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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

DATE: February 22, 2018
TIME: 6:30 P.M.
PLACE: St. Anthony of Padua Church, 151-155 Sullivan St., Lower Hall

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, Anita Brandt, William Bray, Lisa Cannistraci, Erik Coler, Tom Connor, Terri Cude, Chair; Doris Diether, Cristy Dwyer, Kathleen Faccini, Stella Fitzgerald, Joseph Gallagher, Susan Gammie, David Gruber, Susan Kent, Jeannine Kiely, Daniel Miller, Robert Riccobono, Robin Rothstein, Sandy Russo, Rocio Sanz, Shirley Secunda, Kristin Shea, Frederica Sigel, Georgia Silvera Seamans, Shirley Smith, Chenault Spence, Susan Wittenberg, Elaine Young

BOARD MEMBERS ABSENT WITH NOTIFICATION: Katy Bordonaro, Richard Caccappolo, Ritu Chattree, Coral Dawson, Jon Giacobbe, Nicholas Gottlieb, Patricia Laraia, Edward Ma, Lois Rakoff, Antony Wong

BOARD MEMBERS ABSENT: Cormac Flynn, Maud Maron

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, Robert Ely, Jonathan Geballe

BOARD MEMBERS PRESENT/LEFT EARLY: Robin Goldberg

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

GUESTS: Robert Atterbury, Congressman Jerrold Nadler's office; Congresswoman Carolyn Maloney, Jeremy Crimm, Congresswoman Carolyn Maloney's office; Jack Sterne, Senator Brian Kavanaugh's office; Elena Sorisi, Senator Brad Hoylman's office; Andrew Chang, Manhattan Borough President Gale Brewer's office; Rebecca Ou, Assembly Member Yuh-Line Niou's office; Charles Anderson, Assembly Member Deborah Glick's office, Patrice Comerford, Council Speaker Corey Johnson's office; Irak Cehonski, Council Member Carlina Rivera's office; Michael Portegies Zwart, Xavier de la Mora, Gabrielle Dan-Allah, John Stuart, Helen Greenberg Wyman, Ronnie Wolf, Michael Francoeur, Lincoln Anderson, Peter Kefur, Tom Klaber, Robert Rentz, Andrew Cramer, Howard Negrin, Sarah Russell, M. Nacmias, Pete Davies, Zella Jones, Taka Watanabe, Gregory Moore, Daniel Pelavin, Natalie Rivera, Mary Johnson, Constance Dondure, Lily Quart, Barbara Quart, Amanda Tam, Matthew Thompson, Julia Ramirez, James Gardner, Geraldine Dulex, Darlene Lutz, Catherine Schubert, Valentine Goldstein, Ariel S. Molzer, Laura Burdick, Casey Petrash, Eddy Selman, Rick Selman, Nathaniel Thompson

MEETING SUMMARY

Meeting Date – February 22, 2018
Board Members Present – 35
Board Members Absent With Notification – 10
Board Members Absent - 2
Board Members Present/Arrived Late - 3
Board Members Present/Left Early – 1

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II. PUBLIC SESSION

Non-Agenda Items

Renzo Piano

Natalie Rivera spoke regarding noise coming from this establishment.

L Train Shutdown

Pete Davies spoke regarding the impending shutdown.

Nathaniel Thompson spoke in favor of the proposed 14th St. Busway to help mitigate the L train shutdown.

Broken Box Education

Geraldine Dulex spoke regarding family programming.

LinkNYC Kiosks

Michael Portegies-Zwart spoke against the NYC initiative.

Land Use and Business Development Items

40-56 Tenth Avenue: amendment to a previously approved application

Ariel S. Holzer, representing the applicant, spoke in favor of the amendment to the variance.

Landmarks & Public Aesthetics Items

137 W. 13th St. – App. is to convert to single family; lower cellar/basement levels; replace front windows and door, restore front brick and cornice, repair/restore front steps and basement; replace rear brick wall and windows, change 2nd story rear window to door, construct 4'-0" rear addition on basement and 1st story; partial 4th story addition, remove flues, install new one and exhaust vents; install railings on roof
Tom Klaber, representing the applicant, spoke in favor of the proposed changes.

Quality of Life Items

Annual Triangle Shirtwaist Fire Commemoration

Laura Burdick spoke regarding the street event.

Mary Johnson spoke in favor of the event.

Barbara Quart spoke in favor of the event, but was against the new, self-appointed group.

Constance Dondure spoke in favor of the event, but was asking for changes to the application.

Edy Selman and Howard Negrin spoke against the proposed street event.

SLA Licensing Items

Grupo Gitano, LLC, d/b/a Gitano, 76 Varick St. 10003

James Gardner, Daniel Pelavin, and Natalie Rivera, spoke in favor of the proposed liquor license application.

Catherine Schubert, John Stuart, and Darlene Lutz, spoke in opposition to the proposed license.

A Company to be formed by the Gjelina Group, d/b/a TBD, 45 Bond St. 10012

Zella Jones spoke in opposition to the proposed liquor license application.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Robert Atterbury, Congressman Jerrold Nadler's office

Jeremy Crimm, Congresswoman Carolyn Maloney's office;

Jack Sterne, Senator Brian Kavanaugh's office;

Rebecca Ou, 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 the December 2017 and January 2018 minutes

VI. EXECUTIVE SESSION

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

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

STANDING COMMITTEE REPORTS

LAND USE AND BUSINESS DEVELOPMENT

1. **180 -188 Avenue of the Americas** (between Prince and Spring Streets) CPC No 180170ZMM Application proposes a zoning map amendment to rezone from R7-2/C1-5 to a R7-2/C2-5 to allow use group 9.

Whereas:

1. The applicant proposes a zoning map amendment to rezone 180-188 Avenue of the Americas, 203-207 Spring St., and 100-112 Sullivan St. (a total of seven lots) from an R7-2/C1-5 to an R7-2 and R7-2/C2-5 zoning district in order to allow a Use Group 9 dance studio and to legalize a physical culture establishment in a mixed-use commercial and residential condominium building at 180 Avenue of the Americas.
2. The inclusion of the UG 9 dance studio and the legalization of the PCE will also be subject to the granting of a special permit by the Board of Standards and Appeals.
3. The proposed zoning map amendment would eliminate the existing C1-5 commercial overlay mapped over the proposed project area and would establish a C2-5 commercial overlay over five of the seven lots.
4. The proposed project area is located within the South Village neighborhood, between SoHo to the east and Hudson Square to the west. The Sullivan-Thompson Historic District encompasses most of the project block and the surrounding South Village neighborhood.
5. The elimination of the existing C1-5 overlay on parts of lots on Sullivan Street would rationalize the zoning district boundaries for the R7-2 district and the commercial overlay, and eliminate the split lot condition on these lots so that they are zoned R7-2 in their entirety.
6. 188 Avenue of the Americas is a premises with uses restricted by declaration to its current uses. The space cannot be vented for cooking and the condominium declaration prohibits the use of the space as a restaurant, bar, nightclub or cabaret.

7. The rationale provided for changing the zoning at 180-188 Avenue of the Americas is reasonable for the Avenue location and will enable suitable use of an isolated retail store that is difficult to rent under the current zoning restrictions.
8. The R7-2/C1-5 zoning is appropriate for the corner of Spring Street and Sullivan Street where the stores are currently appropriately occupied and none of the rationale applicable to 180-188 Avenue of the Americas applies.
9. Given the nature of the existing building at the corner of Spring St. and Sullivan St. and its location in an historic district, it is unlikely the existing stores could be modified to allow C2-5 overlay uses.
10. Restricting commercial uses to uses serving local needs is appropriate on the portion of Spring Street closer to narrow residential streets such as Sullivan Street.

Therefore be it resolved:

1. CB2, Man. has no objection to the change from R7-2/C1-5 to R7-2/C2-5 at 180-188 Avenue of the Americas;
2. CB2, Man. has no objection to eliminating the mixed zoning on the primarily residential lots on Sullivan Street so that they are zoned entirely R7-2.
3. CB2, Man. recommends denial of the proposed change from R7-2/C1-5 to R7-2/C2-5 for buildings on Spring Street.

Vote: Unanimous, with 35 Board members in favor.

2. 80 Fifth Avenue (southwest corner of 14th Street) BSA Cal No 2017-324-BZ is an application for a new special permit for a physical culture establishment called “Performix House” situated on the second level floor, pursuant ZR 73-36.

Whereas:

1. This is the first proposed fitness facility of Corr-Jensen, which is taking over the space formerly occupied by Lucille Roberts Health Clubs, a physical culture establishment for over 21 years.
2. Substantially all of the lot is in a C6-4M zoning district with a small 7’ portion on the western edge in a C6-2 district.
3. Total lot area is 7820 square feet; the PCE space is 7550 square feet; and the building has approximately 130,000 square feet of floor area.
4. A term of 10 years is requested.
5. The facility will prove a variety of personal fitness training, classes and programs of instruction.
6. An approved interior fire alarm system will be installed in the entire PCE space.

7. This use is compatible with the mixed-use nature of the neighborhood, which is well-served by multiple nearby subway lines.
8. It is located so as to not impair the essential character or the future use or development of the surrounding area or interfere with the street system or any public improvement projects.
9. There will be no modification of use, parking or bulk regulations and it is not located on a roof.
10. Hours of operation will be, according to the applicant's presentation, 6am to 11pm Monday through Friday and 8am to 8pm Saturday and Sunday.
11. Peak hour clientele is projected to be approximately 50 people and there will be a staff of 20.
12. There are no known hazards or disadvantages and there will be no adverse effect on the privacy, quiet, light and air to the neighborhood at large.
13. The space will be ADA accessible and sound attenuation measures will be taken.
14. No one from the neighborhood appeared to speak against the application.

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

Vote: Unanimous, with 35 Board members in favor.

3. 85 Mercer Street (between Spring and Broome Streets) ULURP No.150348ZSM is an application for a special permit to allow ground floor retail in Soho. The applicant seeks to convert a portion of the ground floor and cellar from JLWQA to 3,642 square feet of Use Group 6 retail.

Whereas:

1. The application is for a special permit to convert a portion of the ground floor and cellar of the existing building from Joint Live-Work Quarters for Artists to 3642sf of Use Group 6 retail use pursuant to ZR74-781 and to facilitate the removal of the mezzanine level.
2. The premises, a five-story, loft-style building constructed in 1920, is wholly located in an M1-5A zoning district and wholly within the SoHo-Cast Iron Historic District. It has been a cooperative since 1984.
3. The ground floor of the building contains three uses: two Use Group 6 retail uses (Units 1N and 1S) and one JLWQA unit (1R) at the rear of the building, which occupies both the ground floor and 290sf of space on the mezzanine and has been vacant since 2013 when it owners sold the unit to the applicant.
4. The JLWQA units on the second through fifth floors are lawfully occupied as residential cooperative units, pursuant to a Loft Board Order dated July 15, 1970.
5. The front portion of the cellar is used by the residents on the upper floors; the storage space at the rear is used by the rear JLWQA unit and has no light or air.

6. It is proposed that the existing retail space at Unit 1N in the southeast corner of the site will be combined with the rear JLWQA space on the ground floor, creating a new retail space. There will be two new bathrooms within Unit 1N, and a new stairwell constructed within Unit 1N to access 2,308sf of the rear portion of the cellar level for additional retail uses.
7. The existing retail space at Unit 1S located at the southwest corner of the site will not be affected by this application.
8. This special permit can only be approved where a good faith effort has been made to rent the space for a conforming (manufacturing) use without success. Applicant claims that after over three years of marketing efforts, they have been unable to find a conforming lessee for the portion of the building where a change of use is proposed.
9. In consultation with DCP and the Borough President's office, the applicant marketed the space between 2013 and 2017 at \$150, \$100, \$80 and \$70 per square foot.

Therefore be it resolved:

1. CB2, Man. continues to feel that the structure and content of the good faith marketing effort needs to be updated to take advantage of the advertising opportunities of the 21st century.
2. CB2, Man. recommends that the applicant make a good faith effort to find an arts- or artisan-based retail tenant.
3. CB2, Man. recommends that the retail space be made ADA-accessible and opposes retail in the cellar unless that, too, is ADA-accessible.

Vote: Unanimous, with 35 Board members in favor.

4. 40-56 Tenth Avenue (between West 13th and West 14th Streets) BSA Cal No 299-12-BZ is an amendment to a previously approved application to 1) modify a condition of the Variance; 2) amend the approved plans; and 3) extend time to complete construction.

Whereas:

1. This application seeks approval of the following actions: minor amendment of the variance to modify a condition; minor amendment of the approved plans; extension of time to complete construction.
2. The variance was approved on May 13, 2014 to facilitate development of an 11-story, 5.0 FAR commercial office building at 40-56 Tenth Ave., located in an M1-5 zoning district.
3. The building is currently in construction.
4. All the proposed, minor changes to the approved plans result in decreases to the bulk of the building and no changes to its use.
5. The request for an extension of time was caused by unforeseen site conditions, including nearby water-main replacement by the City.

6. With the exception of the LPC condition regarding a final Historic American Building Survey, which has been submitted, the applicant has complied with all of the requirements of the variance and the Letter of Substantial Compliance.
7. There are no recent violations; the applicant is in the process of certifying correction of the open violations related to the deteriorating condition of the demolished buildings; and there have been no changes to the character and nature of the immediate surrounding area which would diminish the applicability of the variance.

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

Vote: Unanimous, with 35 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1. ***298 Elizabeth St. - Application is to legalize/modify a storefront installed without LPC permits.**

Whereas:

A The application was previously presented and the applicant has made changes according committee's comments; and

B The photograph of 10 Bleecker Street, a similar building that is reasonably intact was used as an example for the modifications;

C A three part transom that is 2'-7" high, a door 9' high, and a 2'-4" high bulkhead make a composition suitable to the building; and

D The framing inside the pilasters and header lacks framing of the edges of the door and windows adjacent to the pilasters and header and the committee recommends, and the applicant agreed to, the completion of the framing of all sides of doors and windows; and

E Having the windows and doors in the same plane as the pilasters and header presents a flat appearance of the infill; now

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

A The doors and windows each have complete framing, as agreed by the applicant; and

B The door and windows are recessed from the edge of the pilasters and header to lend depth to the infill.

Vote: Unanimous, with 35 Board members in favor.

2. *230 Thompson St. – Application is to replace storefront infill.

Whereas:

A The proposal generally preserves the current structural elements which are close to the infill depicted in the historic photograph; and

B The dimension of the door was modified to conform to code; and

C The modification of the windows to a folding design is not historically correct; and

D The entire infill is to be painted charcoal; and

E The proposed use of metal for the door and windows is not in keeping with the historic nature of the infill and not suited to the building; now

Therefore be it resolved that CB2, Man. recommends denial of the application unless the door and windows and other new storefront elements are in wood.

Vote: Unanimous, with 35 Board members in favor.

3. *357 Canal St. – Application is to replace windows on the Canal St. and Wooster St. facades.

Whereas:

A The current condition is a miscellaneous collection of windows, six of which are original and none of the others are of historic design; and

B The application to install uniform two over two throughout is arbitrary in view of the existence of six original with unusual rounded tops that can easily be copied; and

C Contrary to the applicant's assertion, the proportion of solid to glazing in the original windows does not reduce natural light into the building to an appreciable degree; and

D The original examples could easily be copied throughout the building; now

Therefore be it resolved that CB2, Man. recommends denial of the application unless the replacement windows are copied from the extant original examples.

Vote: Unanimous, with 3 Board members in favor.

4. *622 Broadway - Application is to install an HVAC unit and acoustic sound barrier on the roof.

Whereas:

A The HVAC units that are to be replaced will have acoustic barriers installed to reduce noise for the occupants of the building and the neighbors; and

B The visibility is minimal from points close to the building and moderately visible at a distant view from Houston Street; and

C The applicant did not present a sample or rendering of the barrier material enclosure and gave only a vague oral description; now

Therefore be it resolved that CB2, Man. recommends approval of the application provided that staff review the barrier enclosure materials to ensure that they are discreet and are not reflective.

Vote: Unanimous, with 35 Board members in favor.

5. *102 Greenwich Ave. – Application is to legalize the installation of 2 new bulkheads and 2 decks at the rooftop without LPC permits.

Whereas:

The applicant did not appear before the Committee as scheduled; now

Therefore be it resolved that CB2, Man. recommends that the Commission not hear the application until the application has been reviewed by CB2 and it has made a recommendation to the Commission.

Vote: Unanimous, with 35 Board members in favor.

6. *375 W. Broadway – Application is to install an ADA chairlift at the Wooster St. entrance (amended application previously approved by LPC).

Whereas:

A The applicant is seeking approval of a lift to be incorporated into a modified design for the reconstructed loading dock at the Wooster Street side which was previously approved; and

B The lift is to be installed at the south end of the loading dock and to be accommodated by foreshortening the dock from the approved design; and

C The applicant presented an inaccurate elevation drawing and only vague oral descriptions of the lift's appearance; now

Therefore be it resolved that CB2, Man. recommends approval of the application provided that staff determine from accurate drawings that the railing and screening are of an appropriate design for the building and that the lift is of an acceptable appearance.

Vote: Unanimous, with 35 Board members in favor.

7. *2-6 Washington Pl. - Application is to upgrade and install mechanical equipment on the roof.

Whereas:

A There is considerable equipment on the roof and the applicant represented that the equipment to be installed is the minimum height available for the necessary purpose; and

B The additional equipment does not change the general appearance of the roofscape; and

C The equipment is not visible from points close to the buildings; and, though there is clear visibility from Washington Square Park, Washington Place and Mercer Streets is distant and not objectionable; now

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

Vote: Unanimous, with 35 Board members in favor.

8. ***56 Bank St. – Application is to lower cellar and basement levels; replace front windows, door and repair the front façade; replace existing brick at rear, and reconfigure openings at the rear façade; and construct a roof addition, extend flues, chimney and top railing.**

Whereas:

A A highly visible fourth story addition, a highly visible guard rail set back 1’ from the facade, and an inordinately high chimney extension are proposed; and

B It is not clear that the chimney is of sufficient height to conform to code on account of the height of the neighboring building; and

C The rooftop addition, chimneys, and railing are clearly and objectionably visible from public thoroughfares; and

D The front facade is to be restored and the windows are to be replaced in kind and two small windows are to be added to the alley wall, and

D The areaway and its stairs are to be modified with a reasonable design; and

E A new gate under the stairs and the left stair railing proposed is not depicted with drawings or pictures of examples and the oral descriptions were vague; and

F The rear facade basement and parlor floors are to have extensive windows and the rear extension windows are to be changed with a variety of sizes and shapes and are almost totally hidden in a recess; and

G There is very considerable excavation in the cellar and the garden area; and

H The changes to the garden resulting from excavation and rebuilding are not objectionable; now

Therefore be it resolved that CB2, Man. recommends:

A Denial of the rooftop addition, the chimney extensions, and the placement of the railing; and

B Approval of the windows and front facade restoration; and the rear facade, rear windows and garden modifications.

C Approval of the front gate and railing provided that drawings and/or photographs are presented to staff and are reviewed by them to ensure that they are suitable to the building; and

D Approval of the excavations provided that the usual care is taken to ensure the integrity of the building and the neighboring buildings.

Vote: Unanimous, with 35 Board members in favor.

9. *137 W. 13th St. - Application is to convert to single family; lower cellar and basement levels; replace front windows and door, restore front brick and cornice, repair and restore front steps and basement; replace existing rear brick wall and windows, change 2nd story rear window to door, construct 4'-0" rear addition on the basement and 1st story; and partial 4th story addition, remove unused flues and install new flue and exhaust vents; install railings on the existing roof level.

Whereas:

A The building has been stripped of its original window detailing, the top floor windows altered and now cut into the wooden cornice and the rear facade is represented as not being original; and

B The application to restore the front facade to its historic condition, including proposed changes to the areaway, relocation of the top floor windows to their original position, and restoration of the lintels and cornice, was missing critical drawings and certain details were not presented; and

C The applicant presented photographs that intended to show visibility of the rooftop addition, flues, and railing; however the photographs presented had leaves on the trees that completely obscured the area of the building's roof and therefore made it impossible to determine the visibility of the additions; and

D The applicant represented that a new mockup was being installed and was not yet completed and photographed for consideration and therefore the application was brought prematurely; and

E The French windows at the front parlor are typical of the style of building and the neighborhood, however, French windows are not correct for the basement level and the upper floors, where double hung four over four windows are historically correct; and

F The rear extension of the basement and parlor floors and the modification of the extension are not objectionable and the restoration of the upper stories returns these areas to their original condition; and

G The cellar and rear yard excavation does not disturb the historic character of the building, however care must be taken to ensure the structural integrity of this building and the neighboring buildings; now

Therefore be it resolved that CB2, Man. recommends:

A Approval of the overall front facade restoration provided that the windows in the basement and upper two stories are double hung; and

B Approval of the areaway and iron work on the condition that staff is provided with detailed drawings and reference photographs to ensure that the historic character of the building is preserved; and

C Denial of the rooftop addition, flue extension and railing unless a correct mockup is built and photographed to show visibility from all possible vantage points and that staff views the photograph and visited the site to ensure that none of these is more than minimally visible, as defined in the LPC regulations; and

D Approval of the rear facade, garden and excavation provided that care is taken with the excavation to ensure the structural integrity of this building and the neighboring buildings.

Vote: Unanimous, with 35 Board members in favor.

QUALITY OF LIFE

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

Northwest Corner of East 4th Street and Cooper Square, in front of 2 Cooper Square (1095-2018-ANWS) Applicant: Mahabuba N. Rina

Whereas, the area was posted, community groups notified, and the applicant was present; and

Whereas, no member of the public appeared to speak in favor or opposition to this application and the application appears to comply with all clearance requirements and city regulations; and

Whereas, this area is currently without a newsstand for many blocks and this stand is adjacent to a large residential building and gym that will provide pedestrian traffic to this stand; now

Therefore Be It Resolved that CB2, Man. recommends **approval** for a newsstand at 2 Cooper Square.

Vote: Unanimous, with 35 Board Members in favor.

2. Presentation regarding proposed locations for LinkNYC kiosks:

Whereas, NYC Department of Information Technology & Telecommunications (DoITT) and their franchisee, CityBridge, are continuing the installation of LinkNYC kiosks throughout New York City; and

Whereas, most of the existing 1,300 kiosks replaced outdated phone booths and were installed “as-of-right” but the proposed kiosks are to be installed along commercial corridors and will not be replacing phone booths; and

Whereas, each LinkNYC kiosk provides free high-speed WiFi, free nationwide calling, a dedicated 911 button, free charging ports for mobile devices, and free access to maps, 311, and the Community Board Website of which it is located; and

Whereas, LinkNYC, since the first installation of these kiosks, has reduced the volume on kiosks by 50% at night, added dimmers to the advertising screens that react to ambient light, removed the internet browser from the tablet in order to minimize loitering, and added community board, weather, and transit information to the tablet, and offers free advertising for local businesses, events, and arts offerings; and

Whereas, there are two different sized LinkNYC kiosks, the smaller size does not include the two 55 inch advertising screens and the Board received two emails from the community with concerns that the larger size kiosks would have a negative effect on the landmarked historic districts inCB2, Man.; and

Whereas, DoITT and CityBridge propose 13 kiosk locations throughout CB2, Man. at the following locations and we ask that the applicant consider the comments following each location when installing the proposed kiosks:

- 121 6th Ave.
 - Please consult with the Hudson Square Connection BID about this location.
- 15 7th Ave. South
 - This location is adjacent to a sidewalk café that is not currently in operation but most likely will be used in the future and therefore the kiosk should not be installed directly opposite the footprint of the sidewalk café and the smaller size kiosk should be considered for this location.
- 155 6th Ave.
 - Please consult with the Hudson Square Connection BID about this location.
- 169 Bleecker St.
 - The sidewalk at this location is crowded with both pedestrians and other obstructions and the smaller kiosk only should be used at this location.
- 33 Greenwich Ave.
 - This location is adjacent to an enclosed sidewalk café and therefore the kiosk should not be installed directly opposite the enclosed sidewalk café.
- 417 Canal St.
- 503 Broadway
- 601 Hudson St.
 - The smaller version of the kiosk should be used at this location due to the historic nature of this block.
- 61 7th Ave. South
 - This location is adjacent to a sidewalk café and therefore the kiosk should not be installed directly opposite the sidewalk café and the smaller kiosk should be considered at this location.
- 75 Carmine St.
- 75 Greenwich Ave.
 - This location is adjacent to a sidewalk café and therefore the kiosk should not be installed directly opposite the sidewalk café and the smaller kiosk should be considered at this location.
- 76 Greenwich Ave.
 - This location is adjacent to the NYC AIDS Memorial and therefore the smaller version of the kiosk should be installed at this location in order to protect the solemnity of the area.
- 81 University Place

Therefore Be It Resolved that CB2, Man. recommends **approval** for LinkNYC Kiosks at the above locations, provided that NYC DoITT and CityBridge consider the above comments when installing such kiosks; and

Therefore Be It Resolved that only the small profile units will be placed within historic districts and on Carmine St. and on University Place.

Vote: Passed, with 24 Board Members in favor, and 11 in opposition. (T. Bergman, C. Booth, A. Brandt, E. Coler, T. Connor, K. Faccini, S. Gammie, R. Goldberg, S. Russo, S. Smith, E. Young).

3. New Applications for revocable consents to operate an unenclosed sidewalk café for:

SoHo Market & Beer Merchants Inc., d/b/a Beerzaar NYC, 213 6th Ave. between King and Charlton Sts. with 10 tables & 26 chairs (19658-2017-ASWC)

Whereas, the applicant's original application requested approval for 10 tables and 32 chairs which created a clearance issue with an existing lamppost; and

Whereas, the applicant agreed to amend its application and is now requesting approval for 10 tables and 26 chairs which will eliminate the clearance issue, and

Whereas, the applicant offers a wide variety of craft beers and wine as well as a selection of tapas with a focus on local breweries and all food, wine, and beer will be served by wait staff in the sidewalk café; and

Whereas, the applicant agreed that the sidewalk café would operate from 4 pm to 10 pm, Sunday-Wednesday and from 4 pm to 11 pm, Thursday-Saturday; and

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

Whereas, two members of the community appeared in opposition to this application citing opposition to public sidewalks being used to “market alcohol;” and

Whereas, several members of the community appeared to speak in support of this application citing the applicants history as a wonderful neighbor who has been attentive to any concerns and the applicant presented a petition signed by restaurant patrons and neighbors in support of this application; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café for **SoHo Market & Beer Merchants, Inc., d/b/a Beerzaar NYC at 213 6th Avenue** with 10 tables and 26 chairs (19658-2017-ASWC), provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements..

Vote: Unanimous, with 35 Board Members in favor.

OIDIA LLC, d/b/a Sherry B Dessert Studio, 643 Hudson St. between Gansevoort and Horatio Sts. with 6 tables & 12 chairs (881-2018-ASWC)

Whereas, the applicant has operated a similar establishment in Chappaqua, NY for many years and offers mostly desserts, dessert cocktails, and light savory snacks; and

Whereas, the applicant appeared before this Board’s SLA committee in June 2017 and confirmed that it intended to comply with all stipulations to which it agreed including the stipulation that the sidewalk café would not operate past 8 pm from Sunday-Wednesday and would not operate past 10:30 pm from Thursday-Saturday, and confirmed that all sidewalk café furniture, including the railings, would be stored in the cellar of the establishment when the sidewalk café was closed; and

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

Therefore Be It Resolved that CB2, Man. recommends approval of a sidewalk café for **OIDIA LLC, d/b/a Sherry B Dessert Studio at, 643 Hudson St. with 6 tables and 12 chairs (881-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 35 Board Members in favor.

4. FYI Sidewalk Café Renewals:

PB Hudson LLC, d/b/a Pizzeria Brunetti, 626 Hudson Street, with 4 tables and 8 chairs (2023400-DCA).

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

Vote: Unanimous, with 35 Board Members in favor.

5. Street Activity Applications

Friday, March 23, 2018 – Annual Triangle Shirtwaist Fire Commemoration (Sidney Hillman Foundation) **1.** Greene Street between West 4th Street and Waverly Place, **2.** Washington Place between Washington Square East and Mercer Street.

Whereas, two members of the community appeared to speak against the growing size and tenor of the event; and

Whereas, the applicant vowed to make every effort to keep the event, which includes a symbolic raising of a ladder from a fire truck during the commemoration of the 146 men, women, and children lost during the tragedy, dignified and respectful; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the Annual Triangle Shirtwaist Fire Commemoration, **1.** Greene Street between West 4th Street and Waverly Place, **2.** Washington Place between Washington Square East and Mercer Street on March 23, 2018.

VOTE: Passed, with 31 Board members in favor and 4 in opposition (K. Berger, S. Secunda, S. Smith, E. Young).

Fridays, Saturdays, and Sundays from May 25 to September 9, 2018 – Little Italy Merchants Assoc.: Little Italy Pedestrian Mall; **1.** Mulberry Street between Canal and Broome Sts., **2.** Hester Street between Mott and Baxter Sts.

Whereas, the Mulberry Mall began as a tourist attraction in 1996 to attract shoppers and diners to the community; and

Whereas, in the aftermath of 9/11 this event served to reinvigorate the neighborhood economy and boost tourism in general; and

Whereas, several business owners appeared at last year's hearing to ask for changes to be made to the location of the mall, however, the applicant stated that all issues had since been rectified and no member of the community came to speak in opposition to this year's application; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the **Little Italy Merchants Assoc.: Little Italy Pedestrian Mall;** on **1.** Mulberry Street between Canal and Broome Sts., **2.** Hester Street between Mott and Baxter Sts. on Fridays, Saturdays, and Sundays from May 5, 2018 through September 9, 2018.

VOTE: Unanimous, with 35 Board members in favor

Sunday, June 17, 2018 – Portuguese SoHo Block Festival (Arte Institute); Sullivan Street between Spring and Prince Sts.

Whereas, this is the 4th annual event celebrating the history and cultural presence of Portuguese immigrants in this community; and

Whereas, the event was moved from Thompson Street to Sullivan Street last year and was a great success and was well received and will again feature family group arts and crafts activities, poetry readings, some food samples made by participants (no food trucks) and Portuguese song and dance; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the **Portuguese SoHo Block Festival** on Sullivan Street between Prince and Spring Strs on June 17, 2018.

VOTE: Unanimous, with 35 Board members in favor.

Sunday, September 2, 2018 – Village Crosstown Trolley, Astor Place Festival; Astor Place between Boadway and Lafayette Sts.

Whereas, the applicant has held this event for some twenty years to distribute literature in hopes of raising awareness and gaining support for his vision of a light rail system between E.10th Street, St. Marks Place and the 8th Street corridor via Christopher street; and

Whereas, CB2, Man. has previously denied this same applicant; and

Whereas, members of the committee were supportive of the idea of alternative modes of transportation, but felt that closing down a city block for an annual fundraiser was not in the best interest of the neighborhood; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of the **Village Crosstown Trolley, Astor Place Festival** on Astor Place between Broadway and Lafayette Sts. on September 2, 2018.

VOTE: Passed, with 28 Board members in favor and 7 opposed (S. Russo, L. Cannistraci, E. Young, S. Secunda, T. Conner, T. Cude, J. Gallagher)

Monday, September 10 – Monday, September 24, 2018 – Figli di San Gennaro: 92nd Annual Feast of San Gennaro, 1. Mulberry St. between Canal St. and East Houston St., 2. Grand St. between Mott St. and Centre St., 3. Hester St. between Mott St. and Centre St.

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

Whereas, the applicant stated that last year's Feast attracted the largest crowd in many years and therefore the applicant has devised new trash removal plans that will include many more trash haulers and the installation of small dumpsters located at the end of corridors to better efficiently collect trash as the festival is in operation; and

Whereas, the applicant stated that an auxiliary stage located at Hester and Baxter Streets that was used last year has been eliminated in order to contain unnecessary sound; and

Whereas, in response to questions from the community, the applicant explained that all spray paint markings are made in compliance with city regulation in order to signal fire hydrant and Siamese connection locations; and

Whereas, the applicant stated that, as in previous years, a private sanitation company will be hired for trash removal during the duration of the feast; and

Whereas, a resident of 227 Mulberry appeared and indicated that the event causes some annoyances to residents of her building, including the smells that waft through her building and the hardship of not having access to the buildings garage between the hours of 9 am and 9 pm; and

Whereas, the applicant and the resident who appeared had a constructive conversation about the ways the applicant could help in easing some of the hardships of the residents of 227 Mulberry by ensuring that no food vendors would be sited outside this building and more consistent access would be made to the building's garage; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the **Figli di San Gennaro: 92nd Annual Feast of San Gennaro** on 1. Mulberry St. between Canal St. and East Houston St., 2. Grand St. between Mott St. and Centre St., 3. Hester St. between Mott St. and Centre St.

VOTE: Unanimous, with 35 Board members in favor.

FYI/Renewal Street Activities:

- **5/5/18 – PS 130 Health and Family Day**, Hester St. between Baxter St. and Mulberry St.
- **5/5/18 – PS3 (The John Melser Charette School): Spring Fling 2018 Block Party**, Grove St. between Bedford St. and Hudson St.
- **6/1/18 – 6/3/18 – 2018 World Science Festival Street Science**, 1) Washington Square South between MacDougal St. and Washington Square East, 2) West 4th St. between Washington Square East and Mercer St., 3) Sullivan St. between Washington Square South and West 3rd St., 4) LaGuardia Place between Washington Square South and West 3rd St.
- **7/7/18 – NAAP-NY 16th Annual Arab-American Street Festival**, Great Jones St. between Broadway and Lafayette St.
- **8/18/18 – United Methodist Church of the Village Festival**, West 13 St. between 7th Ave. and Greenwich Ave.
- **9/14/18 – Children's Museum of the Arts Inc.: Children's Museum Charlton Street Festival**, Charlton St. between Varick St. and Hudson St.

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

VOTE: Unanimous, with 35 Board members in favor.

SLA LICENSING

1. **Laduree Soho, LLC d/b/a Laduree, 396-398 W. Broadway (OP - Renewal)**

i. **Whereas**, at the request of CB2 Man.'s SLA Committee a Manager appeared with the licensee's attorney for the renewal of its existing on premise license (Lic. #1275681, exp. 2/28/2018) because persistent complaints by neighbors arising from the operator's use of a backyard garden have continued at this location for four years commencing immediately after the inception of the license; and

ii. **Whereas**, when the licensee initially appeared before CB2, Man. in June/2013 for its existing on premise license (the application having been subject to the 500-foot rule requiring the applicant to meet the public interest standard), it had already meet with approximately 15 neighborhood residents living adjacent to the rear yard to discuss closing hours and noise mitigation as it relates to the outdoor space, the rear garden space being 2,400 Sq. ft. in size, uncovered and open, where there is a large exterior stand up bar with 15 seats, 50 exterior tables with 100 exterior patron seats, and where there are French doors extending through much of the rear façade of the premises leading to the rear yard; and

iii. **Whereas**, after meeting with its neighbors the licensee thereafter presented a method of operation to use the outdoor yard to operate the ancillary rear yard in conjunction with a restaurant, tea salon and chocolatier business; and after extension discussions and deliberations executed a stipulations agreement with CB2, Man. that was attached and incorporated to their method of operation on their license and the stipulations were as follows:

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

iv. **Whereas**, after the outdoor garden opened during the warmer seasonal months in the exterior rear yard, the outdoor rear yard remained open past midnight and beyond the licensee's agreed upon hours of operation, with its staff loitering in the exterior areas even later into the early morning hours, drinking, smoking and making noise as late as 3 AM in the exterior rear yard, where music levels in the rear yard were also excessive, invasive, loud and could be heard even after residents had closed their windows, where the doors from the restaurant were also left open past midnight, where DJs were used for events and large parties and where a Mariachi band had played, all in derogation of Laduree's prior stipulation agreement with its neighbors, with CB2, Man. and with the NYS SLA; and,

v. **Whereas**, because the late-night noise, music and parties in the outdoor rear yard generated numerous complaints by the adjacent neighbors to the licensed business and to CB2 Man., CB2 Man.'s SLA Committee requested the licensee to appear for the renewal of its existing license two years later in February/2016, the licensee appearing before CB2, Man. with his attorney, at which time 14 residents living adjacent to the premises appeared in opposition to the renewal of Laduree's license; and,

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

vii. **Whereas**, when the licensee appeared before CB2, Man. in 2016 it conceded and acknowledged that it had installed exterior speakers throughout the exterior garden even though it had previously agreed and stipulated not to have amplified music in the exterior rear yard, that it had been operating in the outdoor rear yard until midnight on Wednesday and Thursdays and until 1 AM on Friday and Saturday, where large parties and promoted events had taken place along with a designated exterior smoking area, all in derogation of its agreed upon method of operation; and,

viii. **Whereas**, based on the above-referenced problems and complaints regarding the licensed use and occupancy of the rear yard with large parties and events with excessive levels of noise and music, CB2, Man. proposed to the licensee in 2016 that it remove all its exterior speakers from the rear yard, to refrain from permitting any further special events and private parties in the rear yard at any time, to prohibit smoking and to close the rear yard by 10 PM every night; and

ix. **Whereas**, despite such proposals, and a recommendation in February/2016 from CB2, Man. to the NYS SLA requesting that the NYS SLA deny the license renewal application and to investigate the ongoing complaints and the licensee's failure to abide by its agreed upon method of operation, no known investigation was ever performed on behalf of the NYS SLA even though residents from the immediate neighborhood continued to lodge complaints regarding the outdoor rear garden directly to the NYS SLA and Manhattan's NYPD 1st Precinct; and,

x. **Whereas**, because the license never removed the outdoor speakers from the rear yard and continued to play, loud and invasive amplified music in the exterior rear yard CB2, Man. again requested the licensee to appear upon its second renewal, when a group of neighborhood residents appeared (for a third time) asking for relief from the amplified, pounding music and late-night noise emanating from the outdoor rear yard, an 84 year-old woman also appearing and speaking of an additional incident on September 28, 2017 whereat she was assaulted and hit on her wrist by the licensee after she asked him to turn down the music in the outdoor yard, the licensee admitting to the use of DJs that evening, resulting in the NYPD being called and appearing at the premises; and,

xi. **Whereas**, the licensee's use of amplified music and the installation of speakers in the rear yard is in clear derogation of its previously agreed upon method of operation, the same attorney (appearing in 2016 and again in 2018) being fully knowledgeable in liquor licensing, the licensee being told repeatedly

over a number of years to cease operating in this manner with DJs, entertainment music levels, promoted events while repeatedly subjecting the surrounding community to loud, prohibited and objectionable late night operations in the rear yard; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends that NYSLA investigate the noise complaints and to take all appropriate measures, including enforcement proceedings against **Laduree Soho, LLC d/b/a Laduree, 396-398 W. Broadway**, if necessary, to insure that the Licensee operate within its agreed upon method of operation in the rear outdoor yard to prevent any further late night intrusions, removal of the outdoor speakers and use of DJs and/or music being played at entertainment levels, as more fully described herein; and.

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

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

Vote: Unanimous, with 35 Board members in favor.

2. 164 Mulberry Street Corp., d/b/a Da Nico, 164 Mulberry St. 10013 (OP – Restaurant)

i. Whereas, the Applicant and his Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a corporate change of an existing Restaurant on premise license SN# 1025413 (Exp: 5/31/19) to continue to operate a full-service restaurant specializing in Italian fare within a mixed use five-story building on Mulberry Street between Grand & Broome Streets in Little Italy; and,

ii. Whereas, the attorney for the applicant appeared, the corporate change being prompted by a death of a family member in what is described as a family-operated business, the President (Nicholas Criscitelli) will continue to own (100%) and operate the Restaurant, the method of operation as a full service Italian Restaurant will remain the same and will not be changing; and,

iii. Whereas, the existing/current method of operation is a full-service restaurant operating within a roughly 3,200 sq. ft. premise (ground/first floor 1,200 sq. ft., 2nd Floor 2000 sq. ft.); there being 72 table patron seats on the first floor, 72 table patron seats on the second floor, one bar with two seats for a total interior patron occupancy of 146 within the restaurant, no TVs, three bathrooms, as well as 2000 sq. ft. rear yard (which according to a certificate of occupancy limits eating/drinking to dining only in the summer) with 90 additional exterior patron seats, existing French doors on the front façade and sidewalk café; and

iv. Whereas the interior hours of operation will continue to be from 12 PM to 11 PM Sunday through Thursday and from 12 PM to 12 AM Fridays and Saturdays, music will be quiet background only with no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and

v. **Whereas**, the exterior rear garden will continue to be for dining purposes only, there will be no music in the rear yard and it will close by 10:30 PM Sunday through Thursday and by 11:00 PM Fridays and Saturdays (no patron or staff will be rear yard after closing and all lighting will be turned off), the sidewalk café will also close by 10:30 PM and all doors and windows will be closed by 10 every night; and.

vi. **Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their Restaurant On Premise license and the stipulations are as follows:

1. The licensed premises will be advertised and operated as a family operated Italian Restaurant.
2. The hours of operation will be from 12 PM to 11 PM Sunday through Thursday from 12 PM to 12 AM on Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have not have televisions.
5. The premises will not permit dancing.
6. The backyard garden will be for dinning purposes only, there will be no music and will operate no later than 10:30 PM Sunday through Thursday and 11:00 PM Fridays and Saturdays (no patron or staff will be rear yard after closing and all lighting will be turned off).
7. The sidewalk café will close by 10:30 every evening.
8. All doors and windows will be closed by 10 PM.
9. The premises will play quiet ambient, recorded background music only.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. There will be no unlimited food and drink specials, "boozy brunches, or pitchers of beer.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an on premise license to **164 Mulberry Street Corp., d/b/a Da Nico, 164 Mulberry St. 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Tavern Wine License.

Vote: Unanimous, with 35 Board members in favor.

3. Suri Restaurant Corp. d/b/a BARI, 417 Lafayette St., 1st Floor 10003 (New OP – Restaurant)

i. **Whereas**, the applicant and his attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new on-premise liquor license to operate a full-service "Japanese-Korean food-centric restaurant" in a nine-story 1910 mixed-use building on Lafayette Street between East 4th Street and Astor Place in the NoHo neighborhood; and,

ii. **Whereas**, the premises is a 4,000 sq. ft. ground floor storefront that has previously been licensed; there are 30 tables and 130 table seats and one (1) sushi bar counter with nine (9) seats, for a total of 139 seats, there is no outdoor seating; and,

iii. **Whereas**, the premises (Block 544, Lot 12) are zoned M1-5B and are further within the NYC Landmarks Preservation Commission's designated NoHo Historic District, and proposed use appears to conform to zoning requirements, and a Certificate of Occupancy was presented; and,

iv. Whereas, the hours of operation will be Sunday 11AM to Midnight, Monday to Thursday 11AM to Midnight, and Friday and Saturday 11AM to 1AM (all patrons will be cleared from the premises and no patrons will remain after stated closing time), all doors 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 scheduled performances or cover fees, no velvet ropes, no movable barriers; 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 restaurant wine license stating that:

1. Premise will be advertised and operated as a “Japanese-Korean food-centric restaurant.”
2. The hours of operation will be: Sunday 11AM to Midnight, Monday to Thursday 11AM to Midnight, and Friday and Saturday 11AM to 1AM.
3. Will operate full service restaurant, specifically 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 any outdoor area for commercial purposes.
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 10 p.m. 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 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 not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/ door staff.

vi. Whereas, this application being subject to the 500-foot rule, requiring the applicant to demonstrate whether the public interest of the community would be served by the granting of the license, there being 11 on premise licenses within 500 ft. of the premises, 23 on premise licenses with 750 ft. of the premises, with 7 additional pending liquor license applications for the same geographic area but not including the additional existing beer/wine licenses within this same area; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a corporate change for the existing restaurant wine license for **Suri Restaurant Corp. d/b/a BARI, 417 Lafayette St., 1st Floor 10003 (OP – Restaurant)** 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 O.P. License.

Vote: Unanimous, with 35 Board members in favor.

4. Corp. to be formed by Louis Levy d/b/a Babs, 72 MacDougal St., 1st Floor 10012 (New OP – Restaurant)

i. **Whereas**, the applicant and his attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new on-premise liquor license to operate a full-service “family restaurant serving breakfast, lunch, and dinner” and “emphasizing locally sourced wines” in a one story 1958 commercial building on MacDougal Street at the corner of Houston Street in the Greenwich Village neighborhood; and,

ii. **Whereas**, the premises consist of a 1,200 sq. ft. ground floor storefront and a 200 sq. ft. basement for a total of 1,400 sq. ft.; there are 14 tables and 47 table seats and one (1) bar with nine (8) seats, for a total of 55 seats, there is no outdoor seating, applicant will replace existing operable windows with French doors; and,

iii. **Whereas**, the premises (Block 526, Lot 84) are zoned R7-2, proposed use appears to conform to zoning requirements, and a Letter of No Objection has been obtained for the Certificate of Occupancy; and,

iv. **Whereas**, the hours of operation will be Sunday and Monday 8:30AM to 1AM and Tuesday to Saturday 8:30AM to 2AM (all patrons will be cleared from the premises and no patrons will remain after stated closing time), 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 scheduled performances or cover fees, no velvet ropes, no movable barriers; 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 restaurant wine license stating that:

1. Premise will be advertised and operated as a “family restaurant serving breakfast, lunch, and dinner.”
2. The hours of operation will be: Sunday and Monday 8:30AM to 1AM and Tuesday to Saturday 8:30AM to 2AM. 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 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 have a sidewalk café now or in the future. Will not operate any outdoor area for commercial purposes.
7. Will play quiet ambient, recorded background music only.
8. Will close all doors & windows at 10 p.m.
9. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
10. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
11. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades.

vi. **Whereas**, this application being subject to the 500-foot rule, requiring the applicant to demonstrate whether the public interest of the community would be served by the granting of the license, there being 24 on premise licenses within 500 ft. of the premises, 69 on premise licenses with 750 ft. of the premises, with 7 additional pending liquor license applications for the same geographic area but not including the many existing beer/wine licenses within this same area; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a corporate change for the existing restaurant wine license for **Corp. to be formed by Louis Levy d/b/a Babs, 72 MacDougal St., 1st Floor 10012 (OP – Restaurant)** **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 O.P. License.

Vote: Passed, with 34 Board members in favor, and 1 recusal (D. Gruber).

5. A Company to be formed by the Gjelina Group, d/b/a TBD, 45 Bond St. 10012 (New OP – Restaurant)

i. **Whereas**, the applicant and applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license to operate a “modern upscale restaurant serving farm-to-table fare with an emphasis on seasonal, indigenous ingredients and the ‘whole beast’”; and,

ii. **Whereas**, the proposed licensed premises is located on three floors within a mixed use 6 story loft building built in 1899 located midblock on Bond St. between Lafayette St and Bowery for a roughly 4,300 sq. ft. premise (1,700 sq. ft. ground floor, 1,200 Sq. ft. basement and 1,400 sq. ft. second floor) with 45 tables and 109 table seats and 2 standup bars (ground floor with 8 seats and second floor with 4 seats), a kitchen food counter with an additional 6 seats for a total of 127 interior seats, five bathrooms, no TVs; and,

iii. **Whereas**, while these premises were previously licensed as a full service restaurant for eating and drinking in the past, the applicant is planning to gut-renovate the entire space while also adding the second floor to the licensed premises, the second floor not being previously operated for eating and drinking in the past adding additional patron capacity that did not previously exist, there being questions about whether there is a proper certificate of occupancy for such use on the second floor, the applicant also planning on having operable windows where none previously existed; and,

iv. **Whereas**, this application does not include a sidewalk café but the applicant agreed with the local neighborhood to hold off on seeking a café permit for one year after opening, there being no other outdoor areas for patrons, there will be no benches on the sidewalk, there are no plans to alter the front storefront façade to add operable windows or doors, there is an Certificate of Occupancy which states the maximum occupancy is 143 permitting eating and drinking on the basement and first floor levels but not on the second floor, the occupancy proposed requiring a Place of Assembly Permit; and,

v. **Whereas**, the proposed hours of operation will be Sunday to Wednesday from 8am to 1am and Thursday to Saturday from 8am to 2am (No patrons shall remain after the closing hour), music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 9 p.m. except for patron ingress and egress, there will be no dj, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

vi. Whereas, the Applicant has previously met with the Noho Bowery Stakeholders, as well as the residents living in the immediate and adjacent residential buildings to the proposed licensed premises, a number of agreements discussed and issues reviewed where there was some agreement, concessions on the part of the applicant, including an installation of new rooftop mechanicals and venting, that issue being a significant problem in the past for residents, but where there continued to be significant disagreement as to the lateness of the hours of operation proposed seeking 1 AM and 2 AM midblock on a block that has transformed with a number of new residential buildings built over the last decade giving the immediate area and block a much larger and concentrated residential presence; and,

vii. Whereas, while this same Applicant has appeared before CB2, Man. in the past resulting in a deny/unless resolution in April/2016, with stipulations and with the existing hours of operation, the applicant did not move forward with the prior proposal and now has presented a new applicant with significant changes seeking to add the second floor, the increased patron occupancy and operable windows, as well as the on-going opposition by the local residents living thereat, who have indicated that they would be agreeable to a restaurant at the premises albeit with “restaurant hours” closing no later than midnight, the other restaurants in the immediate area having closing hours at midnight; and,

viii. Whereas, this application being subject to the 500 foot rule, requiring the applicant to demonstrate whether the public interest of the community would be served by the granting of the license, there being 23 on premise licenses within 500 ft. of the premises, 47 on premise licenses with 750 ft. of the premises, with 3 additional pending liquor license applications for the same geographic area but not including the many existing beer/wine licenses within this same area; and,

ix. Whereas, the Applicant was not willing to compromise on the lateness of his restaurant hours; in light of this, CB2, Man. has presented stipulations for consideration below that might conceivably allow for the creation of public interest by mitigating the impacts the issuance of this new license might have and that represent a balance between residents and the operator; and,

x. Whereas, should the Liquor Authority consider granting this license in light of the above outlined issues and over CB2’s recommendation of Denial, CB2, Man. respectfully requests that the following stipulations/conditions be imposed on the license if the applicant does not otherwise agree to them:

1. The premises will be advertised and operated as a “modern upscale restaurant serving farm-to-table fare with an emphasis on seasonal, indigenous ingredients and the ‘whole beast’” and will operate at all times as a full service restaurant.
2. The hours of operation will be Sunday to Thursday from 8am to 12am and on weekends (Friday and Saturday) from 8am to 1am. 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; the premises will not have televisions.
4. The premises will not permit dancing.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
6. There is no sidewalk café included with this application. Any future application for a sidewalk café will not be presented one year after opening (albeit there being no guarantees set forth herein as to approval of any sidewalk café application by CB2, Man. or the recommendation of approval of alcohol service within any future sidewalk café).
7. The premises will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences at anytime. Licensee will install sound limiters and conduct with adjoining

residential buildings to each side and behind a commissioning sound test in order to ensure that the sound limiters are calibrated properly so that no music is audible in adjoining residential buildings.

8. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. There will be no operable French doors or operable windows on the ground floor, the front door will be closed by 9pm every night and anytime there is music; all windows on the 2nd floor will remain closed at all times; and,
10. The establishment's personnel will manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk immediately in front of and adjacent, and to additionally keep that portion of the sidewalk immediately in front clean during all hours of operation; emphasis will be made to take steps to ensure patrons do not congregate or smoke in front of adjoining residential buildings.
11. Licensee will maintain a reservation system for patrons at all times. Any walk in guests who are unable to be accommodated or guests for whom tables are not yet ready and who are unable to be hosted within the restaurant will not be permitted to queue or loiter in front of the establishment, but will instead be contacted by cell phone or other electronic means by the Licensee when their seating is available. All conversations regarding seating and accommodation of guests with Restaurant staff will occur inside the restaurant. At all times, the licensee will use best practices to mitigate any quality of life issues, excess noise or traffic issues in managing their patrons as they come and go.
12. Licensee will abide by all the regulations of the Department of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage, modifications and design.
13. Licensee agrees to maintain its mechanical systems to provide industry standard venting and equipment that will minimize and/or prevent kitchen-related venting sound and odors and that will at all times comply with NYC Noise Code and Sound regulations.
14. Will not have unlimited drink or unlimited food & drink specials. Will not advertise or have "boozy brunches". There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. There will be no patron use/service in the basement spaces.
16. Licensee will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein. This also includes the addition of any future sidewalk café, which is not included in this application.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the presented application seeking a new restaurant on-premise liquor license for **A Company to be formed by the Gjelina Group, d/b/a TBD, 45 Bond St. 10012**; and,

THEREFORE BE IT FURTHER RESOLVED that should this new restaurant on-premise liquor license application be considered by the Liquor Authority, CB2, Man. respectfully requests that after a 500 ft rule hearing is conducted, that this item be Calendared to appear before the Full Board of the Liquor Authority; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the Liquor Authority, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. respectfully requests that the Liquor Authority make a condition of approval the stipulations and conditions as set forth above.

Vote: Unanimous, with 35 Board members in favor.

6. **MJJMJ, Inc., d/b/a Denino’s Pizzeria & Tavern, 93 MacDougal St. 10012 (OP – Corporate Change).**

i. **Whereas,** the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a corporate change for an existing restaurant on premise liquor license to continue to operate a “family restaurant serving Pizza and Italian Food; and,

ii. **Whereas,** the method of operation as a full-service restaurant will remain the same, the restaurant being located in a mixed use 6-story loft building (Circa. 1900) located on the ground floor and basement on MacDougal St. between West 3rd and Bleecker Sts. within a roughly 2,500 sq. ft. premise (1,600 sq. ft. ground floor and 900 sq. ft. basement and no patron use of basement) with 19 tables and 52 table seats and 1 standup bar with 10 seats for a total of 62 interior seats, the restaurant operates with an existing a sidewalk café on the public sidewalk directly in front of the premises and there being no other outdoor areas for patrons; and

iii. **Whereas,** the interior hours of operation will be Sunday to Thursday from 11AM to 1AM and from 11 AM to 2 AM on Fridays and Saturdays (No patrons shall remain after the closing hour), the sidewalk café will close by 10 PM every night, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10 p.m. except for patron ingress and egress, there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be 2 small TV’s; 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 the stipulations are as follows:

1. The premises will continue to be advertised and operated as a full service restaurant with a full service kitchen serving Italian food.
2. The interior hours of operation for the restaurant will be from 11:00 AM to 1:00 AM Sunday through Thursday and from 1100 AM to 2:00 AM Fridays and Saturdays.
3. There will be no outdoor areas other than the licensed sidewalk café located on the public sidewalk directly in front of the premises.
4. There will only be table service to the sidewalk café and the sidewalk café will close by 10 PM every night.
5. No French or accordion style doors will be installed at the premises and the applicant will close all exterior doors or windows by 10 PM every night.
6. Music will be quiet, background level inside the restaurant and there will be no live music, DJs, promoted events, scheduled performances or any events for which a cover fee is charged
7. There will be two small televisions which will operate without sound and the premises will never operate as a Bar, Tavern or Sports Bar.
8. There will be no dancing.
9. There will be no boozy brunches or unlimited all you can eat/all you can drink specials.
10. Will not have Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades.

v. **Whereas**, this application being subject to the 500-foot rule, requiring the applicant to demonstrate whether the public interest of the community would be served by the granting of the license, there being 39 on premise licenses within 500 ft. of the premises, 78 on premise licenses with 750 ft. of the premises, with 7 additional pending liquor license applications for the same geographic area but not including the many existing beer/wine licenses within this same area;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the corporate change application to **MJJMJ, Inc., d/b/a Denino's Pizzeria & Tavern, 93 MacDougal St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the On Premise License.

Vote: Unanimous, with 35 Board members in favor.

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

7. **Broome Restaurant LLC, d/b/a TBD, 384 Broome St. 10013** (RW – Fast Casual Vegetarian Restaurant) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 13, 2018 the Applicant requested to withdraw its application from further consideration at this time and would refile a new 30-day notice to CB2, Man. should it seek to move forward with this application at any time in the future;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Broome Restaurant LLC, d/b/a TBD, 384 Broome St. 10013** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

8. **Moon Wrap, LLC, d/b/a Wolfnights, 235 Bleecker St. 10014 (Beer & Cider – Quick Service Wraps Restaurant)** (Beer and Cider—laid over at request of Applicant).

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on February 13, 2018, the Applicant requested to lay over this application to March/2018;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Moon Wrap, LLC, d/b/a Wolfnights, 235 Bleecker St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a

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

Vote: Unanimous, with 35 Board members in favor.

9. An Entity to be formed by The Groucho Club Limited, d/b/a TBD, 363 Lafayette St. 10012 (OP – Private Member’s Club)(located on 1st and 4th-10th Floor, DJ’s, Live Music, 7th Floor Outdoor Terrace) (laid over at request of Applicant).

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on February 13, 2018, the Applicant requested to lay over this application for a new on premise license to February/2018;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **An Entity to be formed by The Groucho Club Limited, d/b/a TBD, 363 Lafayette St. 10012 (OP – Private Member’s Club) until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

10. Udacha, LLC, d/b/a Udacha, 357 W. Broadway 10013 (OP – Restaurant/Bar) (laid over)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on February 13, 2018, the Applicant requested to lay over this application for an on premise license to February/2018;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for Udacha, LLC, d/b/a Udacha, 357 W. Broadway 10013 **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

11. JN Kazoku, Inc., d/b/a Japonica, 90 University Pl. 10003 (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 an existing Japanese Restaurant via a transfer application; the new principle is the current manager of the existing premises and has been employed there for over a decade; and,

ii. Whereas, this application is for a new Restaurant On-Premise Liquor License; the premises is in a mixed-use residential/commercial district located on the ground floor on University Place between East 12th and East 13th St. for a roughly 1,738 sq. ft. premise (967 sq. ft. ground floor and 771 sq. ft. basement – accessory use only in basement) with 18 tables and 40 seats, and one sushi bar with 6 seats and 1 service bar; there are no “stand up bars”; there is no sidewalk café; there are no other outdoor seating areas and there is an existing Certificate of Occupancy; and,

iii. Whereas, the hours of operation will be from 12 pm to 10:30 pm Sunday to Thursday and from 12 pm to 11 pm Friday and Saturday, there is no Sidewalk café included in this application, all doors and windows will be closed at all times except for ingress and egress, 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, 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 wine SLA license stating that:

1. This application is for an on-premise liquor license for a restaurant.
2. Premise will be advertised and operated as a Japanese sushi restaurant.
3. The hours of operation will be from 12PM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
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.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
7. A sidewalk café is not included in this application.
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 and windows will be closed at all times
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. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.

17. Will adhere to all stipulations agreed to with the University Place Residents Association dated 2/2018.

v. Whereas, the applicant presented a petition and the applicant conducted community outreach and a representative of the University Place Residents Association, Inc. appeared and indicated support of the applicant by the residents association and indicated that the applicant also agreed to a number of stipulations that are incorporated into the CB2 Stipulations agreement; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new restaurant On-Premise Liquor License for **JN Kazoku, Inc., d/b/a Japonica, 90 University Pl. 10003** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 35 Board members in favor.

12. Lamano West Village, LLC, d/b/a Lamano, 37-39 Christopher St. 10014 (Tavern Wine)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present a new application to the Liquor Authority for a tavern wine license for a small plate tapas & wine bar similar to their current operation Lamano at 256 West 20th St.; and,

ii. Whereas, this application is for a new tavern wine License for a previously unlicensed location on Christopher St. between 7th Ave South and Waverly Place in a mixed-use building on the ground floor only (550 sq. ft.), with 12 tables and 39 seats and 1 stand up bars with 9 seats; the applicant will obtain a new “letter of no objection”, the space having previously been occupied by a commercial use group 6 styled business; there will not be a sidewalk café and there are no French doors or operable windows; and

iii. Whereas, the hours of operation will be Sunday to Thursday from 5PM to 12AM and 5PM to 2AM Friday and Saturday (no patrons shall remain at closing), music will be ambient quiet background only consisting of recorded music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no dj, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; no live music; 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 tavern wine license stating that:

1. This application is for a tavern wine license.
2. Premise will be advertised and operated as a small plate tapas & wine bar
3. The hours of operation will be Sunday to Thursday from 5PM to 12AM and 5PM to 2AM Friday and Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
4. Will operate with less than a full service kitchen, but will serve food during all hours of operation
5. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
6. The premise will not have televisions.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
8. A sidewalk café is not included in this application.
9. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.

10. Will close all doors & windows at 10PM every night and anytime there is amplified music, live music or DJ.
11. Will not install or have French doors, operable windows or open facades.
12. Will not make changes to the existing façade except to change signage or awning.
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”. No pitchers of beer.
15. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
16. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
17. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.
18. There will be no outdoor benches or tables.
19. Will provide a letter of no objection prior to the issuance of the tavern wine license.

v. Whereas, the principal owns several other licensed establishments, including one in CB2, Offrenda located at 113 7th Ave South; and,

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

vii. Whereas, there are currently approximately 34 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses; and,.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of a new tavern wine license for **Lamano West Village, LLC, d/b/a Lamano, 37-39 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 Wine License.

Vote: Unanimous, with 35 Board members in favor.

13. Grupo Gitano LLC, d/b/a Gitano, 76 Varick St. 10013 (OP – Fully Outdoor Tropical Garden Restaurant located on large open vacant lot with music)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee on February 15th, 2018 to present an application to the Liquor Authority for an on-premise liquor license for a premises known as 76 Varick St. which is an empty gravel covered lot bounded by Grand St. to the North, Varick St. to the West, Canal St. to the South and Duarte Square Park to the East, to operate a tropical garden/jungle style restaurant similar to the Principals current operation in Tulum, Mexico; this will include a Mexican restaurant and bar with one main operator Grupo Gitano, LLC with a partner retail store and a partner coffee/café; there will also be a meditation circle/reflecting pool area on the southerly portion of the lot for restaurant & coffee patrons and a separately accessed community garden styled area growing herbs and vegetables with an educational component for schools and non-profit groups in the Southeast Corner; alcohol service and consumption will be limited to the Restaurant and Bar area only; there will be no alcohol consumption in the meditation circle/reflecting pool areas or the community garden styled area; the restaurant and bar area will be primarily seasonally operated May to November in 2018 and 2019 only; and,

ii. Whereas, the open gravel lot is roughly 23,465 sq. ft., surrounded by a fence and will be improved with temporary structures, plumbing, running water and electricity among other improvements; the interior of the lot will include many large lush tropical styled plants transforming the feel of the lot into a tropical Jungle which will be brought in for each season and removed in the off season to warmer climates; the North central portion of the lot along Grand St. will house a the partner coffee area with 11 tables and 30 seats; the Northeast corner will be the “back of house” servicing area with fully plumbed toilets, refrigerated storage areas, a finishing kitchen; dry goods storage and garbage area; the bulk of the premises is the restaurant and central bar area which is rectangular in shape spreading East to West located in the center Northern portion of the lot which is accessed through the primary entrance which is set back from Grand St; in the restaurant bar area there are 5 separate seating areas, some fully covered and some located on wood platforms and some on crushed granite; there will be 400 table seats including banquet seating and 100 tables, there are 30 bar stools at the bar; the Southern portion of the premises will have a meditation circle in the Southwest corner, a reflecting pool in the center and a community garden styled area in the Southeast area; and,

iii. Whereas, the proposed hours of operation for the restaurant & bar area are Sunday to Thursday from 10AM to 11PM and Friday and Saturday from 10AM to 12AM, additionally on any 3 day weekends when national holidays occur, the premises may be open until 12AM on holidays, no patrons will remain after the closing hours and staff will have complete all closing activities ½ hour after closing; the partner coffee area will be operated form 8AM to 6PM 7 days a week; The meditation circle and reflecting pool area and community styled garden area will be operated from 8AM to Sunset 7 days a week; music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) as described in the stipulations and for the limited live music of three stringed instruments only as described in the stipulations, a sound study was provided and the applicant stated that they would adhere to the sound study with one exception as noted in the stipulations; there will be no other music or amplified sounds, DJs, no outside promoted events, no special events except as described, no scheduled performances, no cover fees; and,

iv. Whereas, from the presentations and discussions with the Applicant in February 2018, CB2, Man. formulated a list of stipulations for consideration and the Applicant is willing to execute the stipulations agreement as indicated below with CB2 should CB2 support these stipulations and they agree that they will submit to the SLA an executed copy and agreed they will be attached and incorporated in to the method of operation on the new restaurant on-premise liquor license stating that:

1. The premises will be advertised and operated as a Mexican restaurant and bar with one main operator Grupo Gitano, LLC with a partner retail store and a partner coffee/café. There will also be a meditation circle/reflecting pool area to the South for restaurant patrons and a separately accessed community garden styled area growing herbs and vegetables with an educational component for schools and non-profit groups in the Southeast Corner. Alcohol Service and Consumption will be limited to the Restaurant and bar area only. There will be no alcohol consumption in the meditation circle/reflecting pool areas or the community garden styled area. The restaurant and bar area will be primarily seasonally operated May to November in 2018 and 2019 only.
2. The license sought is for a two-year period only as the proposed use for the restaurant/bar is a temporary use only and any structures built on the site will be temporary in nature only. Should the use for any reason be extended beyond two years, the applicant will notify CB2 3 months in advance of filing for a renewal application and will present before CB2, Man. their plans to continue the operation with ample opportunity by CB2 and the public for comment.
3. Hours of Operation:

- The restaurant area and the center bar (the rectangular area as presented in the primary diagram with tables, chairs and banquette seating and the central bar area which is the only area where alcohol will be served and consumed):
 - Hours of operation (open to public, no patrons in premises outside of these hours):
 - Sunday to Wednesday: 10AM to 11PM.
 - Thursday to Saturday: 10AM to 12AM (Also until 12AM Sunday on National Holiday 3 day weekends)
 - Kitchen will close no earlier than Sunday to Wednesday 10PM, Thursday to Saturday 11PM or when the entire restaurant closes. All cleaning and closing activities of the restaurant and bar staff will be completed by 11:30PM Sunday to Thursday and 12:30AM Friday & Saturday.
 - Partner Coffee/Cafe (Northern portion as presented in the primary diagram located along Grand St. adjacent to the main entrance):
 - Hours of operation (open to public, no use of seating outside of these hours)
 - 8AM to 6PM 7 days a week.
 - Meditation Circle/Reflecting Pool Area & Other Areas:
 - Hours of operation (open to restaurant/coffee guests, no use of area outside of these hours): 8AM to Sunset 7 days a week. (between 8AM-10AM access through path to the West of Restaurant Area)
 - Load in/load out service times for Food Court Dining Area will occur from primarily from 9AM to 11AM – no earlier than 8AM, and from 9PM to no later than 10PM during weekdays and no later than 10:30PM on weekends.
4. The restaurant area will have no more than 100 tables and 400 table & banquet seats, there will be one stand up bar in the center of the restaurant area with 30 seats. The restaurant and bar area will be for seated patrons only. Total Occupancy of the restaurant and bar area will not exceed 450 people. Grupo Gitano will ensure that occupancy limitation is not exceeded at anytime. If there are ongoing issues and impacts, this matter may be revisited by CB2. There will be no more than 30 seats in the café/lounge partner coffee operation along Grand St. Occupancy in the Meditation Circle/Reflecting Pool and other areas of the premises including waiting patrons will not exceed 75 persons
 5. There will be only one bar where all alcoholic beverages are sold. There will also be 1 service bar where drinks are made for seated patrons. The area to be licensed for the sale and consumption of alcohol will be limited to the rectangular area presented as the restaurant and bar area in the primary diagram only.
 6. There will be no happy hour drink pricing, no “boozy brunches” or other style boozy event promotions. There will not be unlimited drink or unlimited food & drink specials. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
 7. A catering company will be contracted to produce 70% of the food offsite. Any cooking done on site will primarily utilize electric vapor cooking to minimize smells and odors. There may be one charcoal/wood grill no larger than 3 feet x 5 feet. There will be no use of any smokers or significant charcoal such that excessive odors or smoke are created.
 8. There will be one main entrance to the restaurant only as indicated in the primary diagram, which will be set back from Grand Street along the Northerly border of the lot (there may be additional emergency exits, but not utilized for patron ingress). There will be a licensed security guard stationed at the entrance to the restaurant after 5pm and until 15 minutes after closing. Additional security guards will be utilized as needed particularly in the evenings and weekends. The Community Garden Style Area will not be accessible to patrons of the restaurant from the restaurant, meditation circle or reflecting pool area of the lot. The Community Garden Style Area will be accessed from one primary entrance to be located in the

Southeast Corner of the lot, either along the Southerly portion of the de-mapped Sullivan St. in Duarte Square Park, if deemed unobtrusive by CB2's Parks & Waterfront Committee, or along Canal St.

9. Music on site: Music will be limited to background music only not exceeding 82 decibels and only in covered areas of the restaurant. Covered areas meaning covered by a solid canopy acting as a roof. Background music will occur only between 11AM and 10PM Sunday to Thursday and 11AM and 11PM Friday and Saturday. All recommendations presented in the "Noise Investigation – Outdoor Plaza 74 Varick St." by Acoustilog Inc. dated 2/12/2018 will be incorporated. The only exception to the recommendations is that there may be acoustic music from stringed instruments only limited to a trio without any amplification including no voice amplification. Live music will begin no earlier than 12PM and end by 9:30PM and be limited to a 3-hour time period on 2 separate days a week only. There will be no live music for any events. There will be no additional speakers utilized at any time above the permanently installed sound system. No music, including live music, will be audible from the surrounding sidewalk or in any adjacent residential or commercial units. Levels of music will be maintained at all times so that at no time will be music be audible outside the premises fencing area and music will not be audible in any residential apartments at anytime or in Duarte Square Park. Should any issues arise regarding this matter, the applicant may seek guidance from CB2 on how to resolve those issues. In addition, the premises will at all times be in compliance with all provisions of NYC Noise codes. At no time will there be any music outside of the designated covered restaurant area. This includes no music in the coffee area, retail area or meditation/reflecting pool areas or community garden styled area. There will be no live music, DJs or amplified sounds or any actively manipulated music or music associated with any events other than as described above in any areas of the premises.
10. Any private or semi-private events will always and only be Grupo Gitano, LLC operated and will be for normal seated dining events only. There will be no events or special events other than the normal seated dining operations. There may be on occasion a full buyout of the restaurant for dining purposes only, but any full buyout or over 50% buyout would end at 10PM with all event guests having departed at that time. During all semi-private events or private events where the restaurant and bar would be closed to the public, the premises will operate as it does on other days with the exception of limited entry to private guests. All stipulations during any events would remain in effect including provisions for background music, no live music, no dancing and seated patrons only.
11. There will be adequate restroom facilities for the number of patrons on the premises at all times. All bathrooms and sinks and washing areas will be fully plumbed directly into the NYC sewer system without any separate holding facilities that require ongoing service.
12. Lighting will be predominantly down lighting and string lighting throughout the site. There will be no generators used on the site to service day-to-day operations. No outdoor mechanicals will violate the NYC Noise Code. There will be one refrigerated container only adjacent to the bar area on the eastside the site which will employ sound shielding of the mechanicals if necessary to shield adjoining buildings from noise. Any other mechanicals will utilize sound shield materials if necessary to shield adjoining buildings from noise.
13. All loading and unloading and servicing of the premises will occur from the Grand Street service entrance only. There will be no more than two food drop offs per day and all other drop offs and servicing will occur in the earlier portion of the day and one pick up in the evening during hours described above. There will be Grupo Gitano, LLC Staff on hand at all times of loading and unloading and servicing to handle traffic and safety issues so as to minimize all disruptions. Vehicles will not be left unattended unless legally parked during loading and unloading and will be expedient in their activities so as to cause minimal disruption. Steps will be taken by staff to ensure minimal disruption of the existing bike path

that runs along the Southern portion of Grand St. adjacent to the site and biker safety will be taken into account at all times. This issue may be revisited with the Applicant or CB2, Man. at anytime.

14. Should for any reason there occur any type of issues of patron overcrowding of the site, immediate surrounding sidewalks or ongoing pedestrian issues in accessing the site from any of the four corners of the site or in relation to crosswalks etc. Grupo Gitano, LLC will dedicate staff to ensuring pedestrian safety and work with the NYPD or DOT proactively as necessary to ensure pedestrian safety.
15. The Applicant will work to ensure that there is no undue impact on Duarte Square Park with the use, operation and occupancy of their premises. Duarte Square Park will not be used by the applicant for any purpose. There will be no gates, access points or service points used at anytime which lead onto the de-mapped portion of Sullivan Street which is now passive recreation area for Duarte Square Park. The fence along the Duarte Square Park border will have screening to block views into the service area, food court area and market area. The Applicant will not place branding or advertising along the fence area bordering Duarte Square Park. There may be an entrance to the Community Garden Style Area in the Southwest portion of the lot along the Southerly portion of the fence of the de-mapped Sullivan Street if after meeting and presenting to CB2's Parks & Waterfront Committee an affirmative recommendation is provided.
16. The applicant will assist and work with the NYC Parks Department to manage garbage cans in Duarte Square Park so as to minimize any garbage issues or garbage collection issues and overall litter issues.
17. There will be no screens, projectors or TV's.
18. There will be no heaters for patrons or staff utilized at any time.
19. There will be no dancing.
20. All Garbage pickups will be coordinated to occur at hours so as not to create undue impacts on residential tenants. Applicant will work to try to make sure that no pickups occur between 12AM and 7AM.
21. Prior to operation, the Applicant will obtain all proper permits including those from the NYC Department of Buildings and keep current at all times any temporary permits while operating. The Applicant will at all times conform to all NYC Zoning ordinances.
22. There will be a designated manager on site at all times and a designated point person for community relations and complaints, who is accessible during all hours of operation to manage complaints. All complaints will be logged and shared with the Principles. All complaints will be responded to in a timely matter.
23. All information and details as presented to CB2, Man. in February of 2018 except as modified in this agreement are presented in good faith and are accurate and complete. Should there be any changes, Grupo Gitano, LLC will return to CB2 as soon as practical to present those changes for review.

v. Whereas, the applicant stated that they believed that a portion of what created public interest were the community friendly aspects of the application including **(1)** the beautification of the empty lot and the creation of a meditation circle and public reflecting pool accessible to patrons of the coffee area and restaurant and bar; **(2)** the morning coffee café operation and restaurant and bar operation which would add to the food and beverage options for people going to work and act as an amenity for local workers, tourists and residents especially with the restaurant being operated by an award winning Chef and **(3)** the large community garden styled area for herbs and vegetables which would be operated with schools and partner non-profits and the benefits of the educational components of the garden; and,

vi. Whereas, in February 2018 a petition in support of the application was presented with signatures from residents in the residential immediately to the North and several other residential buildings and a few local residents and others appeared to speak in support of the application, in support of the principal and the hope that the application would provided a positive impact for the immediate community and an added amenity; a few residents testified that they did not believe the proposed operation would have an undue impact on quality of life and was in fact welcomed; and

vii. Whereas, in February 2018 a number of local residents who live in the area appeared to speak in opposition or submitted letters in opposition to the application and voiced their concerns; specifically they stated that the last operation here by experienced outdoor operators barely opened for a few months and operated in violation of their stipulations agreement was a strong indicator that this lot was simply not appropriate for food and beverage operations; that this location is inappropriate for a constant 7 day a week restaurant with the various ancillary restaurant activities especially to hours of 11PM and 12AM which are far beyond any appropriate outdoor operating hours for an entirely outdoor operation; that 430 occupancy of the eating and dining area and bar area outdoors created an undue impact on the existing noise level in the area; that any outdoor music in a space this large despite any sound study would create and undue impact due to the increase in patrons speaking volumes and the huge numbers of people in the space would create a large sound bubble that would have an immediate impact on the residential tenants to the North; that music being permitted outside was outlandish to even consider, especially since immediately adjacent licensed outdoor areas are prohibited from having any music; that mechanical noise was a serious consideration given the need for refrigerated trailers to be operating 24 hours on an empty lot in direct sunlight, that this area is already one of only three exits to the West from New York City to New Jersey and is located in the nexus of arterial traffic to and from the Holland Tunnel which is located just a block away and the large number of patrons would impact the flow of traffic as primary dining hours concur with rush hour; that support traffic entering and leaving Grand St. creates an undue burden to the extent residents wouldn't even be able to circle the block on Grand St. with double-parked vehicles earlier in the day; that there is limited parking in the area already, especially during the early evening and on weekends and those who drive to the location as many do in the evenings and on weekends would virtually eliminate that parking for patrons of other businesses or for residents; that this immediate area on the Canal Street Corridor is one of the most heavily polluted areas with some of the highest levels in New York City and any outdoor cooking was simply inappropriate and difficult to construe; that having a temporary food use to supplement a need for food for weekday workers in local buildings and for tourists undercuts the growth of traditional brick and mortar businesses; that this use was never an anticipated use at this location which was rezoned a number of years ago and the landlord of the property, as part of the rezoning, agreed they would be building a large residential tower with a core and shell for a 444-seat public school, which is desperately needed in the area and an outdoor play area as apart of the school which would be open to the public in addition to the adjoining Duarte Square Park; that the large number of pedestrians coming to and leaving the site would create a safety issue due to the incredibly busy intersections which immediately abut this location and which have very long crosswalks and are heavily congested; there are no NYPD Traffic agents on the weekends when pedestrian traffic at this site will be highest; several residents in the immediate area submitted testimony to the unbearable nature of living next to licensed premises with outdoor music despite any type of stipulations and the direct impact it has on their quality of life; previous temporary uses at this location including the quickly failed Smorgasburg, pop-up events and events creating a temporary food court with outdoor food trucks created significant quality of life impacts; and,

viii. Whereas, in addition to the obvious impacts and the impacts outlined by those in opposition, CB2, Man. has a number of concerns regarding this location (1) the proposed location is supposed to be developed by the landlord as a residential building with the landlord funding the core and shell of a new 444-seat public school (Duarte Square School) with additional indoor gym space and a school playground

with public access during non-school hours; this provision was provided as a result of a rezoning of the local area which included significant benefits to the landlord who owns a significant amount of property in the area and this site was proposed to be developed as one of the first projects and interim use such as presented here was never contemplated or anticipated and as such was never addressed during the rezoning process; The Duarte Square School remains funded in the New York City School Construction Authority's 2015-2019 capital plan; (2) There are concerns that the use, operation and occupancy of the applicants premises may have an undue impact on the immediately adjacent Duarte Square Park and the passive recreational space on what is now a de-mapped portion of the Sullivan Street for any number of reasons including through use of the park to access the applicant's site for patrons/pedestrians, through use of an existing gate in the chain link fence or by having trucks or vehicles access the Applicant's premises through the park; the de-mapped portion of Sullivan St. is part of an open space easement that was created in exchange for the landlord of the Applicant's space to use the FAR of that space to build a taller building than is otherwise allowed during the rezoning process; (3) no traffic analysis was conducted by the applicant; there may also be pedestrian safety issues and other issues accessing the site given the unique circumstances of the area and immediate proximity to the Holland Tunnel; (4) that the proposed use is inconsistent with uses allowed under the zoning regulations; (5) CB2, Man. believes that the best use of this space in the short and long term is the proposed planned development which the landlord has previously committed to which includes a core and shell for a 444-seat public school, which will serve the needs of the residential community and lower Manhattan's need for additional school seats; the proposed temporary plan targets local employees and visitors to the neighborhood while providing low cost competition to ground floor retail; and,

ix. Whereas, over the course of listening to and meeting with CB2, Man. and local residents, the Applicant significantly adapted their plans; and,

x. Whereas, there are currently at least 11 On Premise Liquor Licenses within 500 ft. of the premises and an unknown number of beer and wine licenses;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new on premise liquor license for a restaurant for **Grupo Gitano LLC, d/b/a Gitano, 76 Varick St. 10013** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations outlined above are agreed to by the Applicant and are incorporated into the "Method of Operation" on the SLA Restaurant On Premise Liquor License.

Vote: Passed, with 34 Board members in favor, and 1 in opposition (Dr. S. Smith).

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

14. Soho Village Hotel, LLC & San Marino at Soho Inc., d/b/a Four Points by Sheraton & San Marino Ristorante, 66 Charlton St. 10014 (OP – Hotel Restaurant – alteration to add exterior outdoor space and extend hours of operation)

i. Whereas, the Licensee appeared before CB2's SLA Licensing committee in February 2018 to present an alteration application to add an exterior standup bar to an existing exterior patio space and to extend the hours of operation for the exterior patio space covered under the existing hotel liquor license #1203960; and,

ii. Whereas, after presenting before CB2, Man. and after CB2's SLA Licensing Committee had unanimously recommended to Deny the proposed application as presented on February 15th, 2018, but prior to its presentation to the full board of CB2 in February 2018, the Licensee requested to return to CB2, Man. in March 2018 to further discuss the application to address concerns of the committee that may be worthy of reconsideration and use the interim time period to conduct community outreach to adjoining residential buildings, which they did not do prior to the February meeting which is of particular importance to this application given that this is an outdoor area with residential windows immediately adjacent which overlook the space; the applicant will not submit the application to the SLA in the interim until after they appear before CB2, Man.;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of alteration or any other changes to the existing hotel liquor license SN#1203960 for **Soho Village Hotel, LLC & San Marino at Soho Inc., d/b/a Four Points by Sheraton & San Marino Ristorante, 66 Charlton St. 10014** **until** the Applicant has returned to re-present the application before CB2 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 without reappearing before CB2, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

15. Beau Maison Corp. d/b/a El Cantinero, 86 University Pl. 10003 (OP – Bar/Tavern - Alteration)

Whereas, after this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 15th, 2018, the Applicant requested to again **layover** this application for an **alteration/change in method of operation** to add security guards only in response to disciplinary proceedings for to an existing on premise liquor license SN# 1024183 because they were not prepared to execute stipulations which they had agreed to at the committee meeting on February 15th; the committee had unanimously recommended that the application be supported if the applicant agreed to and executed the stipulations; they requested to return in March 2018 to add to the alteration application dancing on the 2nd floor of the premises; members of the community appeared in opposition to the application in February 2018 citing quality of life issues which they presented in detail; the Licensee 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 to the existing on premise liquor license SN# 1024183 or any other changes for **Beau Maison Corp. d/b/a El Cantinero, 86 University Pl. 10003** **until** the Applicant has re-presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 34 Board members in favor.

16. Juicerie 3, LLC, d/b/a The Butcher's Daughter, 581 Hudson St., South Store 10014 (OP – Restaurant alteration to add sidewalk café - layover)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 15th, 2018, the Applicant appeared with their attorney and requested to **layover** this application for an alteration to an on-premise liquor license, SN# 1291280, to incorporate an already licensed sidewalk café

which is not yet part of the licensed alcohol premises in order to address complaints regarding the operational aspects and layout of the sidewalk café including photographs showing operations under a sidewalk scaffolding without proper clearances and improper service from the sidewalk instead of from service isles as indicated in the licensed sidewalk café diagram, the Licensee indicated that they were in fact operating the sidewalk café in a different configuration than that licensed by the Department of Consumer Affairs; the applicant agreed to return with an interim operational plan until the existing sidewalk shed is removed so that the sidewalk café can operate in a legal layout with all required clearances and distances in place and with an approved sidewalk table layout; the licensee will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Juicerie 3, LLC, d/b/a The Butcher's Daughter, 581 Hudson St., South Store 10014 SN# 1291280** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

17. LXC, Inc. d/b/a PokeRice, 162 W. 4th St. 10014 (RW – Restaurant - Layover)

Whereas, at to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 15th, 2018, the Applicant requested to **layover** this application for a new beer/wine/cider license in order to meet with the local block association who they had not met with after being requested to do so and to clarify landmarks violations incurred in the changes to the façade of the premises; they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for an **LXC, Inc. d/b/a PokeRice, 162 W. 4th St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

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

Whereas, at the October 12th CB2, Man. SLA Licensing Committee #2 meeting the Applicant agreed to return to CB2 in December to further address issues and complaints raised by local residents; On December 13, 2017, the manager, representative and contractor appeared but not the owner; the manager had only been working at the establishment for a number of weeks; CB2, Man. requested that the owner return in January 2018; On January 11, 2018, another manager and contractor appeared but not the owner

to update the committee, but acknowledge that work was done the morning of the meeting and just a few days prior and they had not met with residents as they had said they would to calibrate and review the issues on site; the applicant agreed to return again in February 2018; On February 15th, 2018, the contractor and a manager appeared again as well as impacted residents who agreed that they would again return in March as there was still additional steps to take to continue to ameliorate the situation; the complaints to be addressed are the same that have been raised year over year and were last memorialized by CB2 in 2013 in a resolution to the Liquor Authority; residents and the applicant agreed to try to once again resolve these issues which center around issues with operation of the sidewalk café and not adhering to Department of Consumer Affairs regulations and ongoing Quality of Life Issues centering around an inability to resolve issues with noisy ventilation fans which the applicant has promised to fix for YEARS but still continues to cause problems; in December 2017, the contractor who appeared acknowledged that the timer on the ventilation fan that shuts it off over night may be defective and stated they would mount the ventilation equipment on the roof on rubber mounts; as a continuing good faith gesture, CB2, Man. extended the courtesy to the Applicant of a 2-month layover which was extended to 3 months and now 4 months during which time they can meet with local residents and hopefully resolve the matter once and for all;

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

Vote: Unanimous, with 35 Board members in favor.

19. Little West 12th Street LLC, d/b/a STK, 28 Little W. 12th St. 10014 (OP – Restaurant and Basement Lounge Space alteration - moving interior bar and interior reconfiguration – laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on February 15th, 2018, the Applicant requested to layover this application for an alteration to an existing on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Little West 12th Street LLC, d/b/a STK, 28 Little W. 12th St. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

20. 289 Bleecker Restaurant, LLC, d/b/a The Loyal (Previously Pagani), 289 Bleecker St. 10014 (OP – Restaurant)(*extend hours of operation*)(*withdrawn*)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on February 15th, 2018, the Applicant requested to **withdraw** this application for an alteration to an on-premise liquor license, SN#1267960 and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **289 Bleecker Restaurant LLC, d/b/a The Loyal (Previously Pagani), 289 Bleecker St. 10014 SN# 1267960 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

21. West 4th & Barrow LLC, d/b/a The Spaniard, 190-192 W. 4th St. 10014 (OP – Restaurant) (*alteration application to add sidewalk café - laid over*)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on February 15th, 2018, the Applicant requested to **layover** this application for an alteration to an on-premise liquor license, SN#1293296 to add a sidewalk café and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **West 4th & Barrow LLC, d/b/a The Spaniard, 190-192 W. 4th St. 10014 SN# 1293296 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

22. Off Cuts, LLC, d/b/a Quality Eats, 19 Greenwich Ave. 10002 (OP – Restaurant alteration to make windows operable and make changes to their seating configuration - laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on February 15th, 2018, the Applicant requested to **layover** this application for an alteration to an on-premise liquor license, SN#1288502 to make windows operable and make changes to their seating configuration and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing

license for **Off Cuts LLC, d/b/a Quality Eats, 19 Greenwich Ave. 10002 SN# 1288502** 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, 35 Board members in favor.

23. Upright Holdings 547, LLC, d/b/a Upright Brew House, 547 Hudson St. 10014 (Class Change from TW to OP) (withdrawn)

i. Whereas, the Licensee appeared before CB2's SLA Licensing committee in December 2017 and laid over the application in December/2017 and then in January/2018 and then subsequently **withdrew this application prior to CB2's SLA Licensing Committee 2 meeting in February/2018**; the application was to upgrade an existing tavern wine license SN#1261312 to a full on-premise liquor license and to extend by one hour the stipulated operating times for the Department of Consumer Affairs Licensed Sidewalk Cafe; there was community opposition form immediately impacted residents who spoke in opposition; and

ii. Whereas, after presenting before CB2, Man. and after CB2's SLA Licensing Committee had unanimously recommended to Deny the proposed application as presented on December 13th, 2017, but prior to it's presentation to the full board of CB2 in December 2017, the Licensee requested to return to CB2 in January 2018 to further discuss the application and use the interim time period explore additional changes that may be worthy of reconsideration by the Committee and local residents; the applicant again laid over the application in January/2018 and was continuing the conversation and then requested to withdraw the application prior to CB2's SLA2 Licensing Committee in February/2018;

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

Vote: Unanimous, with 35 Board members in favor.

TRAFFIC AND TRANSPORTATION

Resolution Requesting Two Speed Humps on Mott St. bet. Houston and Prince Sts.

Whereas motorists turn into Mott St. from Houston St. at full throttle, advancing south on Mott to Prince St. at excessive speeds, as they race forward to make the traffic light at Prince before it turns red; and

Whereas this speeding vehicular traffic greatly imperils the numerous pedestrians walking on and crossing this predominantly residential street, including many seniors and children, as well as all the many congregants attending the Basilica of St. Patrick's Old Cathedral, which is located there; and

Whereas a sizeable group of Mott St. residents joined by Monsignor Donald Sakano, the pastor of St. Patrick's came to attest to the dangerous speeding conditions on Mott btw. Houston and Prince Sts., to the ineffectiveness of the current misplaced, deteriorating speed hump there and to the need for greater speed hump control, while also reporting that there is consensus on the block among not only residents but also shopkeepers and restaurants that speed hump improvements are needed; and

Whereas this stretch of Mott St. is highly trafficked as a major route into Chinatown, further calling for properly placed speed humps to slow down traffic; and

Whereas examples in other cities as well as on certain streets in Community Board 2 Manhattan (CB2) 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 Mott St. btw. Houston and Prince Sts. previously did have two speed humps in the streetbed, but one was removed (and not replaced) following roadwork;

Therefore be it resolved that CB2, Man. urges DOT to install two speed humps on Mott St. btw. Houston and Prince Sts.; and

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

Vote: Passed, with 34 Board Members in favor, and 1 in opposition. (R. Sanz).

NEW BUSINESS

Board Member Sandy Russo brought up reports in the press suggesting that the West Village Houses complex might be demolished. After discussion, the Chair suggested that CB2 would consider holding a Town Hall meeting to inform the community of this issue and to bring all interested parties together to discuss it.

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan