



THE CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD NO. 3
 59 East 4th Street - New York, NY 10003
 Phone: (212) 533-5300 - Fax: (212) 533-3659
 www.cb3manhattan.org - info@cb3manhattan.org

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

Community Board 3 Liquor License Application Questionnaire

Please bring the following items to the meeting:

NOTE: ALL ITEMS MUST BE SUBMITTED FOR APPLICATION TO BE CONSIDERED.

- Photographs of the inside and outside of the premise;
- Schematics, floor plans or architectural drawings of the inside of the premise;
- A proposed food and or drink menu;
- Petition in support of proposed business or change in business with signatures from residential tenants at location and in buildings adjacent to, across the street from and behind your proposed location. Petition must give proposed hours and method of operation. For example: restaurant, sports bar, combination restaurant/bar.
- Letter of notice of proposed business to block, tenant or neighborhood association if one exists. E-mail the CB3 office at **info@cb3manhattan.org** for help to find block associations.
- Photographs of proof of conspicuous posting of meeting with newspaper showing date.
- If applicant has been or is licensed anywhere in City, letter from applicable community board indicating history of complaints and other comments

Check which you are applying for:

- new liquor license
- alteration of an existing liquor license
- corporate change
- upgrade of an existing liquor license
- sale of assets

If applying for transfer, you must bring letter from current owner confirming that you are buying business or have the seller come with you to the meeting.

Type of license: OP - Liquor Is location currently licensed? Yes No
 If alteration, describe nature of alteration: Adding Bars to the 2nd & 3rd Floor
 Previous or current use of the location: Retail
 Corporation and trade name of current license: 93 Ludlow St Inc.

APPLICANT:

Name of applicant and all principals: 93 Ludlow St, Inc.
PAUL SELES, TOMAS DYSKIEWICZ, ALEXANDRA DEOZO
 Trade name (DBA): THE DL
 Premise address and cross streets: 95 Delancey St. NYC 10002
Ludlow & Delancey

PREMISE:

Type of building and number of floors: Retail/Office 3 Floors

Any outside area or sidewalk cafe used for the sale or consumption of alcoholic beverages?

(includes roof & yard) Yes No If Yes, describe and show on diagram: ROOFTOP
ENCLOSED

Does premise have a valid Certificate of Occupancy and all appropriate permits, including certificate of occupancy of back or side yard intended for commercial use? Yes No

Indoor Certificate of Occupancy 1206978181002 Outdoor Certificate of Occupancy _____

Do you plan to apply for Public Assembly permit? Yes No

Zoning designation (using our website): C-6

Is this premise wheel chair accessible? Yes No

PROPOSED METHOD OF OPERATION:

What type of establishment will this be (i.e.: restaurant, bar, performance space, club, hotel)?

1st Floor - Eating & Drinking 2nd Floor - Event Space/Lounge 3rd Floor - Lounge w/
Some Food

Will any other business besides food or alcohol service be conducted at premise? Yes No

If yes, please describe what type: _____

What are the proposed days/hours of operation? (Specify days and hours each day and hours of outdoor space) _____

SUN 12PM - 4AM Mon - Fri 4PM - 4AM
SAT 11AM - 4AM

Number of tables? 1st Floor 16 TABLES Number of seats at tables? 1st Floor 36 SEATS

How many stand-up bars/ bar seats are located on the premise? 3rd Floor 18 TABLES
3rd Floor 75 SEATS
3 STAND UP BARS - 33 SEATS

(A stand up bar is any bar or counter (whether with seating or not) over which a patron can order, pay for and receive an alcoholic beverage)

Describe all bars (length, shape and location): 1st Floor Straight 2nd Floor - Straight 3rd Floor L Shaped

Any food counters? Yes No If Yes, describe: Third Floor to be vented to high roof

Does premise have a full kitchen Yes No?

Does it have a food preparation area? Yes No (If any, show on diagram)

Is food available for sale? Yes No If yes, describe type of food and submit a menu

American Small Plates

What are the hours kitchen will be open? til 3AM Daily

Will a manager or principal always be on site? Yes No If yes, which? Either

How many employees will there be? 40-50

Do you have or plan to install French doors accordion doors or windows?

Will you agree to close any doors and windows at 10:00 P.M. every night? Yes No

Will there be TVs/monitors? Yes No (If Yes, how many?) _____

Will premise have music? Yes No

If Yes, what type of music? Live musician DJ Juke box Tapes/CDs/iPod

If other type, please describe _____

What will be the music volume? Background (quiet) Entertainment level

Please describe your sound system: Small Speakers Located Throughout

Will you host promoted events, scheduled performances or any event at which a cover fee is charged? If Yes, what type of events or performances are proposed? No

How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? Please attach plans. Attached Traffic Plan to Follow

Will there be security personnel? Yes No (If Yes, how many and when) _____
See Security Plan

How do you plan to manage noise inside and outside your business so neighbors will not be affected? Please attach plans. Help Mitigate Sound away From Residential property By Keeping Speakers away from that property.

Do you have or plan to install sound-proofing?

APPLICANT HISTORY:

Has this corporation or any principal been licensed previously? Yes No

If yes, please indicate name of establishment: Soc Nightclubs, The Delancey

Address: 609 West 29th / 168 Delancey St- Community Board # 4, 3

Dates of operation: July 2005 - May 2009 / 2003 - Present

If you answered "Yes" to the above question, please provide a letter from the community board indicating history of complaints or other comments.

Has any principal had work experience similar to the proposed business? Yes No If Yes, please attach explanation of experience or resume. Co-Author of Best Practices Owned and Operated Soc Nightclubs

Does any principal have other businesses in this area? Yes No If Yes, please give trade name and describe type of business. The Delancey - Lounge

Has any principal had SLA reports or action within the past 3 years? Yes No If Yes, attach list of violations and dates of violations and outcomes, if any.

PAID \$ 10,000 Fine For Improper Operation

Attach a separate diagram that indicates the location (name and address) and total number of establishments selling/serving beer, wine (B/W) or liquor (OP) for 2 blocks in each direction. Please indicate whether establishments have On-Premise (OP) licenses. Please label streets and avenues and identify your location. Use letters to indicate Bar, Restaurant, etc. The diagram must be submitted with the questionnaire to the Community Board before the meeting.

LOCATION:

How many licensed establishments are within 1 block? See Attached

How many licensed establishments are within 500 feet? See Attached

Is premise within a 500 foot radius of 3 or more establishments with OP licenses? Yes No

How many On-Premise (OP) liquor licenses are within 500 feet? 4

Is premise within 200 feet of any school or place of worship? Yes No

If there is a school or place of worship within 200 feet of your premise on the same block, submit a block plot diagram or area map showing its location in proximity to your premise and indicate the distance and name and address of the school or house of worship.

COMMUNITY OUTREACH:

If there are block associations, neighborhood or tenant associations in the immediate vicinity of your location, you must contact them. **Please attach proof (copies of letters and poster) that you have advised these groups of your application with sufficient time for them to respond to your notice.** You may contact the Community Board at info@cb3manhattan.org for any contact information that is on file.

Petitions should clearly state the name, address, license for which you are applying, and the hours and method of operation of your establishment at the top of each page. (Attach additional sheets of paper as necessary).

LISTING OF ESTABLISHMENTS WITH SLA Liquor Licenses
Within (2) Blocks within 500 feet. of 95 Delancey St. NY, NY

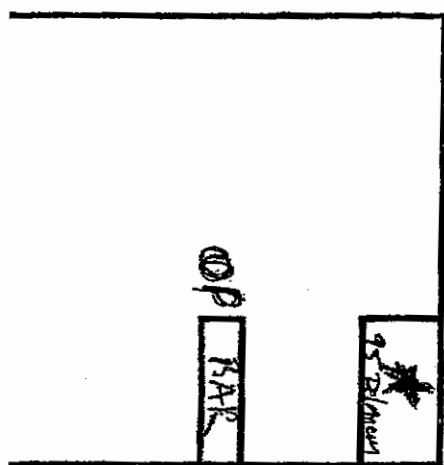
1. Kuma Inn 113 Ludlow St NY, NY 10002 (RW inactive)
2. Chloe 81 81 Ludlow St. NY, NY 10002 OP
3. Los Feliz Restaurant 109 Ludlow St. NY, NY 10002 OP
4. Hotel Chantelle Restaurant 92 Ludlow St. NY NY 10002 OP

PUBLIC INTEREST STATEMENT:

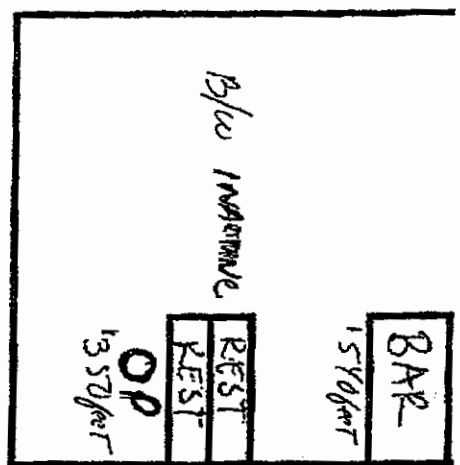
The opening of this new FIRST CLASS Restaurant with 2 floors and an enclosed Rooftop Garden dining / seating area will provide a new economic vitality and development to this location, which has been vacant for an extended period of time.

This Establishment is located at the corner of DELANCEY and LUDLOW St. . The building Façade will be renovated , from it current deteriorated state. This new business will provide Increase Retail Diversity , as the menu will offer Spanish/ European Tapas dishes .

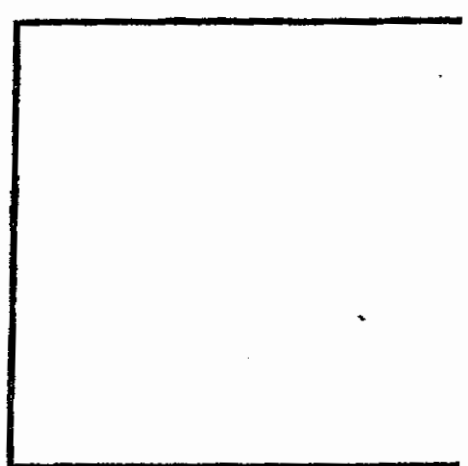
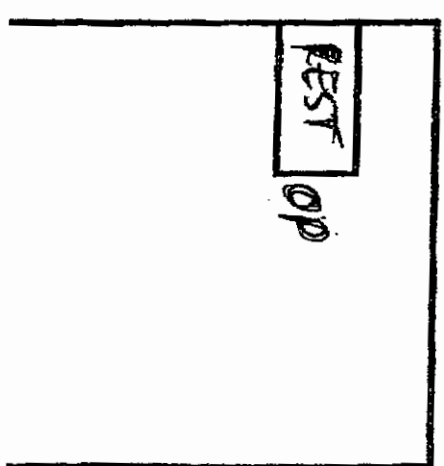
ORCHARD



DELANCEY ST
95 Delancey St.



LUDLOW ST



ESSEX ST.

93 Ludlow st. Inc.

**SECURITY, SAFETY AND COMPLIANCE PLAN
93 LUDLOW ST, INC. ("The DL")
FOR ITS PREMISES AT 95 DELACEY STREET
NEW YORK, NY 10002**

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This document represents Ludlow's Security Compliance Manual. It sets forth the guidelines Ludlow will employ, as its overall Method of Operations for Security. Ludlow's goal is to maintain its premises safe from illegal activity, including drug sales, underage drinking, over consumption of alcohol, violence, prostitution and sex offenses.

SECURITY

Generally, Ludlow will employ a minimum of one licensed and trained security guard in its premises when 75 or more patrons are present at the same time. This will be Ludlow's 'rule of thumb', to have one licensed security guard for every 75 persons occupying the premises. If numerous security personnel are utilized, then a full-time security supervisor will be made available to oversee the other guards. Management will use utmost discretion to determine the appropriate number of licensed security guards required based on the event or crowd, to insure maximum safety and lawfulness.

In the event Ludlow does not employ its own licensed security personnel directly, then Management will procure the services of a bonded company licensed by the State of New York.

Management will ensure that security guards are trained in techniques to de-escalate potential violent encounters and difficult situations.

Ludlow's policy mandates that security separate and remove all potentially violent patrons in a manner consistent with the statutory laws to prevent a continuation of violent activity inside or outside the premises. Also included in Ludlow's policies is an ordinance for all employees to observe that they call 911 immediately to report criminal activity, for assistance in these circumstances and/or report serious medical emergencies.

As stated above, for every five (5) licensed security guards Ludlow will have one (1) licensed security supervisor to ensure a minimum span of control of one (1) licensed security supervisor for every five (5) subordinates. Licensed security guards will be distinctively and uniformly attired-very easily identified. Moreover, they will be spread throughout the establishment and not just at the door.

Ludlow's coat check procedures include the customer's ability to check bags. Management is installing anti-theft environmental designs, such as drawers, shelves and hooks for customers who choose not to check bags. Management has emphasized to its employees the need to maintain control and order in the coat check area, especially at closing time. Nonetheless, Management encourages customers to check coats and bags, so as to avoid thefts.

Perpetrators who violate the law will be detained by security through lawful means. Management and employees will encourage patrons to wait for the police to arrive in order to assist in the investigation. Management and employees will, at a minimum, persuade witnesses to provide their identifying information, so that they may be contacted by the police in the future. Patrons will also be encouraged to make a statement to Ludlow's personnel, regarding the incident. If need be, Management will encourage employee witnesses to go to court and testify when requested, and Ludlow will pay wages to them for their time.

Ludlow's premises will provide digital video of any unlawful conduct to the NYPD, when requested by them. Management will safeguard evidence connected with commission of a crime on the premises and will maintain the integrity of the crime scene.

Ludlow compiles a list of ejected and/or arrested patrons that is retained on a "banned list" database. Patrons on that list will not be allowed re-entry.

Ludlow has cameras in front of the establishment and also within the location itself that are working properly and recording. These cameras have also been placed at all entry doors to all bathrooms.

From time to time, Management will hire an independent security consultant to review and evaluate the integrity of the premises' existing security policies and procedures and to ensure that compliance with the New York State Alcoholic Beverage Control Code and other laws and policies, including laws prohibiting sales to minors, is being adhered to.

Management inspects all levels of lighting at Ludlow's premises, inside and outside, on a regular basis, to make certain that security can observe all activities.

Management's Method of Operations requires that patrons waiting for admission be placed in a line, not blocking the sidewalk. Ludlow's employees are also instructed to inform people awaiting entry that, if they are not orderly, they will

not be admitted. Individuals who are not admitted are encouraged to leave the area. At closing, security is instructed to ensure orderliness, when patrons are exiting the establishment.

Management will conduct spot checks of employees to ensure compliance with establishment policies and applicable laws and rules, including integrity tests for false ID and underage sales. Management has designated the location of information for all employees, pertinent to the telephone number of the local precinct and the name of the commander.

INTOXICATION

To ensure adherence with New York State Alcoholic Beverage Control laws that prohibit an establishment from serving alcohol to a person who is visibly intoxicated, or permitting someone else to serve the intoxicated person, Management holds special employee meetings to emphasize to them the signs of intoxication and to stress the importance of constant vigilance of all patrons in an effort to identify intoxicated customers. These signs are:

Speech slurred, thick, confused, abusive, profane, antagonistic, or incoherent. Appearance in disarray, clothing stained. Balance unsteady, or body swaying, using a wall or furniture as a prop. Face pale or flushed. Eyes bloodshot, red, or puffy. Fumbling or dropping of glass, ID, cash, etc., or misjudging distance. Unusual physiological symptoms, e.g. vomiting, excessive hiccupping, losing focus, sleepy or fainting.

DELANCEY STREET "DANGEROUS CROSSING ZONE"

Security personnel have been made well aware of the immense danger that Delancey Street poses for pedestrians who cross that street. Upon closing, two security workers will be near the crosswalk to supervise persons crossing Delancey Street to prevent an intoxicated patron or any person whose judgment appears seriously compromised from going across the that street by themselves

SEXUAL ASSAULTS

Management is always very concerned with the potential occurrence of a sexual assault within the premises. For this reason management informs its employees of ways to help prevent the Ludlow premises from being exploited by sexual predators who may seek to take advantage of vulnerable patrons. Alcohol consumption can be a strong contributing factor to the loss of judgment and failure to perceive danger, which can lead to a tragedy.

In a nightlife environment, certain patrons, primarily young females, are especially vulnerable to potential attackers who may present themselves as friendly, seeking to become known to them, buying them drinks in the process, or otherwise displaying romantic interest. A common scenario is for an attacker to initiate an interaction in the premises and then persuade or invite the victim to leave with him. Employees will be encouraged to become attuned to behavior that seems overly familiar, aggressive or seductive, under the circumstances, especially if the potential victim is visibly intoxicated or seems to be impaired. Note that predators may seek to get victims drunk or drugged, encourage them to get some air, and then pull up in a car or hail a cab to take them away.

Establishment personnel will offer to call a vulnerable or impaired person a cab or otherwise watch, as patrons leave, to see if they seem to be able to navigate safely. Management will make certain that security personnel are placed at the door or maintaining order outside and to ensure that they are well positioned to observe when patrons leave.

Ludlow personnel are instructed that, if they sense that something is out of kilter, when a patron leaves with a person suspected of being a potential predator, they should make it clear that they have noted the departure, communicating the fact that the potential predator has been seen and the situation noted, for example, commenting on an item of clothing, or asking if they need any help getting a cab. Management emphasizes to employees that it is a good idea to make a note of the circumstances, the descriptions of the parties, or any other information that could become relevant, at a later time.

Management encourages groups to designate one person as a chaperone, perhaps identified by a wristband, who could be served non-alcoholic beverages at a discount for the night.

Regarding prevention of assaults within the premises, Management maintains digital cameras outside the bathroom doors, and will employ a restroom attendant. Ludlow personnel monitor the cameras throughout the night, and especially after 2 AM. They ensure that storage areas and other restricted areas are kept locked and secured; we realize that any closed, darkened area represents a potential danger.

Management encourages support staff, including porters, barbacks, busboys, and kitchen staff, to be aware of patron behavior and possible dangers of sexual assault, especially as these employees work in or pass through areas that are dark or restricted. They should be instructed to immediately report any suspicious or problematic behavior to a supervisor or manager.

Management admonishes employees to trust their instincts regarding possible predatory behavior they may observe; if something doesn't seem right, it probably isn't. Again, Management encourages employees, if possible, to make notes of the observation, for later reference, if needed.

EMPLOYEES

All of Ludlow's employees have a photo ID on file with us, with a description of their position and contact information. Ludlow utilizes ID scanning not only for patrons, but also for employees, to identify all employees on the premises.

Ludlow has contact information for all individuals contracted to provide operational services such as DJ's and promoters.

Management designates a person to be in charge of the premises. The name and phone number of both the manager and the person designated to be in charge of the premises, if different, during the hours of operation, must be available to appropriate government agencies.

Management designates clean-up crews inside and outside the establishment. All flyers, handbills, cups, debris, etc. are cleaned from in front of the premises throughout the night.

Management designates specific employees to conduct occupancy counts periodically throughout the night.

Managers identify themselves to responding government agencies.

AGE VERIFICATION

Management and employees of Ludlow are aware that State law (Alcoholic Beverage Control Law Section 65-b(2)(b)) specifies the types of documents that are acceptable proof of age for the purpose of purchasing alcohol in New York State. They are: a valid driver's license or non-driver identification card issued by the Commissioner of Motor Vehicles; the Federal Government; a State Government; a Commonwealth; a Possession or Territory of the United States; a Provincial Government of Canada; a valid U.S. passport; a valid passport of any other country; a valid military ID from the U.S.

Ludlow personnel checks ID for every person seeking to enter the establishment who reasonably appears to be less than 21 years of age. There are no exceptions made to this policy, including for anyone brought into the premises by an employee or promoter. Management monitors the door and makes it clear to promoters that they are not to steer patrons around security in order to evade ID checks.

Ludlow makes use of ID scanning machines.

Management retains IDs for 14 days minimum - as we are aware that IDs must be turned over or made available to the Police Department on request and in some circumstances may be used in defending a charge of serving a minor.

Ludlow's digital video cameras and ID scanners are time stamped, so that ID scanning information can be compared to video of patrons entering club.

Access Control (Admissions)

All identification checks, performed by electronic ID scanner, will be done prior to any patrons entering the Venue.

Security will utilize ropes and barricades in taking steps to maintain an orderly exterior. All patrons waiting to enter the venue will be held in a queue along the exterior of the building so as not to block the sidewalk from other pedestrians.

The Venue has a zero tolerance policy when it comes to dealing with patrons who behave in a disorderly manner. The patrons acting in a disorderly manner prior to entering the venue will be asked to leave immediately. Any patron acting in a disorderly manner once inside the venue will be asked to leave immediately and not be allowed to reenter for the remainder of the night.

The Venue also has zero tolerance drug policy. Any patron caught in possession of or using an illegally controlled substance either prior to entering or once inside the venue, will be handed over to the proper authorities.

Patrons and Staff alike will be subject to these policies. Anyone found violating these policies would be evicted and subject to arrest.

Signs will be posted throughout the Venue stating:

"This Property is under 24hrs Video Surveillance by Day and Night Cameras. All Activity is recorded."

OCCUPANCY

In accordance with the CERTIFICATE OF OCCUPANCY there will be a security person with an in and out clicker at each entrance and exit of the venue to ensure that the set occupancy is not violated.

The Venue Management and Director of Security will be responsible to ensure that these duties are carried out.

COMMUNICATIONS

Portable two-way radios will be utilized to maintain an open line of communication between the Venue and Security.

~TAPAS~

“**Hot Tamale**” filled with mole negro and chicken \$12

“**PB & J**” Pork Belly and Jam slider \$13

“**Shrimp Cocktail**” Ceviche of shrimp in tomato gazpacho \$13

“**Truffle Pops**” served with white wine-tomato broth \$12

“**Steak Frites**” Beef Carpaccio, celery root puree, micro greens and waffled potatoes \$15

“**Grilled Cheese**” Humboldt fog on 12 grain served with heirloom tomato soup \$12

“**Lobster Crack**” Cracked lobster claws & knuckles steamed in vermouth \$16

“**Chicken in Dumpling**” steamed dumpling stuffed with chicken \$12

“**Gastropods**” Conch fritters served with Myers lemon, pineapple-cilantro salsa and citrus aioli \$12

“**Boudin Noir**” with a tarragon & roasted garlic mustard \$14

“**Spicy Big Eye**” Tuna Poke with sticky rice and Thai pesto \$15

“**Crock o’ Lamb**” Lamb moussaka served with flatbread \$13

“**Ludlow Mac**” Elbow macaroni, with béchamel and cheese

- Lobster \$16
- Bacon \$13
- Sharp Cheddar & Green Apple \$12
- Truffle & Mushroom \$15

“**DL Beef Slider**” Freshly ground dry aged beef on a potato bun \$12

“**Bamboo Skewered Meat Trio**” Thinly sliced chicken, beef and pork served with a medley of sauces \$15

“**Shrimp Salad**” with grapefruit avocado and baby coconut \$15

“**The Garden Chop**” diced veg with crumbled feta, fresh herbs and vinaigrette \$12

“**Green Leaf**” with aged balsamic \$11

“**Herbs de Provence Fries**” with house ketchup \$8

“**Shitake and Kale**” sauté \$8

~DESSERT~

House made Ice cream and Sorbet of the day M/P

Seasonal Toppings

Blueberry and banana Pudding Tiramisu \$10

Chocolate and Pistachio Cake \$10