.
8. 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.
9. The premises will not have DJ’s, live music, cover charges, or promoted events.
10. There will be no velvet ropes or movable barriers on the sidewalk.
11. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
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.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an alteration for the existing on premise license for **C7 Ave. South, LLC d/b/a t/b/a, 1 7<sup>th</sup> Ave. South 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On Premise License.

Vote: Unanimous, with 41 Board members in favor.

**6. B&G Hospitality LLC, d/b/a TBD, 343 West Broadway 10013 (New OP)**

**i. Whereas**, Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a new On-Premises liquor license to operate “what will be a lively contemporary update on the classic bistro” restaurant “serving breakfast,



lunch and dinner” in a roughly 2,320 sq. ft. two-story storefront premise (ground floor storefront 1,000 sq. ft. and 1,100 sq. ft. second floor) in a 2-story, commercial building (circa 1930) on West Broadway between Grand and Broome Streets in the Soho Cast Iron Historic District; and

**ii. Whereas,** the storefront premise has been unoccupied for just over one-year and was previously occupied and operated as a full-service restaurant known as Rolso, Inc. d/b/a Novecento, serving Argentinian fare, without any exterior service or seating, a certificate of occupancy being presented for eating and drinking on the ground floor and kitchen/storage on the second floor; and,

**iii. Whereas,** the storefront premise will have 34 tables and 87 seats and 2 stand up bars with 4 seats for a total of 91 seats inside, there is no sidewalk café permissible at this location but there are existing French Doors and Windows running along the front sidewalk; and,

**iv. Whereas,** there is no permit for a sidewalk café permitted at this location but the Applicant believes the property line for the premises extends out onto a portion of the public sidewalk in front of the premises to permit 120 sq. ft. of accessory outdoor seating for at least three tables and 12 seats, there having never been exterior outdoor seating previously at this particular storefront location and the Applicant admitted and acknowledged that he was not able to establish any evidence of such a property right before CB2, Man., the Applicant seeking instead to reserve his right in the future to submit an alteration application for the purpose of having outdoor seating if it was able to provide conclusive evidence of such a property right while also agreeing to close any future outdoor seating by 10 PM during the week and 11 PM on the weekend nights should such property right be conclusively established in the future; and,

**iv. Whereas,** the hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday, all doors or windows will be closed by 10 PM every night, music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of music – only passive prearranged music), there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**v. Whereas,** the Applicant executed a stipulations agreement with CB2, Man., which will be incorporated into the method of operation on the on premise and those stipulations are as follows:

1. Premise will be advertised and operated as a full-service bistro restaurant.
2. The hours of operation will be 10 AM to 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday.
3. The premises, or any portion of the premises will not operate as a “lounge,” tavern, or sports bar.
4. Will have no televisions.
5. There will be no DCA sidewalk café.
6. If the operator is able to establish exclusive property rights extending out to the public sidewalk in the future, such exterior service will be close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays.
7. The premises will not permit dancing.
8. 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.
9. The premises will not have DJ’s, live music, cover charges, or promoted events.
10. There will be no velvet ropes or movable barriers on the sidewalk.

11. The premises will close all doors & windows at 10PM every night and anytime there is amplified music.
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.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of a new on premise license for **B&G Hospitality LLC, d/b/a TBD, 343 West Broadway 10013** unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On Premise License.

Vote: Unanimous, with 41 Board members in favor.

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

**7. J.F. Jones, Inc., d/b/a Great Jones Café, 54 Great Jones St. 10012 (OP – layover at Committee)**

**Whereas**, at CB2, Manhattan’s SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant and his Attorney requested to lay over this application for an on premises license to October/2018 in order to meet with the local community 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, corporate change, alteration, transfer or other changes to the existing license for **J.F. Jones, Inc., d/b/a Great Jones Café, 54 Great Jones St. 10012** until the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**8. Black Rose Hospitality, LLC, d/b/a N/A, 74 5<sup>th</sup> Ave. 10011 (RW – Withdrawn)**

**Whereas**, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested to withdraw this application from further consideration, did not appear, present or discuss this application for a restaurant wine license and reserved their right to 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, corporate change, alteration, transfer or other changes to the existing license for **Black Rose Hospitality, LLC, d/b/a N/A, 74 5<sup>th</sup> Ave. 10011** until the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**9. BS Mulberry, LLC, d/b/a Beyond Sushi, 215 Mulberry St. 10012 (RW – Withdrawn)**

**Whereas**, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to withdraw** this application from further consideration and did not appear, present or discuss this application for on premise license and reserved their right to 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, corporate change, alteration, transfer or other changes to the existing license for **BS Mulberry, LLC, d/b/a Beyond Sushi, 215 Mulberry St. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**10. DL&Y, LLC, d/b/a Da Long Yi Hot Pot, 159 Canal St. Suite 200 10013 (RW – laid over to October/2018)**

**Whereas**, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to lay over** this application for a restaurant wine license to October/2018 and indicated that 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, corporate change, alteration, transfer or other changes to the existing license for **DL&Y, LLC, d/b/a Da Long Yi Hot Pot, 159 Canal St. Suite 200 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**11. Showfields NY 1, LLC, d/b/a Pending, 11 Bond St. 10012 (OP – withdrawn and will resubmit in future)**

**Whereas**, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested **to withdraw** this application from further consideration and did not appear, present or discuss this application for on premise license and reserved their right to 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, corporate change, alteration, transfer or other changes to the existing license for **Showfields NY 1, LLC, d/b/a Pending, 11 Bond St. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**12. Jomasa, LLC, d/b/a TBD, 110 Greene St. 10012 (OP – laid over to October/2018)**

**Whereas**, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested to lay over this application for a restaurant wine license to October/2018 and indicated that 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, corporate change, alteration, transfer or other changes to the existing license for **Jomasa, LLC, d/b/a TBD, 110 Greene St. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**13. Bowery Sushi, LLC, d/b/a Pending, 342 Bowery 10012 (OP – laid over to October/2018)**

**Whereas**, prior to CB2, Manhattan's SLA Licensing Committee #1 Meeting on September 4th, 2018 the Applicant requested to lay over this application for a restaurant wine license to October/2018 and indicated that 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, corporate change, alteration, transfer or other changes to the existing license for **Bowery Sushi, LLC, d/b/a Pending, 342 Bowery 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**14. An LLC to be formed by Eric Einstein, d/b/a Pieces, 8 Christopher St. 10014 (DJ, karaoke, drag performances)(OP – Bar/Tavern)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new on-premises liquor license to continue operation of a long-established "neighborhood bar" (current license #1025501) in a 3-story 1910 mixed-use building on Christopher

Street between Greenwich Avenue and Gay Street (block #593 lot #123) in Greenwich Village; the building falls within NYC LPC's designated Greenwich Village Historic District; and,

**ii. Whereas**, the two-story premises are approximately 1,800 sq. ft., with 1,350 sq. ft. on the ground floor store level and an additional 450 sq. ft. in the basement, there is an existing certificate of occupancy and place of assembly permit for a maximum occupancy of 138 people; and

**iii. Whereas**, the premises has 5 tables with an aggregate of 20 seats and 1 bar with 30 seats for total patron seating of 50, all service and patron areas will be on the ground floor, the basement being restricted to staff; there is no sidewalk café; and,

**iv. Whereas**, the current owners of the ongoing establishment are the applicants and are pursuing a new license as part of a corporate restructuring; and have stipulated that no change in the character or method of operation of the existing bar is anticipated; and that hours will be 2:00 p.m. to 4:00 a.m. every night of the week (Sunday through Saturday); there will be a live DJ, entertainment level music, 4 televisions, karaoke, and drag performances; a door man will be provided to ensure operations do not disturb neighboring residences; and

**v. Whereas**, the Applicant executed a stipulation 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 license stating that:

1. Premise will be advertised and operated as a “neighborhood bar.”
2. The hours of operation will be: Sunday to Saturday 2PM to 4AM. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate with less than a full-service kitchen, but will serve food during all hours of operation.
4. Will not operate as a Sports Bar or allow any portion of premises to be operated in that manner.
5. Will have no more than 4 televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café).
7. Will not have a sidewalk café now or in the future.
8. Will close all doors & windows at all times.
9. Will not install or have French doors, operable windows or open facades.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
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. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Will not have: Dancing, live music, promoted events, any event where cover fee is charged, velvet ropes or metal barricades.
16. There will be daily drag performances and karaoke

**vi. Whereas**, the current licensee contacted local residents and advised them of the changes; and,

**vii. Whereas**, there are currently approximately 21 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new tavern on-premise liquor license for **An LLC to be formed by Eric Einstein, d/b/a Pieces, 8 Christopher 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 On-Premise Liquor License.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (D. Diether).

**15. Arthur’s Tavern, Inc., d/b/a N/A, 57 Grove St. 10014 (live music)(transfer)(OP – Bar/Tavern)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present a transfer application for an existing OP Tavern liquor license to continue operation of a long-established “Jazz Club & Tavern” (license #1025727) in a 3-story 1930 mixed-use building on Grove Street between Seventh Avenue South and Bleecker Street (block #591 lot #61) in Greenwich Village; the building falls within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas**, the two-story premises are approximately 800 sq. ft., with 450 sq. ft. on the ground floor store level and an additional 350 sq. ft. in the basement, has a maximum occupancy of 74; and applicant provided a Certificate of Occupancy consistent with the usage; and,

**iii. Whereas**, the premises has 12 tables with an aggregate of 32 seats and 1 bar with 12 seats, and a stage counter with 6 seats for total patron seating of 50, all service and patron areas will be on the ground floor, the basement being restricted to staff; there is no sidewalk café; and,

**iv. Whereas**, the applicants stipulated that no change in the character or method of operation of the existing Jazz Club and Tavern will occur; hours will be 6:00 p.m. to 2:00 a.m. Sunday through Wednesday and 6:00 p.m. to 4:00 a.m. Thursday, Friday, and Saturday; there will be a live entertainment level music; and

**v. Whereas**, the Applicant executed a stipulation 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 license stating that:

1. Premise will be advertised and operated as a Tavern Jazz Club.
2. The hours of operation will be: Sunday to Wednesday 6PM to 2AM and Thursday to Saturday 6PM to 4AM. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate with less than a full-service kitchen, but will serve food during all hours of operation.
4. Will not operate as a Lounge or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café).
7. Sidewalk Café not included in this application.
8. Will close all doors & windows at all times.
9. Will not install or have French doors, operable windows or open facades.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

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. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Will not have: Dancing, DJs, promoted events, any event where cover fee is charged, velvet ropes or metal barricades
16. Will have security personnel/ door staff on Weekends only.
17. There are nightly live Jazz shows; music at all other times will be at quiet background levels.

**vi. Whereas**, there are currently approximately 43 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new tavern on-premise liquor license for **Arthur’s Tavern, Inc., d/b/a N/A, 57 Grove St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Tavern On-Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

**16. HH F&B, LLC, d/b/a Mulino a Vino SoHo, 525 Greenwich St. 10013 (OP – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new restaurant on premise liquor license for an Italian restaurant specializing in pasta dishes located on the ground floor of a hotel; the proposed restaurant, while not licensed to serve alcohol outside of the demised premises located on the ground floor, is obligated under their lease to operate their food services in coordination with hotel services and to provide food service including room service to hotel guest and “food for special events, meetings/conferences, banquets, parties, rooftop, and engagements at hotel”; the current restaurant at this location has been operated by the Hotel Hugo under their existing liquor license for Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC d/b/a Hotel Hugo, SN# 1276079; the applicant is leasing the space from Fortuna Realty SoHo Hotel, LLC; and,

**ii. Whereas**, the applicant appeared for a second time before CB2’s SLA Licensing committee after having been asked to return last month with the current licensee for this location, Fortuna Realty Hotel SoHo LLC & 523 Greenwich Restaurant, LLC d/b/a Hotel Hugo, SN# 1276079 in order to present a concurrent alteration application to remove the existing ground floor restaurant from the current Hotel License; and,

**iii. Whereas**, the current licensee of this location, Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC, operates an unlicensed rooftop bar with live music, promoted events and DJs on the 19<sup>th</sup> floor within a rooftop floor which is not within the demised premises on file with the Liquor Authority that operates as “Hotel Hugo’s Azul on the Rooftop”(http://www.azulrooftop.com); the current method of operation and stipulations at the NYS SLA (license SN#1276079) state the licensee “will only use ground floor and 18<sup>th</sup> floor for service of alcohol” and “will not operate a rooftop garden” and “will not have DJs, live music, promoted events, any event at which a cover fee is charged, scheduled performances”, it being further noted at the Licensee’s 500 ft. hearing on February 6<sup>th</sup>, 2014 that one of its principals had previously operated a rooftop space improperly without all permits in place, and that they would “not

have any outdoor space” at this location and “agreed to abide by a number of conditions proposed by the Community Board to address the municipality’s concerns regarding the issuance of this license. Those conditions would become part of the approved method of operation if this license is issued, and the applicant would be subject to disciplinary action or possible non-renewal of the license if it failed to comply with the approved method of operation.”; and

**iv. Whereas**, Hotel Hugo’s Azul on the Rooftop located on the 19<sup>th</sup> floor including the large outdoor area operates and advertises an additional bar not on file with the liquor authority and contrary to their existing stipulations and representations, regularly hosts live music and hosts outdoor movies played on the rooftop at entertainment levels among various ongoing violations, those representations made at the 500 ft. hearing being false and upon which the issuance of the license being in the public interest and convenience and advantage was based; and,

**v. Whereas**, Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC did submit to CB2, Man. a 30-day notice for an alteration application to remove the space under consideration for this new application and they were properly placed on CB2’s September Agenda, but subsequently notified CB2, Man. that they would not be appearing to explain their on-gong failure to abide by their stipulated method of operation; and,

**vi. Whereas**, the applicant which is the subject of this appearance, HH F&B, LLC, d/b/a Mulino a Vino SoHo, requested the opportunity to present their application before CB2, Man. without the Hotel appearing to confront and explain their on-going failure to abide by their stipulated method of operation; and,

**vii. Whereas**, as part of the proposed lease submitted by the applicant, HH F&B, LLC, d/b/a Mulino a Vino SoHo is obligated to operate their food services in coordination with hotel services within Hotel Hugo and to provide food service including room service to hotel guest and “food for special events, meetings/conferences, banquets, parties, rooftop, and engagements at hotel”; those other obligations to operate their food services in coordination with hotel services and to provide food services as indicated are all occurring within another licensed premises, Hotel Hugo, at the same location which appears to be in flagrant violation of many existing regulations and appears to be clearly in violation of their existing stipulations, ABC law and other regulations; as such this enjoined relationship would serve to benefit not only the applicant, but also the current hotel operator and licensee who is relinquishing the space within which this licensee seeks to operate and will remain as the new operator’s landlord; and,

**viii. Whereas**, CB2, Man. is opposed to the issuance of any license to any party for the ground floor restaurant area which is the subject of this application until the Liquor Authority has conducted appropriate enforcement, reviewed all aspects of the current hotel operation covered under SN#1276079 and investigated the usage of the 19<sup>th</sup> floor among other complaints and until such time that all improper operation ceases within Hotel Hugo, all disciplinary matters are concluded and until such time that operations on the 19<sup>th</sup> floor cease; and,

**ix. Whereas**, the Applicant, HH F&B, LLC, d/b/a Mulino a Vino SoHo, is willing to execute a stipulation agreement with CB2, Man. that they would agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the license stating that:

1. This application is for a new restaurant on premise liquor license for an Italian restaurant specializing in pasta dishes located on the ground floor of a hotel. The restaurant, while not licensed to serve alcohol outside of the demised premises located on the ground floor, is obligated under their lease to operate their food services in coordination with hotel services and to provide



- food service including room service to hotel guest and “food for special events, meetings/conferences, banquets, parties, rooftop, and engagements at hotel”.
2. The hours of operation of the restaurant are 8AM to 12AM 7 days a week. This includes the hours of operation for both the interior of the premises and the outdoor area within the property line. All patrons will be cleared and no patrons will remain after stated closing times.
  3. The premises will operate as a full service restaurant with the kitchen open and full menu items available during all hours of operation.
  4. The premises, or any portion of the premises will not operate as a tavern, lounge or sports bar.
  5. The premises will not have televisions.
  6. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime. There will be absolutely no music in any exterior spaces.
  7. All doors and windows will be closed at 9pm except for patron ingress and egress and any time there is music played within the premises.
  8. Will not make changes to the existing façade except to change signage or awnings.
  9. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
  10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”.
  11. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
  12. The premises will not have dancing, DJ’s, karaoke, live music, promoted events, cover charges, scheduled performances, velvet ropes, metal barricades or security guards.
  13. There will only be changes to the décor. There will be no physical changes.
  14. This application includes interior and exterior seating as follows:
    - Interior 1<sup>st</sup> Floor: Lounge Seating: 9 seats
    - Interior 1<sup>st</sup> Floor: 1 Stand-up Bar with 8 bar seats
    - Interior 1<sup>st</sup> Floor: Main Dining Room: 20 tables and 52 seats
    - Interior 1<sup>st</sup> Floor: Private dining room: 1 table and 12 seats
    - Outdoor 1<sup>st</sup> Floor: 9 tables and 22 seats
  15. There will be a designated manager or employee to actively manage the exterior of the premises to ensure that patrons or smokers do not congregate outside the premises and to ensure that any groups leaving leave quietly.

**x. Whereas**, in light of issues outlined above with respect to the current operators of this location Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC d/b/a Hotel Hugo, SN# 1276079 and the adjoining spaces within the Hotel Hugo, CB2 Man. cannot recommend approval of this application at this time until the conditions outlined above are met, despite the applicants willingness to enter into the above outlined stipulations; and,

**xi. Whereas**, there are currently approximately 11 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft of the premises; and,

**THEREFORE BE IT RESOLVED** that CB#2, Man. recommends denial of **HH F&B, LLC, d/b/a Mulino a Vino SoHo, 525 Greenwich St. 10013** on its application seeking an on-premise liquor license; and

**THEREFORE BE IT FURTHER RESOLVED** that if this application is pursued by the Applicant, despite CB2, Manhattan’s recommendation to deny this application, CB2 requests that the SLA conduct a 500 foot hearing; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA for determination and that if the concerns outlined above do not rise to the level of causing this application to be denied that those stipulations indicated above be added to the license and method of operation as a condition of issuance of the license.

Vote: Unanimous, with 41 Board members in favor.

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

**i. Whereas**, the Licensee appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a class change application from a tavern wine license (SN#1261312) to an on premise liquor license for a neighborhood café that meets the requirements for a restaurant operating under Section 64 and which in addition to meals offers a unique selection of craft beer, wine and custom roasted coffee; the applicant will also change the existing method of operation by reducing the hours of operation to Sunday to Thursday from 6AM to 11:30PM and Friday to Saturday from 6AM to 1AM and increasing the hours of operation for the sidewalk café until 10PM 7 days a week; and,

**ii. Whereas**, the current existing business has presented a number of application to CB2 and to the Liquor Authority and have agreed to various stipulations and changes over the years, CB2 having issued resolutions on this entity Upright Holdings 547, LLC (f/k/a Naum Medevoy, on Behalf of Entity to be formed) in December/2011, September/2012, December/2013, September/2014, December/2017 with stipulations agreed to where indicated; the most recent presentation to CB2 was in December/2017 at which time CB2’s SLA Licensing Committee voted to deny this application, but the applicant requested to withdraw prior to CB2’s December/2017 Full Board meeting; and,

**iii. Whereas**, in every previous presentation before CB2, Man. there having been significant community interest and detailed commentary and many additional meetings with local residents and the operator; this location not having been a licensed premises prior to the opening of this establishment in November 2013 and previous been vacant for 3 years and operated as a hair salon and spa prior; over time there has been significant opposition to aspects of the operation and at the initial presentation of the application; most stipulations agreement have been reluctantly supported by members of the community with the understanding that the license has been a tavern wine license and therefore not subject to the 500 ft. rule; and,

**iv. Whereas**, the applicant performed outreach to the same residents, neighbors and community members that they have been in conversations with dating back to at least December 2011, many of who originally appeared in opposition to the issuance of the current tavern wine license but with whom the Licensee was eventually able to come to agreements codified in the previously described stipulations with respect to the existing tavern wine license; a tavern wine license not being subject to the 500 ft. rule; and,

**v. Whereas**, in conjunction with this class change application to a restaurant on-premise liquor license, the Licensee after meeting with some local residents agreed to reduce their hours of operation from 12AM to 11:30 PM Sunday to Thursday and from 2AM Friday and Saturday to 1AM and to increase the hours of operation of the sidewalk café until 10PM Monday to Friday from 9:30 PM; those changes only being proffered if the residents and CB2, Man. support the application; and,

**vi. Whereas,** after lengthy discussion within CB2’s SLA Licensing Committee after hearing extensive testimony in opposition, the Licensee was offered new stipulations agreement with CB2, Man. including a stipulation that the Licensee would not apply for later hours of operation in the future on the new Restaurant On-Premise Liquor License; the offered stipulations were as follows:

1. This application is for a class change application from a tavern wine license to an on premise liquor license for a neighborhood café that meets the requirements for a restaurant operating under Section 64. In addition to meals, the restaurant will also offer a unique selection of craft beer, wine and custom roasted coffee.
2. The interior hours of operation are Sunday to Thursday from 6AM to 11:30PM and Friday to Saturday from 6AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times. On the evening prior to any National Holiday, the premises may operate until 1AM.
3. The hours of operation will be posted in the front window.
4. The existing sidewalk café (SWC) with 6 tables and 12 Seats will open no earlier than 10AM and close no later than 10PM 7 days a week. No patrons will remain in SWC at SWC closing time and all tables and chairs will be removed from the sidewalk café at closing. All sidewalk café barriers will be placed against the building or brought inside pursuant to Department of Consumer Affairs regulations. If necessary, will utilize the existing retractable awning to mitigate sound in the sidewalk café.
5. As a part of this application for a class change, the Licensee presented to CB2 to reduce their overall hours of operation as reflected above in order to be in line with other existing neighborhood restaurants and in order to gain support of some local residents and Community Board 2, Manhattan (CB2). It was discussed extensively and it is understood by all involved parties that CB2 would not have recommended in favor of this class change application and that public interest, convenience and advantage would not be met or served if the premises operated beyond the presented stipulated hours. While not currently observed as enforceable, the Licensee agrees that as part of applying for a class change application, that they will not in the future seek to extend the overall hours of operation of the premises.
6. The premises will operate as a restaurant with the kitchen open and full menu items available during all hours of operation.
7. The premises, or any portion of the premises will not operate as a tavern (section 64a) , lounge or sports bar.
8. Licensee may have no more than three televisions. There will be no more than one television in the basement and no more than two televisions on the ground floor (one in the bar area and one in the dining area). No televisions will be visible from outside the premises. Any time events are shown on television (TV’s are in use) front door will be closed except for patron ingress and egress. The Licensee will not advertise sports events playing on tv’s. The Licensee will only show “special sporting events” i.e. World Cup or major championship events (no regular season games or regular sporting events). The ground floor TV’s will primarily be used as menu boards and remain on mute.
9. No commercial use of backyard including no customer or staff access, except as necessary for repair of air conditioning, ventilation and other mechanical equipment and exterior building maintenance.
10. The premises will play recorded background music only. No music will be audible in any adjacent residences at anytime.
11. All doors and windows will remain closed at all times. There are no operable windows in the front or rear of the premises.
12. There is existing soundproofing throughout the premises.
13. It is agreed that the Licensee has resolved complaints regarding air conditioning and kitchen ventilation equipment and eliminated audible noise outside the establishment to acceptable levels

at this time after many years of complaints from local residents in the interior rear courtyard donut. The resolution of the ongoing sound issue from the ventilation and mechanical units was considered as an element of creating public interest. As a part of the resolution of this matter, a professional engineer installed a larger vent operating at a lower velocity.

14. The licensee will operate the new ventilation equipment fan at no higher than 70% of its existing speed as it is currently operated in 9/2018 in order to maintain the new lower noise levels that have resolved ongoing community complaints.
15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
16. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”.
17. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
18. The premises will not have dancing, DJ’s, karaoke, live music, promoted events, cover charges, scheduled performances, velvet ropes, metal barricades or security guards.
19. There are no longer pinball machines within the premises.
20. This application includes:
  - Interior 1<sup>st</sup> Floor: 8 tables and 36 table seats, 1 Standup Bar with 18 bar seats
  - Interior Basement: 3 tables with 18 table seats.
  - Total interior seats: 68
  - Sidewalk Café: 6 tables and 12 seats
21. There will be a designated manager or employee to actively manage the exterior of the premises to ensure that patrons or smokers do not congregate outside the premises and to ensure that any groups leaving leave quietly.

**vii. Whereas,** the applicant was unwilling to execute those stipulations as presented; at the time of the committee meeting, the committee voted to recommend to deny the application but indicated that they would be willing to support the application, despite many reservations, if the hours of operation never went beyond what is indicated and if the applicant executed the stipulations above; in December/2017 the committee has unanimously recommended opposing a similar application presented by this applicant; the applicant was unwilling to make that representation at this time with respect to hours of operation which was considered a crucial element to both CB2’s potential support and local residents support; and,

**viii. Whereas,** a number of local residents appeared before the committee and submitted correspondence, the majority of those who spoke indicated opposition to the class change application despite improvements in the last 6 months to fixing the ventilation system and reducing mechanical sounds which the applicant had stated they would do many years ago; those speaking stated that prior to the opening of this establishment noise only occurred at this location during normal retail hours of operation, there was no intrusion of sound into the residential donut in the rear yard, that there is nothing unique about this establishment, variations similar to this menu or the exact same being offered throughout the neighborhood, that the closest residential tenants not located within the building are in adamant opposition, the immediate adjacent building with ground floor residential tenant indicating that patrons lean up against their windows and congregate and smoke in front of the premises, prior to the opening of this establishment there were no patrons coming and going at this location after 9PM, many of those who testified stated that the issuance of a full liquor license would further exacerbate these issues, several tenants who spoke stated that simply applying for and being approved for a tavern wine license is not a pathway to being approved for an on-premise liquor license and if that were the case, this would have been addressed by the State Legislature if this were the intent of the Padavan Law (500 ft. law), that this location being within 500 ft. of well more than 3 licensed premises must demonstrate that the issuance of the license would be in the public interest and those speaking felt the applicant had failed to do so, there were complaints that the licensee does not remove sidewalk café barriers as they are required to do so or

to move those barriers up against the building; it was repeated a number of times that this operation is for a bar as indicated by the establishments name and the manner and style of operation, the name originally referred to the premises operation as an establishment focusing on coffee as the concept was first opened and operated in Greenpoint, Brooklyn; it was pointed out that from the inception of this business here that there was adamant community opposition to the issuance of any on-premise liquor license at this location; and,

**ix. Whereas**, petitions in support and letters in support were presented including letters from the three building tenants, (it was noted that one of the principals owns the building) and there was testimony in support indicating that after many years, the ventilation system and mechanical noise issues had finally been addressed with a larger vent stack installed with a motor set to operate at 70% speed which significant reduces noise issues, the applicant agreeing to maintain those settings at all times, those testifying in support state they were only doing so provided the applicant agree to never extend their hours of operation; and,

**x. Whereas**, CB2, Man. does not believe that the application that has been presented rises to meet the public interest, convenience and advantage standard of the 500 ft. rule; and,

**xi. Whereas**, there are currently approximately 14 to 17 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft. of the premises;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a class change application from a tavern wine license (SN#1261312) to a restaurant on-premise liquor license as indicated for **Upright Holdings 547, LLC d/b/a Upright Brew House, 547 Hudson St. 10014**; and,

**THEREFORE BE IT FURTHER RESOLVED** that if this application is pursued by the Applicant, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA for determination.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (R. Sanz).

**18. Perry & Hudson, LLC, d/b/a Dante, 551 Hudson St. 10014 (OP - Restaurant)**

**i. Whereas**, the Applicant and Attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license for an all day café/bar/restaurant offering fresh seasonal food, quality espresso and innovative beverages and Italian cocktails with kitchen open and full menu items available until closing every night; and,

**ii. Whereas**, the premises is located in a mixed-use building (c1901) in a designated historic district on Hudson Street between Perry Street and West 11th Street for a roughly 2,345 sq. ft. premise (ground floor 1,415 sq. ft. & basement 930 sq. ft. – no patron use of basement); there are 18 tables and 50 table seats and 1 standup bar with 15 seats, for a total of 65 interior seats; a portion of the premises had been previously licensed as a restaurant and this application now incorporates an additional part of the ground floor not previously licensed that was previously operated as a Bodega, Perry Street News & Grocery; the kitchen will also operate as a commissary kitchen preparing food to be taken offsite; the applicant states

that they will obtain a new letter of no objection stating that the newly added adjoining store front and existing storefront is an allowable use at this location; there will be a future sidewalk café which only be located on Hudson Street but is not included in this application; and,

**iii. Whereas,** the proposed hours of operation are 10AM to 2AM 7 days a week, all patrons will be cleared and no patrons will remain after stated closing times; music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM, there will be no DJs, no promoted events, no live music, occasional private parties, no scheduled performances or cover fees, there will be no TV's; and,

**iv. Whereas,** the proposed principals have experience in operating and managing other establishments including Dante located at 79-81 MacDougal St., which is located within one of the most heavily licensed areas within CB2, Man. with many late night licenses in the immediate area of MacDougal St., Bleecker St. and West 3<sup>rd</sup> St. and operates with hours until 1AM Sunday to Thursday and 2AM Friday and Saturday, but that area is substantially different in character than this area of Hudson St.; and,

**v. Whereas,** the applicant contacted the local block association in the area, met with representatives, remained in email contact and were aware of the outstanding concerns with respect to the hours of operation from local residents, but were unwilling to reduce their hours of operation from 2AM 7 Days a week; the local neighborhood association, the West Village Residents Association, appeared in opposition as indicated below along with local residents given the hours of operation which they requested be no later than 11PM Sunday to Thursday and 12AM Friday to Saturday, which are consistent with actual operating hours of local restaurants; the local residents association and applicant were able to find agreement on most other issues and those issues are covered in the list of proposed stipulations below; and,

**vi. Whereas,** 7 local residents appeared in opposition to the application as presented, specifically the late hours of operation; they stated that neighborhood restaurants in the area do not operate until 2AM, they stated that operating as an all day café until those hours not reason enough to support those later hours of operation that result in significant impacts on quality of life, they expressed that no matter the experience of the operators or their backgrounds, late night hours of operation bring associated impacts from noise, rowdy patrons, patrons loitering outside smoking and impacts on traffic as they result from taxis and for hire vehicles circling and stopping in front the premises to solicit patrons among other impacts; those conditions do not currently exist at this location, local residents suggested hours of operation until 11PM Sunday to Thursday and 12AM on the weekends; during meetings with local residents the applicant indicated that they would close the kitchen at 12AM and operate as a bar until 2AM, residents indicated that there was concern with respect to mission creep at later hours of operation and that there was no need to add a late-night bar component to another establishment in this area in which local residents are already well served, there was significant push back from local residents with respect to the “norm” presented by the applicants of area operations, local residents stated that in this area, the Administrative Law Judges in other 500 ft. cases had stated on several occasions that hours for fine dining establishments were consistent with the hours being requested by local residents; this area is not the MacDougal St. corridor; and,

**vii. Whereas,** several letters in support were received and 1 resident spoke in support of the application indicating that he worked late hours and believed that the extension of the “Dante brand” from MacDougal St. would be a welcome addition at this location; and,

**viii. Whereas,** the applicant was willing to agree to certain stipulations, including all the stipulations indicated below, but would not agree to reduced hours of operation until 12AM Sunday to Thursday and 1AM Friday to Saturday; CB2, Man. believes that those hours of operation of 12AM Sunday to Thursday

and 1AM Friday to Saturday are reasonable and minimize the impact on quality of life of local residents who requested closing hours of 11PM and 12AM and also allow the applicants room within which to operate their business without creating an undue impact on the quality of life of local residents which residents indicate would occur with hours of operation until 2AM 7 days a week; and

**ix. Whereas,** CB2, Man. shares similar concerns to the local residents in opposition and shares their concerns for impacts on quality of life with operating hours until 2AM; and,

**x. Whereas,** CB2, Man. would remove their recommendation to deny the issuance of this on-premise liquor license if the applicant entered into a stipulations agreement and agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant on-premise liquor license stating that:

1. This application is for a restaurant on-premise liquor license for an all day café/bar/restaurant offering fresh seasonal food, quality espresso and innovative beverages and Italian cocktails with kitchen open and full menu items available until closing every night.
2. The hours of operation will be 10AM to 12AM Sunday to Thursday and 10AM to 1AM 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 have not have televisions or projectors.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
6. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
7. Will not install or have French doors, operable windows or open facades.
8. Will close front door at 10PM except for patron ingress and egress and anytime amplified music is played.
9. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
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. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.
14. Any future sidewalk café will be located on Hudson St. only and will close at 10PM 7 days a week.
15. Patron entrance/exit will only occur through corner double door with vestibule to minimize sound leakage. All other doors are for emergency exit only and will not be used by patrons or employees except for emergency egress.
16. There will be no more than 18 interior tables and 50 interior seats and 1 stand up bar with 15 bar seats for a total of 65 seats.
17. A copy of the executed stipulations will be physically attached to the liquor license on the premises in such a fashion as to be available for review along with the Liquor License.

**xi. Whereas,** should the applicant not agree to the stipulations outline above including hours of operation, CB2, Man. requests that those stipulations above including the hours of operation be added as conditions to the license and method of operation; and,

**xii. Whereas,** there are currently approximately 19 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses and a total of 30 On premise liquor licenses within 750 feet; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of **Perry & Hudson, LLC, d/b/a Dante, 551 Hudson St. 10014** on its application seeking an on-premise liquor license; and

**THEREFORE BE IT FURTHER RESOLVED** that if this application is pursued by the Applicant, despite CB2, Manhattan's recommendation to deny this application, CB2 requests that the SLA conduct a 500 foot hearing; and,

**THEREFORE BE IT FURTHER RESOLVED** that should this application be considered by the SLA, CB2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA for determination and that those stipulations indicated above be added to the license and method of operation as a condition of issuance of the license.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (R. Sanz).

**19. RH NY MP F&B LLC, d/b/a Restoration Hardware NY The Gallery in the Historic, 9-19 Ninth Ave. 10003 (alteration to add food service and table service to the rooftop and move the interior café from the 4th floor to the 3rd floor)(RW – Retail Store and Restaurant)**

**i. Whereas,** immediately following the August 29<sup>th</sup> SLA Full Board Meeting appearance by the Applicant to request reconsideration of the conditional approval of this license which was originally heard before the Members of the Authority on July 12, 2017, this item was placed on the next agenda for CB2, Manhattan's SLA Licensing Committee #2 Meeting that was held on September 6<sup>th</sup>, 2018 so that CB2, Man. could with minimal public notice and minimal time to review this matter provide a recommendation to the Liquor Authority on this matter; the applicant provided no notice of their appearance before the Authority on August 29<sup>th</sup> and provided no notice of physical alterations or notice of any request to change the method of operation of the rooftop to CB2, Man.; CB2 was not aware of the subject matter of the appearance on August 29<sup>th</sup> until just a few days prior to the appearance; and,

**ii. Whereas,** the applicant has not submitted to CB2, Man. any 30-day notice advising of any physical alterations nor notified CB2 of any requests to change any stipulations or conditions as described in the original licensing memorandum; the applicant never requested to be placed on CB2's agenda to discuss additional changes to the conditionally approved license despite ample time to do so since May 30<sup>th</sup>, 2018 when they first submitted the memorandum that was under consideration on August 29<sup>th</sup> before the Members of the Authority; it is not unusual and typically the norm after the passage of time or changes during the review of a pending application that representatives/attorneys for the applicant notify and provide copies of changes submitted to the Authority to CB2, Man. as both the current representative of the applicant and the previous representative of the applicant have done with other matters before CB2; the current Attorney stating that they had explicitly notified CB2 of this appearance or a specific member of CB2, Man., when no specific notification occurred notwithstanding that official notice regarding licensing matters occurs via a 30-day notice form or correspondence directed specifically to the proper normal CB2 contacts in CB2 Manhattan's Office; the Applicant never provided a copy of the memorandum submitted to the Liquor Authority on May 30<sup>th</sup>, 2018 to CB2, Man. prior to or at the September 6<sup>th</sup> CB2 Committee meeting to help explain what changes they were requesting to the conditionally approved license before the Members of the Authority, CB2, Man. having requested a copy of the memorandum from the Liquor Authority was able to understand the actual requests pending before



the Members of the Authority; the applicant submitted materials to CB2 on September 5<sup>th</sup>, 2018 at 5PM for review prior to the meeting the following day; due to the long Holiday weekend for Labor Day between the SLA Hearing and CB2's meeting there was no opportunity for local residents to properly meet with the applicant outside of CB2's meeting or to have an opportunity to have discussions regarding the requested changes, the original conditional approval having been discussed at great length and hashed out over several CB2 meetings and meetings directly with local residents and before the Members of the Authority; and,

**iii. Whereas**, in the interim on September 5, 2018 an opening gala reception was held at the premises and on September 6<sup>th</sup>, 2018 a restaurant wine license became effective at the premises; on Sunday September 2<sup>nd</sup>, 2018 local Sunday NY Times Newspapers were delivered to local residents wrapped in a large advertisement for the premises including a "rooftop park and restaurant" and "barista bar and wine terrace" which were prominently featured and did not appear as ancillary services provided at the premises; and,

**iv. Whereas**, the materials submitted to CB2, Man. on September 5, 2018 at 5PM indicated that "changes include: moving the pantry from the 4<sup>th</sup> to the 3<sup>rd</sup> floor, adding seating to the outside space on the 5<sup>th</sup> floor and decreasing seating inside the restaurant on the 5<sup>th</sup> floor"; no materials were presented explaining why these changes were being presented; and,

**v. Whereas**, the applicant indicated to the Members of the Authority, but not CB2, Man., that with respect to moving the Pantry from the 4<sup>th</sup> floor to the 3<sup>rd</sup> Floor that *"This Pantry was not a point of contention at any level of review, and we are hoping that the Authority will allow us this slight amendment without requiring us to re-notify the Community Board and bring a proper alteration application here (which we couldn't do at this moment anyway, as we are still technically a "pending" license). The reason for this change is that with the necessary modifications to the facade of the building, the Pantry, if it were to stay where it currently is (4th floor), would obstruct the window line view. This was actually a request of some of our neighbors as well, as it really does greatly impact the aesthetic of the building."* and

**vi. Whereas**, the location of the Pantry on the 4<sup>th</sup> floor was not an area of contention because the pantry was located on the 4<sup>th</sup> floor; subsequent to the conditional approval of this license, it has become apparent that the applicant did not disclose the outdoor area surrounding the 3<sup>rd</sup> floor as a terrace/balcony created as a result of a setback in order to build the 3<sup>rd</sup> through 5<sup>th</sup> floors on top of the existing building; the applicant did not and still does not indicate that they have an outdoor area surrounding the 3<sup>rd</sup> floor in any questions on materials with respect to outdoor areas and many operable doors leading to the terrace; given the extensive discussions that occurred since day one with members of the community with respect to outdoor use or operable windows which were previously agreed to be closed at all times, it is difficult to understand how this oversight continues to occur; as presented now, the pantry has doors on either side of the pantry area which lead directly out on the 3<sup>rd</sup> floor balcony terrace; the applicant chose not to address any of the concerns raised by residents at CB2's meeting; now that a license has been issued for the premises, it would seem that the correct course of action would be to submit a new 30-day notice and present these changes to CB2, Man. and follow the intent of existing regulations with respect to proper Community Board notification and handle this change as all other physical changes for all applicants are handled and discontinue use of the 3<sup>rd</sup> Floor Balcony until that time; and,

**vii. Whereas**, with respect to adding seating to the 5<sup>th</sup> Floor rooftop, the original presentation to CB2, Man. and DOB filings indicated that the rooftop was an accessory use and it was stated that the area would be utilized as an extension of the interior decorating showroom and furniture gallery to display and highlight Restoration Hardware's multitude of outdoor furniture offerings, as such the "seating" and table

counts were not significant as the outdoor space was no different than any other area on the first to fourth floor with interior seating, there was extensive discussion with respect to outdoor music, which the community was opposed to but acquiesced to until 8PM at background levels, and to consumption of beer and wine in the outdoor area provided beer and wine was ordered either in the restaurant or in the pantry area, the Attorney for the Applicant was very clear in indicating what their intention was at the July 12<sup>th</sup> meeting stating: "Let me be clear about service outdoors, we made very clear to the Community Board from day one that as a matter of course from day to day we are not having wait staff serve on the 5<sup>th</sup> floor. It is not a restaurant, there won't be food, no tables will be set, there's no bar there, there's no wait staff assigned to that area, but when the stipulation came back and that all seemed fine, when the proposed stipulation came back it said you will never have wait staff outside."; the Attorney went on to state outlier examples which were exceptions to the day to day operation with no wait staff or table service; the current request is far beyond any anticipated service and the advertisement of the rooftop as a "wine terrace" far exceeds any anticipated or discussed use of the rooftop and is well beyond the norms that appear to have been approved by the members of the Authority and consistent with the complaints of members of the community stated at the beginning of the July 12<sup>th</sup> hearing that agreements with the applicant are constantly changing in interpretation after having been agreed to; it would appear that the correct course of action to consider any additional changes to the rooftop would be to submit a new 30-day notice and present these changes with respect to the roof layout to CB2, Man. and follow the intent of existing regulations with respect to proper Community Board notification and handle this change as all other physical changes for all applicants are handled; and,

**viii. Whereas,** the applicant did not submit in materials to CB2, Man. the changes requested in their memorandum to the Members of the Authority which stated that: *"In order to better regulate/control the number of people on the exterior rooftop, Applicant would like to have some form of formal F&B programming on the exterior rooftop. There will be no outside bar nor a point of sale at all, but we would like to have table service with a terrace menu. The end result of the Full Board Meeting with respect to this issue is where we need some clarification. On the one hand, it seemed as though the Members did NOT want us to serve any food on the rooftop at all (but alcohol service was permitted), while on the other, it seemed that they were just concerned about the outdoor space becoming a full-on extension of the restaurant itself. The need to serve some level of food outside has become important, from an operational standpoint."*; *"At the time of the Full Board Meeting, July 12,2017, we had not yet opened our West Palm Beach location of RH Gallery. It officially opened in November of 2017. Upon opening, with an almost identical method of operation re: outdoor area, we quickly realized that this model led to an increased amount of general loitering. Certainly not what we had intended for the space. The way that we were able to overcome this situation and rectify things was by formally programming the area. By installing a food menu and table service, we were able to monitor crowds better, control the amount of time people were spending in the space and ultimately regulate the mood, volume and energy of the space as a whole. Any and all of our noise and environmental issues were resolved almost instantly."*; *"We know how sensitive residents-especially the ones of this community-can be to noise and related factors thereto. We feel that allowing even simple food service, would greatly improve our ability to control our outdoor space and be less[negatively] impactful on the neighborhood. Additionally, from an operations perspective, it's certainly more responsible to allow patrons to Have some form of sustenance while consuming alcoholic beverages. And it allows us to utilize the space, as it was intended - as "selling" or "show" space for our furniture. The element of programming to this space allows the tables on the outdoor portion to be reserved and seated for design appointments and table service only, and at the discretion of the gallery, which eliminates virtually all lingering/loitering."*; *"Any guidance here would be appreciated. If the intention of the Authority was simply to prevent this from being a full-on extension of the restaurant, we accept that, agree with that and are happy to move forward with that understanding."*

*If the intention of the Authority was to truly not allow any food service at all in the outdoor area (but to allow the drinking of alcoholic beverages only), we would ask the Authority to potentially reconsider this point or to consider working with us to allow for some element of this, as a means to better control the environment.”*

**ix. Whereas,** CB2, Man. outlined to both the applicant when they initially appeared before CB2 several times and to the Members of the Authority its concerns with respect to the rooftop becoming a destination location; in fact it appears that there was confusion that CB2 was concerned that this would become a nightclub, which was never a concern of CB2, Man., but that it would become a destination location with the issues that the applicant now outlines has occurred at other locations and indicates that it has no viable plan to control except to create an outdoor restaurant which was the community’s major concern and CB2’s concern from the get go and the proposed solution to expand the operation into an eating and drinking establishment is precisely what the applicant indicated would not happen in response to CB2’s concerns; and,

**x. Whereas,** the applicant stated after the August 29<sup>th</sup>, 2018 hearing that it was “never our intention to remove the community from the process and feel strongly that the essence of our request goes hand in hand with what the CB wants and expects from a long-term neighbor”, which is not the case from CB2’s perspective or from members of the Community’s perspective who appeared at the September 6<sup>th</sup>, 2018 CB2 meeting; after listening to members of the community testify at CB2’s September 6<sup>th</sup> 2018 meeting, representatives of the Applicant chose not to respond to the concerns of the community or address their issues; and,

**xi. Whereas,** at the September 6<sup>th</sup>, 2018 CB2 hearing, 6 local residents appeared on short notice and spoke in opposition to the proposed changes, many felt that the Applicant’s credibility had been burned since they did not reach out to the members of the community with whom they had met with at the inception of the process well over a year ago and with whom they had agreed to many stipulations to gain their support and whom had indicated a willingness to remain in contact; according to members of the community, the applicant has throughout the process used their position as a nationally recognized brand to position this application as a process through which local residents should trust them as a nationally recognized brand, when throughout the process the applicant has proposed one concept and set of agreements and then changed those agreements shortly thereafter; whereas with respect to the rooftop, the applicant stated that they had extensive experience in operating their stores, in particular outdoor areas citing other operations as examples, discounting the concerns at the original presentation of members of the community, which the applicant is now saying are valid and that they cannot control the rooftop areas as presented due to uncontrollable crowds and the only manner in which to rectify this is to offer a food and beverage program throughout the rooftop area, which is now set up as an outdoor eating and drinking establishment with identical furniture being repeated over and over throughout the area which was anticipated to be set up as unique settings highlight the vast amount of variations of outdoor furniture available; it was pointed out that no one wanted any beer or wine on the outdoor roof and it was accepted by members of the community as an ancillary use if people were walking around, which was agreed to by the applicant and then somehow became an out door “wine terrace”; that since the initial presentation to members of the community this application has been constantly morphing which is now a serious concern with members of the community, especially since the same applicants have a pending application for a full liquor license in a building located a block away with a hotel, rooftop pool, basement bar and ground floor restaurant; and,

**xii. Whereas**, the applicant has constantly used examples such as operations in Chicago, Il; in Greenwich, Ct and now West Palm Beach, Fl to guide their operations; none of those locations are located within New York City, within Manhattan or specifically within this very unique neighborhood in the Meatpacking District; and,

**xiii. Whereas**, it is clear that the generally accepted norm of providing proper notice to the local Community board with respect to changes or alterations in a licensed premises through a 30-day notice was not followed in this case; just because a license was conditionally approved does not absolve a licensee or applicant from following the normal procedures of notice to changes in any license as is the intent of existing rules and regulations just because the license has not yet been issued; and,

**xiv. Whereas**, CB2, Man. and members of the public had at most 1 week to comment on the rushed process which could have easily been handled in the normal course of business as all other applications are handled; the only reason this matter was requested to be delayed for review in order for CB2 to provide input was because of the public notice requirement whereby the liquor authority places a synopsis of the items to be considered on their website less than one week prior to their Full Board Meetings; and,

**xv. Whereas**, there has been significant accommodation to this applicant and application from the inception when they first met with members of the community, through multiple meetings before CB2 and before the Liquor Authority; despite CB2's original position, there should be no confusion that both members of the community and CB2, Man. have ongoing opposition to additional rooftop operations in this immediate area because rooftops, no matter their size, style of operation, create significant intrusion upon local residents quality of life, there being a significant residential presence in the area at the roof top level, those residents already being greatly affected by an existing, unrelenting intrusion of other rooftop eating and drinking establishments from the Meatpacking area, the total cacophony of those impacts on a night to night basis from the many rooftop operations on those residents living thereat, the newest rendition of this application now presenting with a previously undisclosed 3<sup>rd</sup> floor terrace, together with the proposed changes to eating and drinking on the rooftop, thus creating an untenable and unreasonable situation where the addition of even one more rooftop such as this with accommodations to the operator is one more license too many;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of applications for alterations and changes in method of operation, for which CB2, Man. never received proper notice, for **RH NY MP F&B LLC, d/b/a Restoration Hardware NY The Gallery in the Historic, 9-19 Ninth Ave. 10003** as presented to the Liquor Authority on August 29<sup>th</sup>, 2018.

Vote: Unanimous, with 41 Board members in favor.

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

**20. CGM-GH, LLC, Paige GH Group, LLC and Hotel Gansevoort Group LLC, d/b/a Gansevoort Hotel, 18 Ninth Ave. 10014 (incorporate existing separately licensed restaurant area for The Chester into Hotel Liquor License) (OP – Hotel/Restaurant)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **withdraw** this application for an alteration application to incorporate existing separately licensed restaurant area in the hotel into the existing Hotel 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Hudson Café NYC, LLC d/b/a Hudson Café NYC, 628 Hudson St. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**21. 523 Greenwich Restaurant, LLC and Fortuna Realty Soho, LLC, d/b/a Hotel Hugo, 523 Greenwich St. 10013 (Alteration application to remove ground floor restaurant from hotel license HL SN#1276079)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to layover this application for an alteration application to remove the ground floor restaurant from the existing hotel 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; and

**Whereas**, the current licensee of this location, Fortuna Realty Hotel SoHo, LLC & 523 Greenwich Restaurant, LLC, operates an unlicensed rooftop bar with live music, promoted events and DJs on the 19<sup>th</sup> floor within a rooftop floor which is not within the demised premises on file with the Liquor Authority that operates as "Hotel Hugo's Azul on the Rooftop" (<http://www.azulrooftop.com>); the current method of operation and stipulations at the NYS SLA (license SN#1276079) state the licensee "will only use ground floor and 18<sup>th</sup> floor for service of alcohol" and "will not operate a rooftop garden" and "will not have DJ's, live music, promoted events, any event at which a cover fee is charged, scheduled performances", it being further noted at the Licensee's 500 ft hearing on February 6<sup>th</sup>, 2014 that one of its principals had previously operated a rooftop space improperly without all permits in place, and that they would "not have any outdoor space" at this location and "agreed to abide by a number of conditions proposed by the Community Board to address the municipality's concerns regarding the issuance of this license. Those conditions would become part of the approved method of operation if this license is issued, and the applicant would be subject to disciplinary action or possible non-renewal of the license if it failed to comply with the approved method of operation."; and

**Whereas**, Hotel Hugo's Azul on the Rooftop located on the 19<sup>th</sup> floor including the large outdoor area operates and advertises an additional bar not on file with the liquor authority and contrary to their existing stipulations and representations, regularly hosts live music and hosts outdoor movies played on the rooftop at entertainment levels among various ongoing violations, those representations made at the 500 ft hearing being false and upon which the issuance of the license being in the public interest and convenience and advantage was based; and,

**Whereas**, CB2, Man. respectfully requests that Liquor Authority conduct appropriate enforcement and review all aspects of the current hotel operation covered under SN#1276079 and investigate the usage of the 19<sup>th</sup> floor, violations of existing stipulations, the use of live music and broadcasting of films on the rooftop at entertainment levels among other violations and take appropriate action; and,

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of alteration application for **Fortuna Realty Soho, LLC & 523 Greenwich Restaurant, LLC, d/b/a Hotel Hugo, 523 Greenwich St. 10013 HL SN#1276079** 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; and,

**THEREFORE BE IT FURTHER RESOLVED** that those complaints and concerns outlined above be reviewed and appropriate enforcement actions be undertaken by the Liquor Authority to address all violations as indicated above irrespective of any applications filed with the Liquor Authority by the Licensee.

Vote: Unanimous, with 41 Board members in favor.

**22. Hudson Café, Inc., d/b/a Hudson Café, 628 Hudson St. 10014 (Class Change) (OP – Restaurant) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **withdraw** this application for a class change application 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Hudson Café NYC, LLC d/b/a Hudson Café NYC, 628 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**23. AV NY 1, LLC, d/b/a Pending, 15 8th Ave. 10014 (OP – Restaurant) (Layover)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **layover** this application for a restaurant on-premise liquor license application 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **AV NY 1, LLC, d/b/a Pending, 15 8th Ave. 10014 (OP – Restaurant)** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**24. Rishank, LLC, d/b/a N/A, 110 Bedford St. 10014 (OP – Restaurant) (laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **layover** this application for a restaurant on-premise liquor license application 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Rishank, LLC, d/b/a N/A, 110 Bedford St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**25. Bento Brooklyn, LLC, d/b/a N/A, 675 Hudson St., 5th Floor 10014 (acoustic live music)(OP – Catering Establishment) (layover)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **layover** this application for a catering on-premise liquor license application with acoustic live music 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 alteration application or proposed on premise liquor license, catering license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Bento Brooklyn, LLC, d/b/a N/A, 675 Hudson St., 5th 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 41 Board members in favor.

**26. Ars Nova Theater I, Inc., d/b/a N/A, 27 Barrow St. 10014 (live music in conjunction with musical theatre performance)(OP –Theater) (layover)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on September 6th, 2018, the Applicant requested to **layover** this application for a theatre on-premise liquor license application with **live music in conjunction with musical theatre performance** 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 alteration application or proposed on premise liquor license, theatre on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Ars Nova Theater I, Inc., d/b/a N/A, 27 Barrow**

**St. 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

## **TRAFFIC AND TRANSPORTATION**

### **1. Resolution requesting traffic and pedestrian safety improvements at the Cooper Sq. Plaza crossing (4<sup>th</sup> Ave. to Bowery at E. 6<sup>th</sup> St.), including speed humps, signage, signalization changes and other safety measures.**

**Whereas** the roadway that winds around (and through) Cooper Sq. Plaza between 4<sup>th</sup> Ave. at E. 7<sup>th</sup> St. and the Bowery at E. 6<sup>th</sup> St. presents numerous crossing hazards to pedestrians, as well as the potential for vehicular conflicts; and

**Whereas** these hazards include the following:

- A high volume of vehicular traffic, including buses, taxis, livery vehicles, delivery trucks as well as private cars, enter the roadway from the Bowery at E. 6<sup>th</sup> St. and advance at high speed in the absence of traffic controls or calming to slow them down.
- Numerous pedestrians cross the roadway every which way, often unaware of approaching vehicular traffic under the assumption that the plaza pedestrian area continues where this roadway splits the plaza, and also ignorant of the crosswalk at the Bowery and 6<sup>th</sup> St.
- When vehicles from 6<sup>th</sup> St. reach the (right angle) bend of the roadway at 4<sup>th</sup> Ave., there's a blind spot obstructing drivers' visibility of pedestrians crossing (with drivers continuing to speed).
- Although there's a traffic light at the Bowery and 6<sup>th</sup> St., the signals are not coordinated; a perpetual "Walk" light allows pedestrians to cross at the same time vehicles are turning into their path, putting the pedestrians in peril.
- There's no signage warning drivers to watch for and slow down for pedestrians (although a flashing electronic "Yield to Pedestrians" sign was briefly installed by the 9<sup>th</sup> Precinct at the southwest corner in the past), nor is there signage directing pedestrians where to cross.; and

**Whereas** the Cooper Plaza roadway was originally planned for buses only. Currently bus passengers are let off at the northeastern section where they cross the street at breaks between the planters there, another crossing hazard; and

**Whereas** a Citi Bike station that accommodates over 40 bicycles is located by the Plaza roadway, and there's also other heavy bike traffic there, yet there is no bike path, although one was part of the original Plaza plan, which also might slow down and organize the traffic; and

**Whereas** the 9th Precinct has been surveying traffic conditions in the area and expressed its concern for the hazards they present and the need for amelioration, in particular, for installation of a speed hump at the sharp bend where 6th St. transitions into 4<sup>th</sup> Ave.; and

**Whereas** the area is frequented night and day by a large and varied population, many of them exceptionally vulnerable to the vagaries of badly controlled speeding traffic, including mothers with strollers, Grace Church high school students, Cooper Square Preschool children, NYU and Cooper Union students and faculty, seniors and disabled from the JASA facility, park users, tourists, local visitors (many



coming from one of the most heavily used subway stops) not to mention college students traveling to and from their dorms and pedestrian traffic on weekends to Bowery entertainment venues, both in need of nighttime visibility;

**Therefore be it resolved** that CB2, Man. requests that the NYC Dept. of Transportation (DOT) thoroughly observe conditions at the roadway bordering and winding through Cooper Sq. Plaza between 4<sup>th</sup> Ave. at E. 7<sup>th</sup> St. and the Bowery at E. 6<sup>th</sup> St. and devise a plan for ameliorating the dangerous traffic and crossing situation there; and

**Be it further resolved** that CB2, Man. urges DOT to employ traffic calming approaches to slow down traffic on the Cooper Sq. Plaza roadway, such as a speed hump at the roadway's southwestern blind spot where vehicles transition from 6<sup>th</sup> St. into 4<sup>th</sup> Ave.; and

**Be it further resolved** that CB2, Man. strongly favors and requests the installation of permanent, highly visible signage to alert drivers to pedestrians along the roadway (e.g. Yield to Pedestrians signs), pedestrians to oncoming vehicular traffic and to the crosswalk, and should there be a bike lane, to caution pedestrians about the bike lane's presence and bicyclists about crossing pedestrians; and

**Be it further resolved** that CB2, Man. advocates converting the Cooper Sq. Plaza roadway to a shared street for pedestrians and vehicles (similar to the one installed on Broadway btw. 25<sup>th</sup> & 26<sup>th</sup> St.), with an epoxy gravel roadbed, where vehicular traffic is limited to 10 mph, thereby discouraging driving there and promoting pedestrian safety; and

**Be it further resolved** that CB2, Man. asks that DOT change the traffic light signal phasing at the intersection of the Bowery and E. 6<sup>th</sup> Sts. to a full split phase cycle that allows for a separate, conflict-free pedestrian crossing on E. 6<sup>th</sup> St., so that crossing pedestrians and turning vehicles don't get green "go" signals at the same time there, but instead an exclusive green light phase for pedestrians crossing E. 6<sup>th</sup> St. that operates concurrently with a red left-turn arrow on the Bowery; and

**Be it further resolved** that CB2, Man. encourages DOT to study the possibility of restricting the Cooper Sq. Plaza roadway to buses only; and

**Be it further resolved** that CB2, Man. asks DOT to investigate installation of a two-way bike lane on the Cooper Sq. Plaza roadway; and

**Be it finally resolved** that CB2, Man. requests that DOT conduct observations at the Cooper Sq. roadway and return to CB2 with a plan for ameliorating the dangerous conditions at that site as soon as possible.

Vote: Unanimous, with 41 Board Members in favor.

## **2. Resolution requesting two speed humps on Perry St. btw. W. 4th St. and 7th Ave. S. and louvers on the traffic light at Perry St. and 7th Ave. S.**

**Whereas** vehicular traffic originating from the north on 9<sup>th</sup> Ave. flows south on Hudson St. into Bleecker St., all the way gaining momentum as it then turns east on Perry St. (its first opportunity to head to 7<sup>th</sup> Ave. S.) where it proceeds at a hurried pace; and

**Whereas** the speed of this traffic is further exacerbated by the impetus by drivers to catch the traffic light at Perry St. and 7<sup>th</sup> Ave. S. when it turns green, leading to driving well in excess of the speed limit, and threatening the safety of pedestrians crossing the street; and

**Whereas** concern for pedestrian safety includes the many children who traverse this street on their way to P.S. 41 as well as other vulnerable walkers who frequently cross there; and

**Whereas** speed humps have been installed in the surrounding area at such locations as W. 11<sup>th</sup> St. btw. 6<sup>th</sup> and 7<sup>th</sup> Aves., W. 11<sup>th</sup> St. btw. W. 4<sup>th</sup> and Bleecker Sts. and Charles St. btw. W. 4<sup>th</sup> and Bleecker Sts., and residents have reported that they've helped slow down traffic and promote pedestrian safety; and

**Whereas** examples in other cities as well as on certain streets in CB2, Man. have shown that installing two speed humps on a block helps sustain a steady slow speed in motor vehicles that otherwise go full speed ahead once going over a single speed hump; and

**Whereas** the NYC Dept. of Transportation (DOT) has installed louvers on some traffic lights to obscure the light's designation to approaching drivers; and

**Therefore be it resolved** that CB2, Man. urges DOT to install two speed humps on Perry St. btw. W. 4th St. and 7th Ave. S.; and

**Be it further resolved** that CB2, Man. asks that these speed humps be carefully placed at intervals to keep traffic flowing at a consistent slow pace; and

**Be it further resolved** that CB2, Man. supports installing louvers on the traffic light at Perry St. and 7th Ave. S. to obscure its green light phases; and

**Be it finally resolved** that CB2, Man. encourages DOT to consider and plan the patterns and directions of its streets in a comprehensive manner in order to ensure a safe and coordinated flow of traffic.

Vote: Unanimous, with 41 Board Members in favor.

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan