

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



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

## COMMUNITY BOARD NO. 2, MANHATTAN

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NEW YORK, NY 10012-1899

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

### FULL BOARD MINUTES

**DATE:** October 24, 2019  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 130 Mercer Street, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Carter Booth (Chair), Katy Bordonaro, Anita Brandt, Amy Brenna, Richard Caccappolo, Ritu Chattree, Erik Coler, Tom Connor, Valerie De La Rosa, Doris Diether, Robert Ely, Joseph Gallagher, Susan Gammie, Wayne Kawadler, Susan Kent, Jeanine Kiely, Ryder Kessler, Patricia Laraia, Michael Levine, Janet Liff, Matthew Metzger, Daniel Miller, Brian Pape, Donna Raftery, Lois Rakoff, Bo Ricobono, Robin Rothstein, Sandy Russo, Scott Sartiano, Shirley Secunda, Georgia Silvera Seamans, Shirley Smith, Chenault Spence, Susan Wittenberg, Antony Wong, Adam Zeldin

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Coral Dawson, Cormac Flynn, Edward Ma, Rocio Sanz, Kristin Shea, Frederica Sigel

**BOARD MEMBERS ABSENT:** Maud Maron, Cathy Sullivan

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Mar Fitzgerald, Jonathan Geballe, David Gruber

**BOARD MEMBERS PRESENT/LEFT EARLY:** Sandy Russo

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

**GUESTS:** Jacob Priley, Senator Brad Hoylman's office; Danielle Segall, Senator Brian Kavanagh's office; Rosie Mendez, Andrew Chang, Vanessa Diaz-Lopez, Manhattan Borough President Gale Brewer's office; Claudia Zhu, Assembly Member Yuh-Line Niou's office; Charles Anderson, Assembly Member Deborah Glick's office, Luke Wolf, Comptroller Scott Stringer's office; Cehonski, Council Member Carlina Rivera's office; Rush Perez, Council Member Margaret Chin's office; Roxana Rodriguez, Michael Zeppetello, Pete Davies, Andrew Broaddus, Alta Indelman, Justin Pollack, Jaden Berger, Virginia Yans, Gilda Lavalle, Gabriel Stulman, Marilyn Bai, Alex Wells, Ryan Probst, Marna Lawrence, Phyllis Rosenblatt, Ling Ren, Tilly Holmes, Jran Hua Zuo, Heleodora Viva, Francisca Flores, Carina Kaufman-Gutierrez, Margot Olavarria, MatthewKebbekus, Lisa Vangelas, Joao Paolo McMuger, Ching Chong, Kayla Murphy, Dawn Sanders, Julie Menin, Joann Kunda, Juan Salas, Darlene Lutz, Penny Mintz, Colin Higgins, Viktoriya Gray, Policardo Cortes, Jordan Barker

## **MEETING SUMMARY**

Meeting Date – October 24, 2019  
Board Members Present – 41  
Board Members Absent with Notification – 6  
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**

##### Beth Israel Hospital

Penny Mintz spoke in favor of the forum on Beth Israel Hospital

##### NYC Census 2020

Julie Menin, Director of NYC Census, spoke about the importance of NYC Census 2020.

##### Free Flu Shots-Lenox Hill Health Greenwich Village

Wayne Kawadler informed everyone regarding the availability of free flu shots at the Healthplex.

##### Intro 1116

Justin Pollack, from the Street Vendor Project, spoke in reference to this proposed bill that would increase the number of on street vendor permits

Carina Kaufman-Gutierrez (interpreter), Heleodora Vivar, Policardo Cortes, and Juan, local street vendors, all spoke in favor of the proposal.

##### NYU Construction

Joann Kundal and Michael Zeppetello spoke against the ongoing NYU construction and noise pollution.

### Contemporary Arts Lecture

Lois Rakoff invited everyone to this event, which is presenting Oskor Eustis, from the Public Theater, and is being held on November 21<sup>st</sup>, at 6:30 pm. The event is sponsored by the Washington Square Association.

### Traffic Control/Quality of Life in SoHo

Phyllis Rosenblatt spoke in favor of traffic control/mitigation in SoHo.

### The River Project

Margot Olavarria invited everyone to the Hudson River Park's annual Release of the Fishes event.

### Filming Intrusion

Virginia Yans spoke against the excessive filming intrusion in the Far West Village.

### Citizens Committee

Jordan Barker spoke about this topic.

### Grupo Gitano, 76 Varick Street

Darlene Lutz spoke against the establishment and about their upcoming SLA hearing.

### **Land Use & Business Development Items**

503 Broadway-Application for a special permit to legalize the conversion of 14,005 sf of floor area on the 2<sup>nd</sup> floor of the condominium. The special permit would allow for the extension of Use Group 10A large retail establishment on the Condominium's ground floor and cellar levels to include the second floor.

Pete Davies spoke in favor of the resolution recommending denial of the proposed legalization.

### **Landmarks & Public Aesthetics**

239 W. 4th St. - Application is to construct a rear addition at the basement level.

Alta Indelman, representing the applicant, spoke in favor of the landmark proposal.

Gabriel Stulman, the applicant, spoke in favor of his proposed application.

Gilda Lavallo, Lisa Vangelas, and Marilyn Bai spoke against the application and requested a layover.

265 W. 11th St.-Application is to construct lowered, fenced-in areaway with trash enclosure/planter, modify entry door surround and parlor floor windows, enlargement of roof bulkhead, and construct a 1-story rear extension and balcony on rear façade.

Viktoriya Gray spoke against the proposed landmark application.

### **ADOPTION OF AGENDA**

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

Jacob Priley, Senator Brad Hoylman's office

Danielle Segall, Senator Brian Kavanagh's office;

Claudia Zhu, Assembly Member Yuh-Line Niou's office

Charles Anderson, Assembly Member Deborah Glick's office

Luke Wolf, NYC Comptroller Scott Stringer's office

Rosie Mendez, Andrew Chang, and Vanessa Diaz-Lopez Andrew Chang, Manhattan Borough President Gale Brewer's office

Rush Perez, Council Member Margaret Chin's office

Irak Cehonski, Council Member Carlina Rivera's office

#### **IV. BUSINESS SESSION**

#### **V. ADOPTION OF MINUTES**

Adoption of September minutes

1. **Chair's Report** Carter Booth reported.

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

#### **ELECTION COORDINATING COMMITTEE**

##### **Election Plan Resolution**

**Whereas**, the Bylaws of Community Board 2 (the "Bylaws") state that "[a]t its November regular meeting, the Board shall elect members to the offices of Chairperson, First Vice Chairperson, Second Vice Chairperson, Secretary, Assistant Secretary, and Treasurer,"<sup>1</sup> and that "Officers shall be elected to serve one-year terms with each term beginning December 1<sup>st</sup> and ending November 30<sup>th</sup> of the following year,"<sup>2</sup> and

**Whereas**, the Bylaws state in pertinent part that "[a]t its September regular meeting, the Board shall elect...five members...to serve on the Elections Coordinating Committee,"<sup>3</sup> and at the Board's Regular Meeting held on September 19, 2019 the Board did so, and

**Whereas**, the Bylaws state that "[t]he Election Coordinating Committee shall assist the Board in assuring a fair, transparent, and efficient election of officers in accordance with these bylaws"<sup>4</sup> and that such committee shall give a report at the October Regular Meeting prior to the Standing Committee Reports;<sup>5</sup> and that such report shall include a Draft Elections Plan;<sup>6</sup> and that, upon approval by the Board, it shall become the Elections Plan, and

**Whereas**, the Election Coordinating Committee met on October 1, 2019 and again on October 11, 2019 to discuss and write the attached Draft Elections Plan, dated October 24, 2019, which is incorporated by reference into this Resolution and shall be deemed to be a part hereof; and that the

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<sup>1</sup> Community Board 2 Bylaws, §7(b)(i)

<sup>2</sup> Ibid., §7(a)(i)

<sup>3</sup> Ibid., §7(b)(ii)

<sup>4</sup> Ibid., §7(b)(v)

<sup>5</sup> Ibid., §7(b)(vii)

<sup>6</sup> Ibid.

attached Draft Elections Plan dictates, in accordance with the Bylaws, how the 2019 election of Community Board 2 Officers shall proceed, and

**Whereas**, a just and democratic society, and especially deliberative bodies formed therein, recognize that fair and free elections at every level are vital and essential to the society's larger civic health; and therefore, that society and its deliberative bodies should preciously guard and treasure every electoral process; now

**THEREFORE, BE IT RESOLVED** that CB2, Man. approves the attached Draft Elections Plan, makes such plan its Election Plan, and causes it to be immediately in force and effect until such time and event as the Election Plan dictates.

Vote: Unanimous, with 41 Board members in favor.

### **Draft Elections Plan**

Presented by **The Elections Coordinating Committee** October 24, 2019

#### **Events Prior to this October Board Meeting**

- 1) Pursuant to the Bylaws, during the 15 days following the September Board Meeting (the "Self-Nomination Period"), any member of the Board had the opportunity to nominate him or herself for election to any one Office.<sup>7</sup> Further pursuant the Bylaws, such nomination had to have been in writing to the District Manager and, at the nominee's discretion, could have also included a written statement from the member.<sup>8</sup> The Self-Nomination Period herein described ended Friday, October 4, 2019.
- 2) Pursuant to the Bylaws, the nominations and statements received during the Self-Nomination Period shall wholly constitute the Nominations Report,<sup>9</sup> herein attached as Appendix A.

#### **Events During this October Board Meeting**

- 3) Pursuant to the Bylaws, the Elections Coordinating Committee (the "ECC") presents at this October Board Meeting this Draft Elections Plan.<sup>10</sup> Approval by the Board of this Draft Elections Plan shall be made by ratification by the Board of the supporting resolution also presented at this October Board Meeting. Such ratification shall be made in the regular manner in which any other resolution is decided. After such ratification and such approval, this Draft Elections Plan shall become the Election Plan.<sup>11</sup>
- 4) Pursuant to the Bylaws, after such ratification and such approval, the Chair of the ECC shall read the Nominations Report, as described in §2 above,<sup>12</sup> by reading the Nominees for each Office in the order prescribed below. If there is more than one nominee for a position, the Chair of the ECC shall read the names of the nominees in alphabetical order based on last name. The order in which the nominations are to be read is as follows:
  - a) Those nominated for Treasurer
  - b) Those nominated for Assistant Secretary
  - c) Those nominated for Secretary

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<sup>7</sup> Community Board 2 Bylaws, §7(b)(v)

<sup>8</sup> Ibid.

<sup>9</sup> Ibid., §7(b)(vi)

<sup>10</sup> Ibid., §7(b)(vii)

<sup>11</sup> Ibid.

<sup>12</sup> Ibid., §7(b)(vii)

- d) Those nominated for Second Vice Chairperson
  - e) Those nominated for First Vice Chairperson
  - f) Those nominated for Chairperson
- 5) Pursuant to the Bylaws, after the Nominations Report has been read, the Chair of the Board shall immediately open the floor for additional nominations.<sup>13</sup> Once the Chair has opened the floor, any member may request recognition. Upon recognition by the Chair of the Board, such member may nominate any member who is present at the meeting, including him or herself, provided that:
- a) Members must be present to be nominated,
  - b) Members may not be a nominee for more than one Office, and
  - c) Members may decline nomination or withdraw from prior nomination.<sup>14</sup>
- 6) Pursuant to the Bylaws, the floor shall not be closed as long as any member requests to be recognized to make an additional nomination.<sup>15</sup> Once no other member requests to be recognized, the Chair of the Board shall close the floor to nominations and the October Board Meeting shall proceed as otherwise scheduled.

**Events between the October Board Meeting and the November Board Meeting**

- 7) Subsequent to the October Board Meeting but not later than Monday, November 18, 2019, all members nominated from the floor during the October Board Meeting are requested to provide a written statement. The requested statement is similar to the statement contemplated by the Bylaws to be submitted during the Self-Nomination Period. This request applies to Members seeking both contested as well as uncontested Offices. Any such statement submitted shall be provided via email to the District Manager. Members who were nominated during the Self-Nomination Period and provided a written statement at that time are not requested to provide a separate written statement during this period; however, they may choose to provide a statement if they did not do so. In any case, this submission is optional.
- 8) Subsequent to the October Board Meeting but not later than Monday, November 18, 2019, all members nominated for Office are also requested to provide a resume. This applies to Members who were nominated during the Self-Nomination Period as well as those nominated from the floor during the October Board Meeting. This applies to Members seeking both contested as well as uncontested Offices. Any such resume submitted shall be provided via email to the District Manager. Any such resume submitted shall not exceed 2 pages. In any case, this submission is optional.
- 9) Prior to the November Board Meeting, the District Manager shall provide to all members a copy of this Election Plan, a copy of the Nominations Report provided at the October Board Meeting, a copy of all statements provided after the October Board Meeting but prior to November 18, 2019 and pursuant to §7, and a copy of all resumes provided after the October Board Meeting but prior to November 18, 2019 and pursuant to §8; provided, however, that such copies will reflect any withdrawals of nominations which may have occurred.

**Events During the November Board Meeting – Verbal Statements**

- 10) At the November Board Meeting, following the District Manager’s Report but preceding the Committee Reports, the Chair of the Board shall recognize ECC Member Ryder Kessler. After Mr. Kessler has been recognized, he shall read each Office, whether the election for said Office is

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

contested, and the names of those nominated for each position. Mr. Kessler shall read such information in the order described in §4, provided that if there is more than one nominee for an Office, they shall be read in alphabetical order based on last name.

- 11) After Mr. Kessler has read the above information, all nominees are requested to give a verbal statement on “why he/she wishes to serve.”<sup>16</sup> This request applies to nominees seeking both contested as well as uncontested positions. Mr. Kessler shall introduce each member and the position for which they have been nominated. Nominees shall be introduced, recognized, and speak in the order described in §4 above, provided that if there is more than one nominee for an Office, they shall speak in alphabetical order based on last name. This verbal statement shall not to exceed 3 minutes, provided that in any case, whenever there is more than one candidate for an office, each candidate shall be provided equal time at the meeting to speak<sup>17</sup>. ECC Member Katy Bordonaro will be the Official timekeeper. Any such verbal statement is optional.

### **Events During the November Board Meeting – Voting**

- 12) After all nominees have been afforded an opportunity to make a verbal statement, and after all who wish to do so have done so, the Chair of the Board shall direct the District Manager to distribute paper ballots to each and every member of the Board present. Each member present shall receive no more and no less than one ballot. Every Office and the names of those nominated for each Office shall be written on the ballot in the order described in §4 above. If there is more than one nominee for an Office, the names shall be written in alphabetical order based on last name. Only 50 ballots shall be printed and each ballot shall be marked with an identifiable number (1 through 50). Members must be present at the November Meeting to receive a ballot and to vote. The Chair of the ECC, or her designee, and a representative of an Elected Official shall monitor the distribution of ballots by the District Manager.
- 13) Each member shall write his or her name on the ballot provided to them. Each member shall indicate their vote for each position by checking the box next to the name of not more than one nominee for each Office. Each member shall then individually hand in their ballot to the District Manager. The Chair of the ECC, or her designee, and a representative of an Elected Official shall monitor the handing in of ballots to the District Manager.
- 14) The District Manager, the Chair of the ECC or her designee, and a representative of an Elected Official shall then count the votes. All three persons must agree on the count of each vote.
- 15) To win, a nominee must receive a simple majority of those members voting.<sup>18</sup>
  - a) If there are two nominees for an Office, any tie on the first ballot shall immediately be decided by lot<sup>19</sup> as described in §16.
  - b) If there are three or more nominees for an Office and none receives a majority on the first ballot, there shall immediately be a run-off between the two nominees receiving the most votes.<sup>20</sup> In the case of a tie on the first run-off vote, a revote shall be held immediately.<sup>21</sup> In the case of a tie on the second run-off vote, a second tie shall be decided by lot as described in §16.<sup>22</sup>

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<sup>16</sup> Ibid., §7(b)(viii)

<sup>17</sup> Ibid.

<sup>18</sup> Ibid., §7(b)(viii)

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

- 16) If any tie shall need to be decided by lot, the District Manager shall flip a coin. Prior to the District Manager's toss, the call of "heads" or "tails" shall be made by the Nominee with the most seniority. In such a case, the Chair of the ECC, or her designee, and a representative of an Elected Official shall monitor the flipping of the coin by the District Manager.
- 17) Once the District Manager, the Chair of the ECC or her designee, and a representative of an Elected Official agree on the outcomes of all elections, the District Manager shall read the winner and the results (i.e. score) of each election.
- 18) Once the results of all elections have been read, the election is over, the ECC dissolves, and this Election Plan ceases force and effect.

#### **Appendix A – The Nominations Report - October 24, 2019**

The following individuals have submitted nominations for the following offices:

1. Carter Booth (Chair)
2. Daniel Miller (First Vice Chair)
3. Susan Kent (Second Vice Chair)
4. Valerie De La Rosa (Secretary)
5. Antony Wong (Treasurer)

The candidate's statements are attached separately.

[At the full board meeting, Ryder Kessler was nominated to be a candidate for the office of Assistant Secretary. Mr. Kessler accepted the nomination.]



## **STANDING COMMITTEE REPORTS**

### **LAND USE AND BUSINESS DEVELOPMENT**

**503 Broadway (between Broome and Spring Sts.)** – DCP 190265 ZSM is an application for a Special Permit pursuant to ZR 74-922 in order to legalize a 42,000sf retail establishment on the cellar, first, and second floors of a condominium in an M1-5B zoning district in SoHo that is part of the SoHo-Cast Iron Historic District.

#### **Whereas:**

1. This 74-922 action before the City Planning Commission is in regard to Zara’s unpermitted Large Retail operation at 503 Broadway, which has been found to be operating contrary to its Certificate of Occupancy by the NYC Department of Buildings and lacking the required Special Permit.
2. It is not, as the applicant describes it, an application to legalize the conversion of 14,005sf of floor area on the second floor of a large retail establishment.

#### **CERTIFICATE OF OCCUPANCY ISSUES**

3. The earliest Certificate of Occupancy for 503-511 Broadway is CO 28940, dated May 5, 1942. That CO shows that the building was used throughout as a factory and salesroom on floors 1-5, with the cellar limited to storage and salesroom and sub-cellar limited to storage, all consistent with SoHo’s predominant manufacturing uses at that time.
4. The next Certificate of Occupancy is Temporary CO 121940, dated May 31, 2001. That TCO shows the first mention of Use Group 10 Large Retail Store across the 26,000sf ground floor. It was put in place to cover Old Navy, a large retail establishment that the owner allowed on the premises in 1998 without first obtaining a new CO for the change of use. Additionally, no Special Permit for that change of use (from factory to large retail) was ever applied for. The new 2001 TCO shows no change at the second floor, which remains limited to factory use. Similarly, neither the cellar nor sub-cellar show any change from the 1942 CO. The cellar remained limited to storage and salesroom only, with occupancy by 20 persons maximum.
5. A series of over two dozen TCOs issued under separate job 102100496 were filed to legalize the Physical Cultural Establishment on the third floor, a non-conforming use also put in place by the owner without the necessary permits. To rectify that illegality, the BSA granted a variance per determination 163-99-BZ on June 28, 2000, as is cited on the final CO for the PCE, 102100496F (Jan. 14, 2015). While that CO shows UG 10 Large Retail Store across the entire ground floor, it also maintains the 1942 limitations for storage and salesroom in the cellar and factory/salesroom use on the second floor.
6. Another separate, final CO 101792650F was issued on Sept. 5, 2014 under 1998 Job 101792650, with this job description: “1st fl. in space occupied by Old Navy Clothing Co. (Store #5928) in order to convert occupancy to retail store on 1st fl.” That CO clearly shows that the 15,000 sf cellar, currently operating as Zara’s men’s section, remains as it had been since 1942 (“Storage and Sales Room”) and is limited to a maximum occupancy of 20 persons.
7. The appearance on the certificates of occupancy of Use Group 10 in the cellar is inexplicable, as it did not occur as a result of a direct application to DOB. Rather, that change seems to have been put in place through a series of piecemeal information pulled from various DOB job filings covering entirely separate jobs for work elsewhere in the building. It first appears on 2009 TCO 101792650T002 for work for Old Navy, which did not even occupy the cellar. It appears again,

despite the lack of any specific job filing to allow for it, on 2013 TCO 103205803T001 for the "addition of a penthouse," which had no relation to any change to retail use in the cellar.

8. There is no evidence to support the applicant's suspicion of possible "grandfathered" retail use in the building. No evidence of prior retail use has been provided, and long-time residents with knowledge of the area have noted that the premises had no retail use during the many years prior to the arrival of Old Navy in 1998.
9. When the process by which a change of use is procured can be documented and results in a legitimate change of use on the CO, CB2 agrees that we are entitled to rely on the CO. However, in this instance, that is hardly the case.
- 10. In summary: There is no paper trail to substantiate the conversion of the cellar and first floor from Use Group 17 to Use Group 10.**

## **SPECIAL PERMIT ISSUES**

11. In 2015, CB2 identified 159 retail stores facing Broadway between Bleecker and Canal in the SoHo & NoHo M1-5B zoning district; 10 of those stores were identified as large retail stores.
12. From 1996 to 2019, only four large retail stores had completed the 74-922 Special Permit public review process and obtained legal permission from CPC to operate as a large retail:
  - a. 632 Broadway (1996 – NoHo): Conversion to UG 10A [C 950614 ZSM]
  - b. 610 Broadway (2003 – NoHo): New Building UG 10A [C 030134 ZSM]
  - c. 550-556 Broadway (2009 – SoHo): Conversion to UG 10A [C 090362 ZSM]
  - d. 300 Lafayette Street (2013 – SoHo): New Building UG 10A [C 140095 ZSM]

From 2017 to 2019, four different large retail establishments along Broadway in SoHo were found to be operating without legal allowances:

- e. 478 Broadway: ECB Violation 35322068M
- f. 503 Broadway: ECB Violation 35311036H
- g. 546 Broadway (aka 88 Crosby): ECB Violation 35311032K
- h. 599 Broadway: ECB Violation 35226369J

An additional half dozen locations along Broadway contain large retail stores that have been installed over the past 15 years without a Special Permit.

13. Even before taking ownership at 503-511 Broadway, the applicant knew that a Special Permit to include the second floor was required. Zara is named in a Dec. 2, 2013 letter from the NYS Attorney General to 503 Broadway Condominium. The July 21, 2014 Condominium Declaration, under Article 10 ("Alteration of Units"), includes multiple pages that cite the need for a change of use to retail per ZR 74-922. Therefore, any doubt on the part of the applicant as to the necessity of obtaining a change of use from factory to large retail should be viewed with great skepticism.
14. Instead of proceeding directly to secure that change of use, the applicant states that it intended to follow an interim plan by filing with DOB for "separate, as-of-right UG 6 retail establishments (i.e., less than 10,000sf) on the second floor. Such separate establishment approvals had been granted by DOB in the past." However, due to "changes in the Applicant's management and a lack of institutional continuity," these plans were never filed.
15. Had papers been filed, this argument should have found to be without merit since the Dec. 5, 2005 DOB "Interpretation of Establishment under ZR 32-15: Use Group 6A & 6C" includes a number of conditions that did not exist on Zara's second floor, i.e.:
  - a. "Each establishment shall be independently operated";

- b. "Each establishment shall be separated – vertically and horizontally – from other establishment”;
  - c. "Each establishment shall have its own cash registers and toilet facilities”;
  - d. "Each establishment shall have its own entrances and exits"
  - e. "Common area provided if any should be accessible to each establishment without passing through the other establishment.”
16. It is specious for the applicant to now claim that they were eligible for UG6 when they clearly did not meet the requirements. In any event, per former DOB Commissioner Rick Chandler, "That policy is over."
  17. Zara did nothing, even when an ECB violation was issued by DOB to 503 Broadway as a zoning violation for illegal oversized retail in 2017. That violation was dismissed due to confusion caused by incomplete filings of the two condo entities following Zara’s purchase of the premises on Jan. 13, 2015. Regardless of this detail, the DOB violation put Zara on notice that their operation was illegal and that they needed to apply for the 74-922 Special Permit.
  18. Still Zara did nothing, until a second ECB violation was issued by DOB in July 2018 (35311036H) for "occupancy contrary to that allowed by the Certificate of Occupancy." That was heard on Feb. 14, 2019 at the Office of Administrative Trials and Hearings. It was not until April 2019, more than four years after Zara took ownership of the retail condo unit at 503 Broadway and more than three years after Zara opened its un-permitted large retail store, that it filed this application to cure the illegal condition for operating in contradiction to the CO. Prior to this current action no application has ever been filed for any Special Permit per ZR 74-922 to allow for a change of use from factory to large retail. And at no time has there ever been an application submitted per ZR 74-781 to legally change any of the area below the second story from factory use to any size, or type, of retail.
  19. The applicant refers to the legalization of the 14,005 sf on second floor as representing a one-third increase in the size of the large retail establishment. If the ground floor contains 14,000sf and the cellar contains 15,000sf (total: 29,000sf), then an increase of 14,005sf is actually an almost 50% increase.
  20. Despite repeated requests by the applicant’s attorneys and CB2, DOB was unable to substantiate any legal change of use.
  21. During several recent requests for Special Permits for large retail, Councilmember Chin saw fit to reject oversize retail at 19 E Houston St. and limit 462 Broadway to a maximum of 10,000 sf (including cellar).
  22. Many changes of use and waivers of zoning requirements are issued during internal DOB deliberations without public review or input. CB2 questions whether DOB should rely on self-certification to establish that the necessary requirements have been met for a change of use to large retail during the Special Permit process.
  23. The combination of self-certification, widespread non-conforming uses and inconsistencies in DOB job filings (including citations on COs) has completely transformed SoHo and was the impetus for the joint efforts of the community and our elected officials to enforce the M1-5B zoning regulations for the past several years. Necessary corrective actions can take place only if specific irregularities are fully investigated when they come to light.
  24. **In summary: There are so many unanswered questions relevant to the use groups listed on the 2014 Certificate of Occupancy that it is premature to consider this Special Permit application without further investigation.**

## QUALITY OF LIFE ISSUES

25. The restrictions on retail in SoHo that were introduced in April 1976 were designed to protect manufacturing uses from retail competition for space—not protect manufacturing from residential use. Manufacturing and residential (which preceded retail) coexisted peacefully.
26. CB2 is not categorically opposed to large retail uses; each case is considered on its own merits. For example, we approved Banana Republic at 550 Broadway in 2009 and 300 Lafayette in 2013.
27. Since it first opened, Zara has had two non-permitted, internally-illuminated signs on the exterior of the façade above the entranceways. Both those signs are in contradiction to what the LPC permitted under CNE 15-8477 (06/04/14). LPC enforcement action regarding that non-compliant condition is ongoing.
28. The applicant asserts that out of 89 buildings on Broadway in the SoHo-Cast Iron Historic District, 75 originally functioned as a “store” or “stores”, yet fails to note that early designations as “store” in DOB records pertained to both wholesale and retail operations. Applicant further states that 38 of these “stores” were built through their block with entrances on Broadway and service/freight entrances on Crosby or Mercer, as if this justifies their use as oversized retail.
29. The applicant claims that its use as an oversized retail store will not impair the essential character or the future use and development of the surrounding area, but the majority of large and oversized retail along and around Broadway in SoHo that they point to resulted from illegal conversions and internal DOB determinations without public input, thereby robbing the community of the requisite public review process set forth in the zoning resolution.
30. The applicant fails to differentiate between the very few large retail stores that have gone through the required process to obtain a Special Permit and the numerous large retail establishments that did not. The applicant now points to the latter group, including themselves, as an example of how they fit in.
31. In an apparent effort to minimize the impacts of its non-permitted large retail store on nearby residents, the applicant erroneously claims that there is a negligible residential population along Broadway in SoHo. Based on the 2010 census, more than 1300 people reside in 62 buildings within 400 feet of the applicant's property. Only 30 buildings--less than one-third of nearby buildings--within the 400-foot range are commercial and office only, with no residential.
32. Based on data from both PLUTO and the 2010 US Census, Block 484 on which the Zara is located, holds 70 residential units with a residential population of over 150 persons. The two blocks immediately facing Zara, across both Broadway to the east and Mercer Street to the west, contain an additional 208 residential units and the eight blocks surrounding Zara contain another 648 residential units. All told, that is over 900 residential units with approximately 1,500 residential occupants on the blocks in the immediate vicinity of Zara’s non-permitted Large Retail operation.
33. All but one of the oversized establishments along Broadway do their truck loading and offloading on Broadway. The Zara store receives deliveries at the rear of the building on Mercer St. where the freight elevator is located.
34. Many nearby residents are negatively impacted by Zara disruptive night time merchandise deliveries. The application documents the fact that deliveries arrive between 2 am and 3 am five days a week and twice a week between 1 am and 4 am. Back stock is picked up twice a week between 10 pm and 11 pm. All this activity lasts for hours, during which time residents in neighboring buildings report incessant talking, metal-wheeled equipment moving across the

public sidewalks, trucks idling below residential windows, truck drivers playing loud music in the middle of the night. (In 2017, in the case of 462 Broadway, due to negative impacts on nearby residents on Crosby St., a comparably narrow street to Mercer St. to the east of Broadway, CPC chose to limit deliveries to between 7am and 8pm [462 Broadway: C 170192 ZSM; CPC Report, Pages 8-9 for July 12, 2017]).

35. Residents living in proximity to 503 Broadway started to contact Zara seeking relief from these delivery conditions starting in 2016. Despite their pleas, the disruptive conditions have persisted.
36. On June 5, at the applicant's request, CB2 Land Use chairs and CB2 chair met with the project's land use attorneys and Zara representatives. Zara indicated no knowledge of any ongoing complaints and requested documentation from the residents and expressed a willingness to address their quality of life complaints. Following that meeting, CB2 forwarded letters and a video that illustrated the sources of the disruption.
37. Three months later, at the CB2 Land Use meeting on Sept. 11, resident representatives spoke emphatically against these ongoing conditions. There were no supporters of Zara's application at either of these meetings.
38. Per ZR 44-52, one loading berth is required for stores greater than 25,000sf (including cellar); a second loading berth is required for stores above 40,000sf. Therefore, if this Special Permit is granted, DCP will require the addition of two loading berths.
39. Per ZR 44-50, the purpose of a loading berth is "to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect public health, safety, and general welfare."
40. Per its application, Zara intends to ask for a waiver from its obligation to contain deliveries and other disruptive actions within its own premises. Loading and unloading without the required off-street loading berths will necessarily monopolize the public sidewalk for these commercial activities and exemplifies the applicant's lack of concern for its residential neighbors.
41. Per the applicant, there is no space anywhere in their three-story, 42,000 sf store dedicated to the storage of merchandise. Creation of such a space would alleviate the need for so many deliveries per week. Without storage space, the impacts of the three-story, 42,000 sf store, almost all of which is devoted to retail sales areas, are magnified.
42. Per ZR 44-55, a loading berth waiver can be granted by the determination of the DOB without public review or input. Therefore, this Special Permit review is CB2's only opportunity to speak to this issue.
43. **In summary: SoHo is a mixed-use district where significant protections for residential occupancy were put in place by numerous amendments to the City's zoning regulations well before the recent influx of retail. These protections must be respected and enforced.**

#### **IN CONCLUSION**

44. Applicant fails to meet the following Findings for a 74-922 Special Permit because:
  - b. Such use is drawing considerable vehicular traffic through that local street.
  - c. There is not adequate reservoir space at the vehicular delivery entrance so as to prevent congestion.
  - f. Such use is impairing the essential mixed-use character of the area.
  - g. Such use is producing adverse effects, which are interfering with the mixed uses in the adjacent buildings.

45. Because, in its present iteration, Zara’s three-story retail store cannot adequately solve the quality of life issues that plague its neighbors, and because City agencies have not demonstrated that they can consistently enforce remedies for these issues or ensure that future owners will be bound to protect residential neighbors, then:

**Therefore, be it resolved** that CB2, Man. recommends **denial** of the Special Permit for a 42,000 sf retail establishment on three floors; and

**Be it further resolved** that if this application were solely about the legalization of only the second floor, CB2, Man. would recommend **denial**; and

**Be it further resolved** that CB2, Man. recommends that the Use Group 10 uses in the cellar and on the ground floor that cannot be documented on the current Certificate of Occupancy **be considered invalid** and the applicant be encouraged to reapply for a Special Permit; and

**Be it finally resolved** that while this process is in progress, CB2, Man. recommends that the applicant be immediately required to:

1. Limit merchandise deliveries and trash pickup to the hours between 7 am and 8 pm;
2. Employ best practices to limit noise and contain garbage;
3. Convert enough of its interior space from selling floor to storage so as to reduce the number of pickups and deliveries of merchandise to a maximum of twice a week;
4. Construct two off-street loading berths per ZR 44-52. Any waiver of this requirement should require a public process to approve;
5. Bring all signage into permanent compliance with LPC regulations;
6. Designate a community liaison with contact number.

Vote: Passed with 40 Board members in favor with and 1 abstention (J. Liff).

## **LANDMARKS AND PUBLIC AESTHETICS**

### **FIRST LANDMARKS MEETING**

1. **\*534 Hudson St.** – Application is to replace existing cooling tower with same in-kind tower.

**(reviewed at LPC staff level)**

2. **\*12 Little W. 12<sup>th</sup> St.** – Application is to plant two trees in front of the property.

**(laid over)**

3. **\*137 W. 11<sup>th</sup> St.** - **Application is to install awnings and window boxes at the front façade.**

#### **Whereas:**

A. The row house is new construction and one of a row of similar buildings reflecting the historic practice of adjacent, matching houses; and

B. The awnings are flat dropped black scalloped canvas on all of the windows of the front facade and window boxes are black wood; and

C. The awnings are without historic or neighborhood precedent and appear as a “decoration” to the modern interpretation of a row house; and

D. The introduction of awnings to one house of the row interrupts the rhythm of the row and the precedent would invite random decoration to other houses in the row; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of the window boxes and denial of the awnings which disturbs the continuity of the row.

Vote: Unanimous, with 41 Board members in favor.

**4. \*19 Washington Sq. No. - Application is to replace windows on the primary facade at the rear of the building (19 MacDougal Alley).**

A. The structure is a converted carriage house of rather undistinguished design with double hung wooden windows on the ground level with a metal security gate and metal casement windows on the second floor; and

B. The proposal is to replace the windows with painted aluminum frames and mullions of similar appearance with marginally larger framing necessitated to accommodate for insulated glass; and

C. The existing security gate will remain in place; now

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

Vote: Unanimous, with 41 Board members in favor.

**5. \*239 W. 4th St. - Application is to construct a rear addition at the basement level.**

**Whereas:**

A. The extension is constructed in brick with table height single pane black casement windows with green trim and a door and built to the full lot width, 7'-3" above grade (extending 18" above the north property line wall) matching the height of the existing extension and does not provide an unacceptable intrusion into the garden or the doughnut; and

B. There is a safety fence on the edge of the existing extension roof; and

C. The construction is on grade within the property boundaries and does not require intervention with the deeply excavated wall (not a fence as described in the proposal materials) to the north nor the adjacent fully excavated cellar; and

D. The garden will not be occupied; and

E. The existing curb enclosing the planted area and most or all of the plants are proposed to be removed and the stairs from the existing extension to the garden level will be recreated in a similar location in the new extension; and

F. There was objection to the proposal from the adjacent property owner and other residents of the neighborhood that the extension would block light to other properties and concern about the construction undermining the wall and the adjacent cellar, and removal of mature plantings from the garden; and

G. One neighbor and the owner spoke in favor of the proposal; now

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

A. **Approval** of the design of the extension and that mature plantings whose removal is not necessitated by the relocation of the garden stairs be retained; and

B. Recommends that unless the proposed position of the rooftop railing is required by code that it be moved to the edge of the existing extension and that the applicant provide masking for the mechanical equipment on the roof of the existing extension; and

C. That engineering studies and precautions in construction methods including monitoring of adjacent properties, be undertaken and committed to ensure that the integrity of the subject property and adjacent properties, including the property wall and cellar be preserved.

Vote: Passed, with 30 Board members in favor, 6 in opposition (D. Gruber, D. Raftery, L. Rakoff, B. Riccobono, S. Russo, S. Wittenberg), 4 abstentions (K. Berger, S. Kent, S. Secunda, G. Silvera-Seamans) and 1 recusal (S. Aaron).

**6. \*65 Spring St. – Application is to remove existing aluminum frame storefront and existing residential door, install new storefronts and residential door, and replace existing lights over the transom.**

A. The proposal is for pitch black painted aluminum and plate glass infill be recessed 18” from the pilasters with a bulkhead and without transoms except over the doorways and five large hooded gooseneck lamps affixed to the masonry above the sign band; and

B. The shop entrances will, with modifications to the sidewalk and the interior floor levels, be at grade; and

C. A black metal residential entrance door with a window and displaying a historic designation plaque is proposed for the residential entry; now

**Now therefore be it resolved** that CB2, Man. recommends:

A. **Approval** of the infill and sidewalk modifications provided that the color is a softer black or dark grey and that a transom is added in line with the transom above the entrance doors atop the show windows; and

B. That the residential entrance door be in wood with a lighting fixture above the entrance be provided; and

C. That the sign band lighting fixtures be denied and that there be no fixtures above the sign band, but instead lighting be provided above the entry doors only.

Vote: Unanimous, with 41 Board members in favor.



**7. \*265 W. 11th St. – Application is to construct a lowered, fenced-in areaway with trash enclosure/planter, modify entry door surround and parlor floor windows, enlargement of roof bulkhead, and construct a 1-story rear extension and balcony on rear façade.**

- A. The proposal is to change the small window in the position of the original stoop entry at the parlor floor to match the existing parlor windows and to lower all three parlor windows to the interior floor level; and
- B. An areaway that would have existed when the stoop was in place and is typical to buildings of the style of the property and a simple, modern fence, gate and a metal garbage can enclosure with planting above is proposed; and
- C. The rooftop bulkhead enlargement is minimally visibility; and
- D. The 4'-0" rear extension, with a deck and metal railing, aligns close to the depth of the neighbor to the west and does not intrude objectionably into the doughnut; and.
- E. The rear parlor and basement levels of the rear facade have tri-part plate glass windows which lack historic reference and are oddly proportioned to the facade; and
- F. There is a small central balcony on the third floor level which is clearly visible from 4th Street and with modern glass railings; now

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

- A. **Approval** of the front facade windows, areaway, doorway surround, rear extension, and bulkhead enlargement; and
- B. **Denial** of the window and glass railing design in the rear extension; and
- C. **Denial** of the non-historic front areaway railings and instead that the railings be inspired by the decorative historic railings on the block.

Vote: Unanimous, with 41 Board members in favor.

**8. \*14 Christopher St. – Application is to legalize the replacement of windows and balconies without LPC permits on Christopher St. and replace the windows on Gay St.**

- A. The building is an exceptionally fine example of a late 19th century loft building and the 1940 photograph and the designation photograph show the condition as the same, or close to, the original design at the time of landmark designation; and
- B. The modifications that are the subject of the violation destroyed the Christopher Street facade windows and decorative elements and added the narrow balconies. The basic structure remains intact, the balconies can be removed and the windows and decorative elements can clearly be restored; and
- C. The window arrangement modification of the Gay Street facades, though unacceptable in aluminum with plate glass, rather than the historic wood windows in six over one as illustrated in the elevations and photos, is symmetrical in its arrangement; and

D. The historic photographs from the 1940s clearly provide enough information of what was the original design and can guide an authentic restoration throughout; now

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

**Absolute denial** of the legalization of the existing condition of the Christopher Street facade and a strong recommendation that restoration according to the 1940 materials be required to cure the violation; and

**Approval** of the configuration and size of the Gay Street windows and a requirement that the windows be in wood with six over one lites as illustrated in the 1940 materials.

Vote: Unanimous, with 41 Board members in favor.

## **SECOND LANDMARKS MEETING**

### **9. 105 Wooster St. – Application is to paint existing entrance, doors and storefront.**

- A. The four bay storefront infills are painted in a medium brown color; and
- B. The proposal is to paint the storefront infills in Benjamin Moore “Pewter” to be color compatible with stone façade and windows; now

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

Vote: Unanimous, with 41 Board members in favor.

### **10. 584 Broadway – Application is to remove existing double blade sign and install a flagpole and banner.**

#### **Whereas:**

- A. The existing 24” X 24” blade sign near the center of the building will be removed; and
- B. A new horizontal pole with a flag 3’-0” X 6’-4” in black with white lettering and logo is proposed to be installed on the pilaster at the same height as the existing sign and the bottom edge would be 4’ - 4” lower than the existing blade sign ; and
- C. The pole will be attached into the existing blade sign fitting and a second anchor to be secured into the masonry; and
- D. The flag is overly large, attached in line with the top of the show windows and would hang too low - possibly lower than the minimum clearance to the sidewalk than is permitted, it would look odd and adds visual clutter in the district; now

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

**Denial** of the flag and pole unless the pole is at the same height as the existing pole at the south corner of the building, is attached into mortar joints, is considerably smaller , does not hang lower than the flag at the south corner of the building, and Landmarks Commission staff affirms that the revised application conforms to all applicable regulations for the district.

Vote: Unanimous, with 41 Board members in favor.

**11. 270 Lafayette St. – Application is to install new metal infill in existing masonry exterior wall.**

**Whereas:**

A. The existing condition for the principal entrance is a set of doors, sidelights, and transoms with numerous horizontal mullions in painted aluminum, giving a modern appearance not in keeping with the style of the building; and

B. The proposed infill is in bronze with taller doors, sidelights and a transom- typical of replacement infills in buildings of similar style and is a great improvement over the present condition; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of this improved infill for the building’s main entrance.

Vote: Unanimous, with 41 Board members in favor.

**12. 57 Bank St. – Application is to construct a rear yard extension and a new inset dormer at the roof.**

**Whereas:**

A. A recess is to be cut into the attic roof to accommodate the installation of air conditioner condensers and conceal them from view,

B. The basement entrance door is to be recessed into the hallway to provide easier egress, is only visible through the gate, and does not disturb the facade; and

C. Extensions on the third floor (4’) and attic floor (4’ 3”) have no appreciable effect on the appearance of the facade; and

D. The main rear facade (two bays wide) windows are reconfigured and replaced with multi pane window, appropriate to the building, with full height casements on the basement and parlor floors and double hung on the upper floors; and

E. The existing “tower” extension (one bay wide) has similar multi-pane single sash window that are ill proportioned to the area of masonry; now

**Therefore be it resolved** that CB2 Manhattan recommends:

**Approval** of the position of the condensers, modification to the front basement entrance, principal rear facade extensions and windows; and

**Denial** of the windows in the “tower” extension as ill proportioned to the facade and recommends larger, double hung windows similar to those in the principal rear facade upper stories.

Vote: Unanimous, with 41 Board members in favor.

## **QUALITY OF LIFE**

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

**LPB4, LLC d/b/a La Pecora Bianca, 265 Lafayette Street at the corner of Prince Street with 20 tables and 40 chairs (10885-2019-ASWC)**

**Whereas**, this establishment, a restaurant offering Italian food and drink, is located on the ground floor of a mixed-use residential/commercial building that was formerly occupied by the restaurant Delicatessen which operated a sidewalk café with 20 tables and 40 chairs; and

**Whereas**, the establishment will offer full service in the sidewalk café and the café will be monitored and cleared by restaurant staff; and

**Whereas**, the operators appeared before CB2's SLA committee in June 2019 for an on-premises liquor license, and stipulated that the sidewalk café would not operate past 10 PM from Sunday-Thursday, and not past 11 PM on Friday and Saturday; and

**Whereas**, no amplified sound will be used in the sidewalk café and all planters will be pushed up against the façade of the establishment overnight; and

**Whereas**, no member of the public appeared to express support for or opposition to this application; and

**Whereas**, the applicant confirmed that all tables and chairs would be stored stored off-premises during the off-season; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the assignment application for revocable consent to operate an unenclosed sidewalk café for **LPB4, LLC d/b/a La Pecora Bianca, 265 Lafayette Street with 20 tables and 40 chairs (10885-2019-ASWC)** provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

### **2. Street Activities Applications**

**Saturday-Sunday, November 2-3, 2019 – Madhappy Block Party (Fourth the Kids Foundation): Howard St. between Lafayette St. and Crosby St. [full street and sidewalk closure]**

**Whereas**, the applicant did not appear to speak on behalf of this application; and

**Whereas**, the application states that the set-up for this event is to begin at 4:30 PM on November 2, the event would take place between 8 PM and 2 AM on November 3, and breakdown would be complete by 4:30 AM; and

**Whereas**, the application states that the event is expected to attract up to 999 people; and

**Whereas**, the application states that there will be amplified sound, multiple generators, and food and drink at this event; and

**Whereas**, an all-night and into the morning street closure with amplified sound will be disruptive to the neighboring residents and businesses on this block; and

**Whereas**, the event is being produced by Madhappy, a clothing brand, which is operating a pop-up store on this block from October 12-November 12; and

**Whereas**, a full street closure for a temporary tenant of a storefront on this block is not in the best interest of the community; and

**Whereas**, this application is part of an ever increasing trend to commercially exploit the Village, Chinatown, NoHo, Little Italy and SoHo with a bombardment of requests to use public space for private commercial use while the aforementioned communities receive nothing in exchange but crowds, noise, garbage, congestion, and the like; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial of Madhappy Block Party (Fourth the Kids Foundation): Howard St. between Lafayette St. and Crosby St. [full street and sidewalk closure] from November 2-3, 2019.**

Vote: Unanimous, with 41 Board member Sin favor.

## **SCHOOLS AND EDUCATION**

**Resolution in Support of Funding for Technology, Capital and Expense Initiatives for PS 3, PS 41, PS 130, MS 297, P751, Broome Street Academy and City-As-School High School and the Creation of a DOE Public School Program for Dyslexic Students at the Bleecker School Site**

**Whereas:**

1. The integration of technology into instruction remains a critical equity issue as part of the Mayor and Department of Education's (DOE) [Equity and Excellence for All](#) initiative to ensure that no child is left without access to technology:
  - a. Funding for technology is critically important at Broome Street Academy (BSA) where 40% of students have no technology at home and at all schools that serve economically disadvantaged students – 88% at P751, 74% at BSA, 66% at City-As-School, 45% at PS 130, 27% at MS 197 and 22% and PS 3;
  - b. To ensure that our students have equitable access to technology, PS 3, PS 130, MS 297, P751, Broome Street Academy and City-As-School High School have identified specific technology needs for smart boards, computers and laptops;
2. Many local schools are located in century-old facilities and need significant capital improvements for school-wide facilities and specific programs, including:
  - a. Built in 1906, PS 3 needs funding for gymateria dividers to increase flexibility and use, library renovations, upgrades to playground equipment and enhancements to its roof playground;
  - b. Built in 1925, Broome Street Academy needs funding for a library, which also would be available to The Door members, as well as a cafeteria upgrade; and,
  - c. Built in 1911, City-As-School High School needs funding to build STEAM and Literacy programs including a Wet Lab, Maker Space, Literacy Lab and Library / Media Center as well as adding water bottle refilling stations;
3. Students who lack access to laundry facilities tend to have higher absentee rates and schools that serve students in temporary or transitional housing have found that the installation of a washer and dryer and access to laundry facilities reduces absenteeism<sup>i</sup>;

4. In March 2019, the New York State Education Department issued a [Culturally Responsive - Sustaining Education \(CR-SE\) Framework](#)<sup>ii</sup> and in July 2019, the DOE approved a definition of [Culturally Responsive - Sustaining Education](#) (CR-SE)<sup>iii</sup>; and,
5. As noted in CB 2's September 2019 resolution, the DOE has failed to develop comprehensive early screening, curriculum, teacher training, programs and schools to support and teach children with dyslexia and there currently are no DOE public schools or programs for students with dyslexia and language-based learning disabilities, even though there are several private special education schools and a newly opened charter school specifically designed to address the learning needs of these students.

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

1. Supports capital funding for:
  - a. Technology for PS 3, PS 130, MS 297, P751, Broome Street Academy and City-As-School High School; and,
  - b. Significant facility upgrades at PS 3, Broome Street Academy and City-As-School High School;
2. Supports funding the installation of washers and dryers at schools that serve populations in need of laundry access;
3. Supports funding in our district's public schools for:
  - a. Curriculum development and teacher training for Culturally Responsive – Sustaining Education; and,
  - b. Teacher training and reading and writing curricula that use the Orton-Gillingham approach; and,
4. Urges the NYC DOE and School Construction Authority to fund the Bleecker School in its Five-Year Capital Plan and explore the possibility of creating a DOE public school program for dyslexic students.

VOTE: Unanimous, with 41 Board Members in favor.

## **SLA LICENSING**

**1. Mooncake Foods, Inc., d/b/a Mooncake Foods, 112 Sixth Avenue 10013** (Removal Application for RW from 28 Watts St. to 112 Sixth Avenue with-in same building)

**I. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present a removal application for an existing Restaurant Wine license to continue to operate a fast-casual Asian Lunch Counter café in a new 600 sq. ft. ground floor storefront located in the same mixed-use, six-story building (Circa 1900) from the location in the building known as 28 Watts St. to another new location in the same building known as 112 Sixth Avenue at the corner of Sixth Avenue and Watts Street in Soho; and,

**II. Whereas**, the applicant has been operating in the same building for a number of years in a storefront on Watts Street and is moving storefronts within the same corner building, the new storefront being on the Sixth Avenue side at 112 Sixth Avenue, the plan is to continue with the same method of operation as previously operated; and,

**III. Whereas**, the hours of operation will continue to be 10am to 11pm Monday through Sunday, seven days a week, there will be 14 tables and 30 table seats, a food counter with 7 additional seats for a total seating capacity of 37 in the new space, no TVs, one patron bathroom, no French doors or operable facades, music will be background only; and,

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

1. The premises will be advertised and operated as a fast-casual, Asian-inspired cafe.
2. The hours of operation will be Sunday through Saturday, every day/night of the week from 10:00 am to 11 pm.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not operate a backyard garden or any outdoor area, including a sidewalk café, for commercial purposes.
6. The operator will not install French doors, operable windows or open facades.
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
8. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits & Certificates.
9. Will not make any changes to the existing facade, except to change signage or awning.
10. Will not offer unlimited drink, or unlimited food and drink specials (including no “boozy brunches”), nor will it sell 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 and beer products.
12. Will not have dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or a doorman.

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends denial of a removal application for the existing Restaurant Wine license for **Mooncake Foods, Inc., d/b/a Mooncake Foods, 112 Sixth Avenue 10013** unless the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**2. SoHo Hummus, LLC d/b/a Nish Nush, 19 Cleveland Pl. 10012** (OP – Method of Operation Change seeking to expand late-night hours, add additional seating in the cellar, increase music volumes and permit French doors and windows to remain open later at night)

**I. Whereas,** the applicant appeared before CB2’s SLA committee for the purpose of seeking an “alteration” to an existing OP license SN#1306106 issued on July 24, 2018 to **(1)** extend the hours of operation to 2AM 7 days a week, **(2)** change the cellar seating layout and **(3)** keep the front doors and windows open until 9PM; and,

**II. Whereas,** the premises is located on the ground floor and basement, with patron use of both floors, in a 5-story building (circa 1900) with residential units on the 2<sup>nd</sup> to 5<sup>th</sup> floors, the ground floor is approximately 1,200 sq. ft. and the cellar is 700 sq. ft.; the premises is located across the street from Petrosino Square Park and,

**III. Whereas,** the original application to the SLA in 2017 included 13 tables and 58 seats spread throughout the ground floor and cellar and 1 stand up bar with 7 seats on the ground floor, the applicant stated that during the day until 4PM the premises would be operated as a fast casual

restaurant with counter service and after 4PM would operate as a sit down restaurant with table service only and at all times they would be serving variations of traditional Mediterranean vegetarian cuisine; the basement was presented as being used for evening dining service with table service only, no service or stand up bar in the basement; and,

**IV. Whereas,** the existing license was issued subject to stipulations and conditions imposed by the Members of the New York State Liquor Authority at the February 8, 2018 Full Board meeting; those stipulations and conditions include closing by 11 PM every night, to have a chef/cook on site during all operating hours, to keep all windows and doors closed at all times, have adequate soundproofing subject to approval by a professional consultant to limit the noise level no more than 60 dB, to play ambient background music only, to have no DJs, no dancing, no promoted events, no pub crawls, no party buses, the velvet rope lines, and no unlimited food/drink specials; the Members additionally stipulated that the maximum occupancy would be 74 or less persons throughout the premises because the applicant stated that they would not seek a Place of Assembly permit; and,

**V. Whereas,** the applicant had originally stated that there would be a fixed façade with no operable windows, but upon opening in 2018, the applicant had replaced the entire front façade with floor to ceiling accordion doors and operated regularly during all hours of operation with the façade doors and windows open; and,

**VI. Whereas,** a number of complaints were made to the Liquor Authority indicating among other things that the applicant was operating beyond their approved hours of operation, keeping doors and windows open at all times and playing music above background levels; and,

**VII. Whereas,** the SLA brought two proceedings against the applicant, the first DO#2934-2018/Case # 129822 for failure to conform to application on 10/5/18 the second DO#1163-2019/Case # 131336 for false material statement on 10/26/2017; the applicant on 5/29/2019 pleaded conditional no contest and the Members of the Authority imposed a civil penalty of \$7,500; and,

**VIII. Whereas,** at the time of the alteration application in October/2019, a petition in support and a letter in support were presented and 2 speakers appeared in support citing the lack of vegan options in the area and the affordable price points, and encouraged the board to look beyond the applicants past mistakes; and,

**IX. Whereas,** at the time of the alteration application in October/2019, 9 immediately impacted residents appeared in opposition, including 5 occupants of the 4 remaining rent stabilized units in the same building; complaints included continuing operations beyond the stipulated 11PM closing time, continuing to operate with music that is audible outside the establishment and in the residential hallway impacting quality of life, using curtains to obscure interior patron operations after closing time, operating with an improper d/b/a 19 Cleveland which is not the d/b/a name on file, excessive noise through early morning hours from clean-up operations in the rear alleyway which the applicant refuses to ameliorate despite 10-12 attempts by a building resident, complaints that when problems are raised with restaurant staff excuses are provided without solutions, that patrons regularly block the sidewalk in front of the building while smoking and that there is an improper bench in front of the premises which encourages patrons to loiter outside despite signage requesting that their patrons smoke elsewhere; and,

**X. Whereas,** the applicant's own website currently as of October/2019, despite the stipulated maximum occupancy of 74 or less patrons, advertises "19 Cleveland hosts private events for up to 160 guests, 130 guests if you would like to enjoy a seated meal. From corporate events to full weddings and ceremonies. Let us show you what Tel Avivian Hospitality stands for."; and,



**XI. Whereas,** from the first appearance before CB2 in 2017, inconsistent information and actions continue to occur through the current alteration application which makes it difficult to consider any additional changes to the current stipulated hours and method of operation, a permissible operable façade and changes to the floor plans, the prior stipulations and conditions imposed by the Members of the New York State Liquor Authority in February/2018 being set to satisfy the public interest standard, the Applicant thereafter intentionally violating those stipulations and paying significant fines designed to enforce those existing stipulations and conditions, stipulations and conditions designed to ameliorate and mediate the significant impacts posed by the issuance of an on-premise license requiring the public interest be met, so that this particular eating/drinking businesses and community can continue to co-exist despite being located in a 120 year old 5 story building not designed for the types of impacts presented by this type of liquor license in a landmarked community; and,

**XII. Whereas,** in October/2019 the applicant states that there would be 66 table seats and 10 bar seats throughout the premises with the new basement configuration as presented for a total of 76 seats; however the detailed diagrams that were presented indicate a total of 90 seats including 46 table seats on the ground floor, 10 bar seats, 20 table seats in the basement and 14 additional lounge/banquet seats; and,

**XIII. Whereas,** the stipulated maximum capacity of 74 persons imposed at the February 8, 2018 SLA Full Board meeting was done so because despite the certificate of occupancy indicating maximum occupancy on the ground floor of 100 people and 50 people in the basement, the applicant stated that they would not be seeking a Place of Assembly Permit required to operate for public safety for 75 or more patrons and pointed to their intention to operate a seated only restaurant with a total of 65 seats only as indicated in the 500 ft hearing report and stated they had no intention of ever operating beyond 74 total capacity; and,

**XIV. Whereas,** in October/2019 the applicant stated that they would never seat more than 74 people despite having 90 seats on their diagrams, irrespective of the fact that staff is also included in occupancy numbers and that with over 74 seats the space is configured as a Place of Assembly and subject to additional life safety, fire safety and department of buildings regulations; and,

**XV. Whereas,** the applicant did not provide evidence of a current Place of Assembly Permit required for businesses operating with more than 74 persons in the interior of a building; and,

**XVI. Whereas,** this location was previously the subject of litigation between local residents and the Liquor Authority in *Cleveland Place Neighborhood Assn. v New York State Liq. Auth.*, 268 AD2d 6, 10 [1st Dept 2006]; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Soho Hummus, LLC, d/b/a Nish Nush, 19 Cleveland Pl. 10012** on its application seeking an alteration application; and

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

Vote: Unanimous, with 41 Board members in favor.

**3. Green Garden Village, Inc d/b/a Green Garden Village, 214-216 Grand St. 10013 (New Restaurant Wine)**

**i. Whereas,** the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a new Restaurant Beer & Wine License to operate a family restaurant with a focus on Chinese food in a ground floor storefront in a mixed use 4-story building (circa 1900); and

**ii. Whereas,** the Applicant would like to serve authentic Chinese beer with his Cantonese Style food to provide a better experience. The owners experience is over 20 years running and working for a restaurant in an Atlantic City casino as a cook; and

**iii. Whereas,** the 1,290 sq. ft. premise is located on the ground floor of a 4-story building, the maximum occupancy is 50 people, there will be 11 tables and 50 seats, music will be background only. The hours of operation will be from 7:45am to 11:00pm Sunday through Saturday; and

**iv. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the “Method of Operation” of the Restaurant Beer/Wine License, with those stipulations as follows:

1. The premises will be advertised and operated as a full-service Chinese Restaurant.
2. The hours of operation will be 7:45 AM to 11:00 PM, Sunday through Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes including a sidewalk cafe.
7. Will not install or utilize French doors, operable windows or open façades.
8. All doors and windows will remain fixed and closed except for patron egress.
9. Will not make changes to the existing facade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. The premises will not have dancing, DJs, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine license for **Green Garden Village, Inc d/b/a Green Garden Village, 214-216 Grand St. 10013** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on its Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**4. Pelicana E8 St., Inc. d/b/a Pelicana Chicken, 52 E. 8<sup>th</sup> St. 10013 (New Restaurant Wine)**

**i. Whereas,** the Applicant's attorney and Manager appeared before Community Board 2, Manhattan's SLA Committee #1 to present an application to the NYS Liquor Authority for a new Restaurant Beer & Wine License to operate a family Friendly restaurant focusing on Korean Fried Chicken and Cuisine; and

**ii. Whereas,** the Applicant would like to serve beer with their food to provide a better experience for their customers; and

**iii. Whereas,** the 1,500 sq. ft. premises is located on the ground floor of a 6 story residential building, the maximum occupancy is 50 people, there will be 7 tables and 18 seats. There will be background music only, played by an iPod/CD. The hours of operation will be from 11:00am to 10:00pm, Sunday through Saturday; and

**iv. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the "Method of Operation" of the Restaurant Beer/Wine License, with those stipulations as follows:

1. The premises will be advertised and operated as a Korean Fried Chicken restaurant.
2. The hours of operation will be 11:00 AM to 10:00 PM, Sunday through Saturday All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a "lounge", tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than 2 Televisions no larger than 46" and will be for advertising/display purposes only. (there will be no projectors)
5. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes including a sidewalk cafe.
7. Will not install or utilize French doors, operable windows or open façades.
8. Will not make changes to the existing facade except to change signage or awning.
9. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches". No pitchers of beer.
11. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. The premises will not have dancing, DJs, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine license for **Pelicana E8 St., Inc. d/b/a Pelicana Chicken, 52 E. 8<sup>th</sup> St. 10013** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the "Method of Operation" on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**5. Flipper’s NYC, LLC d/b/a/ Pending, 337 W. Broadway 100013 (RW – Previously Unlicensed Location)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a new restaurant wine license to operate the first U.S. outpost of Japan’s most popular pancake chain ‘Flipper’s’ which specializes in soufflé pancakes along with other breakfast and dessert foods;

**ii. Whereas**, the 2,100 sq. ft. premise is located on the Northeast corner of West Broadway and Grand Street in a two-story commercial building and consists of two floors: the 650 sq. ft. ground floor which is used as a grab-and-go café and the building’s entire 1,450 sq. ft. upper floor which serves as the restaurant and is accessed by interior stairs. There is a counter with 6 seats on the ground floor and 17 tables with 50 seats on the 2<sup>nd</sup> floor, the adjacent ground floor space within the same building being occupied by Sanctuary T with a full OP license currently listed as inactive on the NYS SLA website.

**iii. Whereas**, the premises proposed to be license is previously unlicensed, was operated and occupied for years as the real estate brokerage firm TOWN, and has never be used or occupied for eating and drinking purposes;

**iv. Whereas**, the hours of operation will be from 10 AM to 9 PM seven days a week, music will be quiet background music only, no open doors or window and no sidewalk café.

**v. Whereas**, no one from the community appeared to either support or oppose the application, but email correspondence in opposition was received, the concern being the over-saturation of liquor licenses in the immediate neighborhood, there being noise complaints in the past regarding the operations of Felix Restaurant and Bar operated across the street at this intersection; and

**vi. Whereas**, members of SLA Committee were concerned about lines on the sidewalk, this Flipper pancake concept being popular and photos of long lines on the sidewalk already coming from location having been produced; and

**vii. Whereas**, the Applicant will obtain a letter of no objection from Department of Buildings for a combined 1<sup>st</sup> and 2<sup>nd</sup> floor restaurant; the Applicant will also supply a C of O with the correct address of 337A West Broadway being that there are two establishments with entrances on the ground floor of the building and the other establishment uses 337B West Broadway as its address; and

**viii. Whereas**, the Applicant has executed and has notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the Restaurant Wine license, with those stipulations as follows:

1. The Applicant will operate a café/restaurant specializing in Japanese soufflé pancakes, other breakfast food and desserts.
2. The hours of operation will be Sundays through Saturday from 10AM to 9PM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge,” tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes including a sidewalk cafe.
6. Will not install or utilize French doors, operable windows or open façades.

7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
8. The premises will not have dancing, DJs, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.
9. Doors and windows will be closed at all times except for patrons entering and leaving the premises.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits & Certificates.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

**THEREFORE BE IT RESOLVED** that recommends denial of the new restaurant wine license to **Flipper’s NYC, LLC d/b/a/ Pending, 337 W. Broadway 100013** unless the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the SLA On-Premise License.

Vote: Unanimous, with 41 Board members in favor.

**6. Echizen, LLC d/b/a TBD, 135 Sullivan St. North Storefront 10012** (New Restaurant Wine, previously unlicensed location)

**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 to operate an “Omakase Sushi Counter” restaurant in a ground floor storefront of mixed-use six tenement style building on Sullivan Street between Prince and Houston Streets, the building located within LPC’s designated South Village Historic District; and

**ii. Whereas**, the storefront premise was previously operated for years as a bakery, has never been licensed for the service of alcohol or occupied/operated for eating and drinking uses; and,

**iii. Whereas**, the storefront is small at 360 sq. ft., there will be one sushi counter with twelve seats representing the total seating for patron, there is access to the basement in front via access steel door, the basement being for storage purposes only, there is one bathroom for patrons, windows on the front façade are fixed and will remain unchanged; and

**iv. Whereas**, the hours of operation will be 12 pm to 11 pm Sunday through Saturday every day/night, music will be background only, there will be no sidewalk café and no exterior area for the service of alcohol; and

**v. Whereas**, a Letter of No Objection from July/2015 was presented for the building (135 Sullivan), but the Letter of No Objection did not distinguish between the north and south storefronts within the same building, those two storefronts separated by a residential entry into the building, the Applicant agreeing to obtain a new Letter of No Objection for the north storefront prior to opening, the Letter of No Objection relating to the South storefront within the same building but not the north storefront where the license is being sought; and

**vi. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the “Method of Operation” of the Restaurant Beer/Wine License, with those stipulations as follows:

1. The premises will be advertised and operated as a sushi counter restaurant.
2. The hours of operation will be 12 pm to 11 pm Sunday through Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes including a licensed sidewalk cafe.
7. The premises will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
8. Will not install or utilize French doors, operable windows or open façades.
9. There will be no use of the common areas of the building, including main hallway and stairs for residents.
10. There will be no café furniture placed outside in front of premises.
11. Doors and windows will be closed at all times except for patrons entering and leaving the premises.
12. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
13. Will obtain valid certificate of occupancy or letter of no objection permitting eating and drinking at premises prior to issuance of license.
14. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
15. Will not make any changes to the existing facade, except to change signage or awning.
16. Will not offer unlimited drink, or unlimited food & drink specials (including no “boozy brunches”), nor will it sell pitchers of beer.
17. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.

**vii. Whereas,** there have been significant concerns with the proliferation of licensed premises on this particular block in the past 10 years, residents living in the building and others living next door and across the street appearing with such concerns, the Applicant not having performed outreach to those living but met with residents at the time this matter was heard, the Applicant having discussed and agreed to the above-reference stipulations after speaking with those living on the same block; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the new restaurant wine license to **Echizen, LLC d/b/a TBD, 135 Sullivan St. North Storefront 10012** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**7. Citizens of Bleecker, LLC d/b/a N/A, Portion of 155 Bleecker St. 10012 (New OP – Restaurant)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a on-premise liquor license to operate a full service cafe restaurant serving Australian - style brunches, healthy breakfasts and lunches in a mixed use four story brick building (Circa 1900) building located on the corner of Bleecker and Thompson Streets within the South Village Historic District; and

**ii. Whereas**, the storefront space was previously operated since 2016 as **Bobbi Que, LLC, d/b/a Pig Beach**, a neighborhood restaurant serving smoked foods with an OP license; and

**iii. Whereas**, the storefront premises is approx. 2,220 sq. ft. (ground floor is 1,200 sq. ft. and basement 1,000 sq. ft.- no patron use) with 13 tables and 36 seats and one bar with 12 seats, for a total of 58 patron seats, all front façade windows will remain fixed and non-operable, there will be no outdoor and there are currently no plans for a sidewalk cafe; and,

**iv. Whereas**, the hours of operation will be 7AM to 12:00AM seven days a week (no patron shall remain after closing hour), the premises will always operate as a full service restaurant and not as a lounge or sports bar, there will be no TV’s, there will be quiet, background music only, no DJs, no promoted events, no live music, no cover fee, no scheduled performances, any windows and doors will closed by 10PM except for patron egress; and

**v. Whereas**, the applicant also met with the Bleecker Area Merchants’ and Residents’ Association (BAMRA), a representative of BAMRA appeared and stated the organizations support; and,

**vi. Whereas**, the licensee executed a stipulations agreement with CB2, Man. that will remain and continue to be attached and incorporated into their method of operation on their Restaurant On Premise license and the stipulations are as follows:

1. The premises will be advertised and operated as a full-service restaurant and will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
2. The hours of operation will be from 7AM to 12:00AM seven days a week (no patron shall remain after closing hour).
3. The premises will have no televisions.
4. The premises will not permit dancing.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes, including a sidewalk cafe.
6. The premises will play quiet ambient-recorded background music only.
7. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. The Premises will not have French Doors, Operable Windows or open facades.
9. The Licensee will not have patron seating or patron eating and drinking in the basement; and
10. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches; and

**vii. Whereas**, there are currently approximately 35 on-premise Liquor Licenses within 500 ft. of the premises and an unknown number of Beer/Wine licenses the method of operation as a restaurant and agreed upon stipulations establishing a public interest;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the On Premise license application for **Citizens of Bleecker, LLC, 155 Bleecker St. 10022** **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 its Restaurant On Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

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

**8. Selina Operations LES, LLC d/b/a Selina, 138 Bowery 10013** (OP – New Hotel/previously unlicensed location, includes outdoor rooftop restaurant, 2<sup>nd</sup> floor rear terrace, rooms with balconies and basement space open until 4AM with DJs, live music and performances) (laid over at meeting)

**i. Whereas**, the Applicant and its Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Hotel on premise liquor license to operate a transient hotel in a newly constructed 8-story building on the Bowery between Broome and Grand Streets, the building located within the Special Little Italy District; and

**ii. Whereas**, prior to the Hotel, a lighting store operated at ground level at this location, closing by 7 pm every day, the location having never been used or occupied for eating and drinking uses or occupancy; and

**iii. Whereas**, the Hotel will occupy the entire 8-story building, with a roughly 51,000 sq. ft. gross floor interior, in addition to cellar and rooftop, proposing multiple exterior spaces to the Hotel, including 2,250 sq. ft. exterior rooftop restaurant (patron occ. 74), 2,250 sq. ft. exterior 2<sup>nd</sup> floor deck (patron occ. 61), as well as 8 apartments with 6 outdoor terraces located on the sixth floor, all outdoor spaces to the Hotel facing the rear of the Hotel backing up into six- and seven-story residential apartment buildings located on Elizabeth Street, the Applicant seeks to operate in these outdoor spaces for eating and drinking purposes with the service of alcohol; and

**iv. Whereas**, the Applicant also seeks to operate in the interior until 4AM every night, planning a full service 3,250 restaurant and bar space on the ground floor with approximately 100 patron seats facing the Bowery, with stairs leading to a 2,200 mezzanine co-working space and down into the cellar where there will be a 3,100 sq. ft. nightlife club and event space (patron occ. 288) with no fixed seating, one stand-up bar utilizing DJs, live musical performance, dancing and promoted events at entertainment levels; and

**v. Whereas**, there was significant opposition to the application by those living in four large apartment buildings on Elizabeth Street that have residences facing the rear of the Hotel and directly exposed to the rooftop, 2<sup>nd</sup> floor terrace and six floor terraces operated by the hotel, a location for these residents prior to the plan for a transient hotel thereat, being one of quiet enjoyment and privacy, with those same residents now having to be subject to the new Hotels impacts, having their bedrooms and residential quarters located immediately adjacent to, without barrier and surrounding the proposed 2<sup>nd</sup> floor terrace; and



**vi. Whereas**, the certificate of occupancy for the proposed transient Hotel does not permit eating and drinking on the rooftop or second floor rear terrace, the Applicant stating that they have applied to change such Certificate of Occupancy with the NYC Department of Buildings, changes that purportedly would allow eating and drinking use and occupancy at these exterior spaces at some point in the future; and

**vii. Whereas**, due to the significant impacts that would be created by the Hotel's second floor exterior terrace, surrounded by so many residential apartments, the Applicant's Sound Eng. suggested that the Hotel build a temporary 14-foot high Dome, approx. 916 sq. ft. in size, which would be made of clear, see-through material connected to a HVAC system allowing cooling in the summer and heating in the winter, permitting activities in the Dome to occur on a year-round basis, the proposal is to the use the Dome for Wellness activities and/or for Eating and Drinking purposes; and

**viii. Whereas**, in light of the significant opposition received to this application, and desire of the Applicant to conduct further outreach to those appearing at the meeting, the Applicant requested to adjourn its proceedings with CB2, Man. and agreed not to go to the NYSLA without returning and completing its presentation to CB2, Man. in November or December/2019; and

**ix. Whereas**, those appearing in opposition to this application were unanimously opposed to the Hotel's plans for the exterior operations and 4am closing, the area already being greatly saturated with a significant number of late-night drinking establishments; and

**x. Whereas**, this application being subject to the Public Interest standard, the proposed use of the second-floor exterior terrace surrounded by residential apartments for eating and drinking would be highly inappropriate; and

**xi. Whereas**, instead the Hotel may and should rely on the rooftop space for seasonal eating and drinking, where any such exterior dining activities can take place after the proper permits are in place, without music and with a plexiglass sound barrier placed strategically on the Elizabeth Street side of the roof, and where eating and drinking activities can be strategically redesigned away from the edge of the rooftop to prevent those dining at the restaurant from having a visual line of sight down into the privacy of the residential apartments facing the hotel's Elizabeth Street side; and

**xii. Whereas**, the interior Hotel and cellar event space should close by 2 AM every night, instead of 4 am, as requested, this location having never been licensed previously and there being numerous late night drinking establishments in the area, the 2am closing being reasonable and sufficient for the new Hotel's event space in the cellar to co-exist with the immediate surrounding community already greatly impacted by the presence of a new hotel, a hotel replacing a retail store selling light fixtures;

**THEREFORE BE IT RESOLVED** that based on the Applicant's request to **lavover** this Application to either November or December/2019, CB2, Man. strongly recommends that the NYSLA **deny** the Hotel on premise liquor license for **Selina Operations LES, LLC d/b/a Selina, 138 Bowery 10013** **until** the Applicant has fully presented and completed their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**9. CGM LLNR, LLC d/b/a Asia De Cuba, 415 Lafayette St. 10003** (OP Alteration – Restaurant/Lounge - relocate bar and change layout, method of operation change with downstairs lounge, live music, DJs, Comedy/spoken word performance and new food concept)

**Whereas**, prior to the CB2, Manhattan’s SLA Licensing Committee #1 Meeting on October 7<sup>th</sup>, 2019 the Applicant requested **to layover** this application to November/2019 and 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 **CGM LLNR, LLC d/b/a Asia De Cuba, 415 Lafayette St. 10003** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**10. The RealReal Corp. d/b/a The RealReal, 80 Wooster St. 10012 (RW – Café within retail store with exterior service to patio)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 7, 2019 the Applicant requested **withdraw** this application and 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 restaurant wine license or tavern wine license for **The RealReal Corp. d/b/a The RealReal, 80 Wooster St. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**11. Bea’s Tavern, Inc., d/b/a Botanica Bar, 47 E. Houston St. 10012** (OP – adding bar to the rear of the premises) (laid over)

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 7, 2019 the Applicant requested **to layover** this application to November/2019 and will submit 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 restaurant wine license or tavern wine license for **Bea’s Tavern, Inc., d/b/a Botanica Bar, 47 E. Houston St. 10012** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**12. Veg Café, Inc., d/b/a Ananda, 210 Thompson St. 10012** (New RW – laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 7, 2019 the Applicant requested **to layover** this application to November/2019 and requested to adjourn and submit 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 restaurant wine license or tavern wine license for **Veg Café, Inc., d/b/a Ananda, 210 Thompson St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**13. Luc Levy or Entity to be formed, d/b/a Gypsy Eyes, 264 Bowery 10012** (OP – Previously unlicensed location, 4AM Closing, DJs, security, live music, sidewalk cafe) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 7, 2019 the Applicant requested **to layover** this application to November/2019 and requested to adjourn and submit 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 restaurant wine license or tavern wine license for **Luc Levy or Entity to be formed, d/b/a Gypsy Eyes, 264 Bowery 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**14. Russian Samover SoHo, Inc., d/b/a Russian Samover, 517-519 Broome St. 10003** (New OP – Restaurant) (laid over at meeting)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on October 7, 2019 the Applicant requested **to layover** this application to November/2019 and requested to adjourn and submit 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 restaurant wine license or tavern wine license for **Russian Samover SoHo, Inc., d/b/a Russian Samover, 517-519 Broome St. 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**15. S & A Caterers, Inc., d/b/a Sveta's, 64 Carmine Street 10014 (OP – Restaurant; Change in Method of Operation: Addition of Live Music)**

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for a change to the Method of Operation to an existing On-Premise License currently held by the Applicant to enable the Applicant to offer live acoustic music at its restaurant serving European cuisine in a R6 zoned six-story, mixed-use building constructed in 1900 on Carmine St. which is between Bedford St. and Seventh Ave. South (Block #528/Lot #76) and is located in the Greenwich Village Historic District; and

**ii. Whereas,** aside from the aforementioned change in the Method of Operation the business will continue to function as a full-service restaurant and will continue to serve lunch and dinner in a licensed premises of approximately 2,700 sq. ft., with 19 tables with 52 seats and one (1) stand-up bar with nine (9) seats, for a total of 61 seats in the premises, with one (1) entrance/exit and one (1) restroom; and

**iii. Whereas,** the Applicant's agreed-to hours of operation shall remain 10:00 AM to 12:00 AM seven (7) days a week; the Applicant can provide non-amplified acoustic instrumental music only, albeit has agreed to close all its existing French doors and windows at all times during the presentation of live music; all other stipulations previously agreed-to remain unchanged and in effect: there will be no DJ's, no promoted events or scheduled performances, no cover fees, and no televisions; and

**iv. Whereas,** the Applicant has executed and has had notarized an updated Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the On-Premise License, with those stipulations as follows:

1. The premises will be advertised and operated as a full-service restaurant serving European cuisine.
2. The hours of operation will be 10:00 AM to 12:00 AM seven (7) days a week.
3. The premises will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
4. The premises will have no televisions.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes; a sidewalk cafe is not included in this application.
6. The premises will play non-amplified acoustic instrumental music only; no music will be audible in any adjacent residences at any time.
7. All doors and windows will be closed by 10:00 PM every night and at any time live music is being played.
8. No changes will be made to the existing façade except to change the signage or awning.
9. Will comply with the NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. There will be no unlimited drink or unlimited drink and food specials; the premises will not have "boozy brunches" or serve pitchers of beer.
11. There will be no bottle service or the sale of alcohol in bottle form, except for the sale of beer and wine products.

12. Will not have any of the following: dancing, DJs, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, or security personnel
13. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a change to the Method of Operation to the existing On-Premise License held by **S & A Caterers, Inc., d/b/a Sveta's, 64 Carmine Street 10014** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the Method of Operation on the SLA On-Premise License.

Vote: Unanimous, with 41 Board members in favor.

**16. Grey Dog Carmine, Inc., d/b/a The Grey Dog, 49 Carmine Street 10014** (Application to Correct Previous Alterations for Exiting RW License Operating as Restaurant/Cafe)

**i. Whereas**, the Applicant's Manager and their Counsel appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for an alteration to its existing Restaurant Wine License to correct the floor plans currently on file for its cafe serving American comfort food in an R6 zoned four-story, mixed-use building constructed in 1910 on Carmine St. which is between Bedford and Bleecker Sts. (Block #586/Lot #42) and is located in the Greenwich Village Historic District; and

**ii. Whereas**, the aforementioned alterations were previously performed and the Applicant appeared to correct the plans on file with the NYSLA to accurately reflect the placement of furniture, a change in the location of the front door to the premises, to identify the existing counter as a stand-up bar, and to identify the basement as a place in which alcoholic beverages will be stored; and

**iii. Whereas**, no actual physical alterations are to be made to the interior premises other than the front door, having been moved to the corner of Carmine and Bedford Streets, with interior foyer, and the business will continue to operate as previously as a cafe serving breakfast, lunch, and dinner in a licensed premises of approximately 1,800 sq. ft. which is comprised of a ground floor space of 1,000 sq. ft. and a basement space of 800 sq. ft. (used for storage only), with 25 tables with 55 seats and one (1) stand-up bar with no (0) seats, and which is used as a service counter; there is one (1) entrance/exit and two (2) restrooms for patrons; and

**iv. Whereas**, there have been recent complaints received by CB2, Man. and filed with the NYSLA regarding the service of alcohol through open windows to an exterior counter on Carmine Street, where the Licensee built a bar height counter placing a series of exterior stools underneath such exterior counter, causing residents living in the area to provide photos demonstrating the improper service of alcohol to patron sitting on the stools on the Carmine Street sidewalk, the Applicant and his Attorney acknowledging a recent investigation by the NYSLA regarding the improper service of alcohol to the exterior, there being no permit to operate a sidewalk café at this location and the existing restaurant wine license does not permit the service of alcohol to any exterior premises; and

**v. Whereas**, the Applicant's Manager indicated that he was not previously aware of improper service of alcoholic beverages to the exterior without a permit to do so until recently contacted by the NYSLA and immediately agreed to remove the exterior counter and stools on the sidewalk on Carmine Street the next day to prevent any further opportunity for improprieties; and

**vi. Whereas**, the Applicant’s agreed-to hours of operation shall remain 7:00 AM to 11:30 PM seven (7) days a week; music will continue to be quiet ambient background only and the Applicant further executed a new notarized Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the restaurant wine license as follows:

1. The premises will be advertised and operated as a full-service Café/Restaurant.
2. The hours of operation will be 7 am to 11:30 pm, seven days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
6. There will be no sidewalk café.
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
8. All doors and windows will be closed by 9 pm every night.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for an alteration to the existing Restaurant Wine License held by Grey Dog Carmine, Inc., d/b/a The Grey Dog, 49 Carmine Street 10014 **unless** the statements presented by the Applicant are accurate and complete, and the Applicant continues to adhere to the conditions and stipulations it has agreed to and which are incorporated into the Method of Operation on the SLA Restaurant Wine License.

Vote: Unanimous, with 41 Board members in favor.

**17. Houston Hospitality Group, LLC d/b/a Biamo, 178 W. Houston St. 10014** (New Restaurant Wine—previously unlicensed location)

**i. Whereas**, the applicant appeared with his counsel before CB2’s SLA committee for the purpose of seeking a new New Restaurant Wine license for a storefront premises located within a six-story mixed use building on a roadway extension and address on West Houston Street but which is also known as Bedford Street between Sixth Avenue and Downing Street, the building falling within the designated NYC LPC’s Greenwich Village Historic District; the applicant had appeared before the same committee in June 2019 for an OP license for which CB2, Man. recommended unanimously to deny such license; and

**ii. Whereas**, the interior storefront premises are approximately 1,600 sq. ft., were previously occupied and operated for years as a Laundromat and drycleaning business and has neither previously been used nor occupied, with unenclosed rear yard of approximately 500 sq. ft. extending out from the rear of the premises, for eating or drinking, nor previously licensed for the service of alcohol, beer, or wine, there

currently being no permit, letter of no objection from the NYC Dept. of Buildings or a current Certificate of Occupancy provided or presented which permits such use and occupancy for eating and drinking for either the interior premises or outdoor rear yard extension; and

**iii. Whereas,** the applicants believed that the premises was previously used and occupied for eating and drinking many years ago but such assertion was incorrect and in error and that the premises in question was never in fact occupied by or operated for eating and drinking, there being remnants of a ventilation system belonging to another, separate and distinct storefront albeit in the same building but with no rear yard extension; and

**iv. Whereas,** the applicants seek to open an Italian restaurant and bar serving pastas, pizza, salads and Italian dishes with hours of operation from 11 AM to 11 PM every day/night, with 18 interior tables and 36 interior seats, 1 interior stand up bar with 8 seats for a total interior patron capacity of 44 patron seats, requiring a complete gut renovation of the premises, the installation of a new kitchen and the installation of new mechanical systems where none had existed previously; and

**v. Whereas,** the applicant's current application did not include the exterior rear yard but the Applicant's counsel made it clear that the Applicant intends to and reserved its right to extend their business operations into the rear yard in the future, the premises also having existing operable windows at the rear which will remain open during operating hours; and

**vi. Whereas,** the Applicant resubmitted preprinted letters drafted by the Applicant and purportedly signed by residents living in and outside the immediate area but the preprinted letters did not acknowledge their existing plans to operate the rear yard in the future, calling into question the support letters in that local residents and neighbors could not and were not made aware of the applicant's desire and future plans to use the rear yard space, creating additional concerns the Applicant was not being sincere as to its ultimate plans for the premises to be licensed and was seeking to avoid having the back yard extension being subject to the 500-foot rule and its statutory obligation to establish a public interest; and

**vii. Whereas,** no one appeared in support of the Application; and,

**viii. Whereas,** the residents living in the same building, residents living in the immediate neighborhood, as well as Bedford Downing Street Block Association and its representatives appeared in opposition to the application at the October meeting just as they had appeared at the June meeting, while still others sent in letters and email correspondence in opposition, all of whom were adamantly opposed to this application, citing concerns for adding yet another licensed establishment on a narrow, residential street that is already overly-saturated with liquor licenses and where there are already 8 licensed establishments running along a two block span of Bedford Street between Carmine Street, Downing Street and Sixth Avenue, there being no public interest in adding yet another licensed location on this primarily residential block and very narrow roadway, in an area where there are so many other establishments already existing and where there are other vacant and unoccupied alternative storefronts on Carmine Street nearby and throughout CB2, Man. that are specifically available for eating and drinking uses, there being no public interest for opening new licensed locations in spaces previously unlicensed and never occupied for eating and drinking because the applicant seeks a lower rent, especially on narrow streets zoned for residential use when so many alternative locations properly zoned in the immediate area are vacant and needing businesses like proposed here to occupy them; and

**ix. Whereas**, the premises includes a rear courtyard outdoor space that faces the rear windows of a large adjacent residential community composed of multiple residential buildings creating future concerns of noise coming from the proposed premises where there has only been and forever quiet enjoyment and privacy normally associated with a rear yard surrounded by residential apartments; and

**x. Whereas**, there are already 55 liquor licenses within a 750-foot radius of these premises, many of which have only recently been added to the Area, including 11 pending license applications in this same area, there are many bars and restaurants which provide the same or similar services to the area as proposed in this Application, the application not being unique in any manner, the premises having never been licensed previously, the future extension into the rear yard being planned, there being no coherent reason for adding yet another licensed establishment where there is vacancy elsewhere for such purpose, there being no permits proffered demonstrating permission to use or occupy as proposed, there being significant opposition presented from the local neighborhood with valid concerns, the immediate area being primarily residential on a narrow roadway already overwhelmed by liquor licenses; and

**xi. Whereas**, the specific storefront premises proposed to be licensed was previously reviewed with an analogous application known as AROSE HOSPITALITY LLC d/b/a ZEROBEDFORD SN 1293115 in 2016, with CB2, Man. unanimously voting to recommend denial of that license in January/2016 for analogous reasons, and where a 500 foot hearing was held in March 31, 2016 with the Administrative Law Judge concluding after such hearing that the application at the same premises did not meet the statutory burden of demonstrating that the public interest will be served by the granting of said license; and,

**xii. Whereas**, the NYSLA Board thereafter agreed with CB2, Man. and the Administrative Law Judge that the analogous application for these same premises did not meet the statutory burden of demonstrating that the public interest will be served by the granting of said license, thereby voting to deny the previous license application in 2016; and

**xiii. Whereas**, nothing has changed in terms of adding yet another licensed establishment at this location and on this narrow, residentially zoned block already saturated from licensed establishments;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Houston Hospitality Group, LLC d/b/a Biamo, 178 W. Houston St. 10014** on its application seeking a new Restaurant Wine license; and

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

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

**18. Hiru, LLC d/b/a Lena, 10-12 Morton St. 10014 (New Restaurant Wine)**

**i. Whereas**, the Applicant and his Attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new Restaurant Wine license to operate a cafe and wine bar in a ground-floor storefront space within a six-story tenement style building (circa 1910) on Morton Street between Bleecker and 7<sup>th</sup> Avenue South, the building falling within NYC LPC's designated Greenwich Village Historic District; and,



**ii. Whereas**, the proposed licensed premise was previously operated since 2009 as Bosie Tea Parlor, a bakery, coffee and tea shop with a limited menu with hours of operation between 9 AM to 9 PM daily with a Tavern Wine license, the storefront prior to 2009 having operated as a jewelry retail store, and prior to 2009 not licensed for the service of alcohol and not for eating and drinking purposes; and,

**iii. Whereas**, the Applicant presented a letter of no objection from the NYC Building's Department issued to the Bosie Tea Parlor in June/2009 permitting eating and drinking on the first floor for the premises; and

**iv. Whereas**, subsequent to June/2009 and without notification or alteration application to CB2, Man. or the NYSLA, the storefront premises occupied by Bosie Tea Parlor were altered and expanded to include an exterior airshaft adjacent to the adjoining tenement building (14 Morton) with exterior staircase, where the owner of the building, without any known permits, constructed a concrete block addition to the building enclosing the above-referenced exterior airshaft, the building extension being planned for the Applicant's interior premises on the basement level, where the proposed plans to install a kitchen with convection appliances for the purpose of operating a full service Restaurant at the premises is proposed; and

**v. Whereas**, the applicant cannot produce a letter of no objection from the NYC Building's Dept. for the expanded premises since 2009, and was not able to produce permits showing permission to enclose the exterior shaftway, a portion of the building not visible from the Street but provided in photos from resident's living in both 10 and 14 Morton Streets, those residents being opposed to the expanded footprint for a liquor license, raising concerns of the expanded operations and new kitchen without proper permits being in place, there also being complaints about mechanical systems installed on top of the enclosed shaftway; and

**vi. Whereas**, the interior premises proposed to be licensed is stated to be approximately 1,400 sq. ft. (700 sq. ft. ground floor and 700 sq. ft. basement), with 13 tables and 31 patron seats, 1 stand up bar with 12 bar seats for a total patron seating capacity of 43, no TVs, one patron bathroom, music is background only, albeit with no plan to install soundproofing, there are no operable French doors or windows at the front façade, there is no outdoor seating and no service of alcohol to any exterior premises,

**vii. Whereas**, the Applicant submitted an architectural drawing of the basement premises which included patron seating in the section of the basement where the exterior shaftway was enclosed but the Applicant stated that this basement area would not be for patrons but rather food prep only, the landlord sending a letter indicating that at some point in the future it would obtain the requisite permits for the previously performed modifications to the historic building, raising questions about the failure to obtain such permits prior to doing the construction to alter the building; and

**viii. Whereas**, the proposed hours of operation are from 7 AM to 12 AM seven days a week, residents living in both 10 and 14 Morton Streets appearing in opposition to this application concerned about the additional noise impacts from the wine bar later at night until midnight, the premises being located on a quiet, narrow, mostly residential street, with a narrow sidewalk and bedroom windows of multiple residents directly above the storefront premises, there never being a business operating this late on the immediate block, there also being complaints voiced about the mechanical systems previously installed and anticipated in the future due to the expansion of the footprint of the premises planned to be licensed; and

**ix. Whereas,** the Applicant would not compromise with neighbors who appeared in opposition to this Application as it relates to its late-night hours of operation, the Applicant also producing a petition in support and a letter from the Morton Street Block Association, the letter from the Block Association not incorporating the concerns of residents immediately impacted by this application, those residents appearing in opposition indicating the Block Association failed to reach out to them, those who signed the Block Association letter living across 7<sup>th</sup> Avenue from the proposed premises to be licensed, not representing the interests of those (living on Morton Street being Bleecker and 7<sup>th</sup> Ave South) immediately impacted from this particular application, still other email communication coming from those separating their allegiance from the Block Associations as it relates to the position taken on this application and no one appearing from the Block Association to explain their position in light of the significant opposition that did appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Hiru, LLC d/b/a Lena, 10-12 Morton St. 10014** on its application seeking a new OP license; and

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

Vote: Unanimous, with 41 Board members in favor.

**19. Restaurant Associates, LLC d/b/a N/A, 315 Hudson Street, 6th, 9th & 10th Floors 10013**  
(New Catering OP – Catering Facility; Private Events Only)

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for a new On-Premise License to enable the Applicant to provide alcoholic beverages as part of the catering services it has contracted to provide to Google, LLC (Google) in an M1-6 zoned ten-story, commercial building constructed in 1907 on Hudson St. which is between Vandam and Spring Sts. (Block #597/Lot #12); and

**ii. Whereas,** the Applicant will be the in-house provider of food and drink services for private, invitation-only events hosted by Google in its offices and will provide such catering services at Google’s instruction for on-site company-sponsored events scheduled no later than 1:00 AM seven (7) days a week; and

**iii. Whereas,** the Applicant was not able to produce a valid certificate of occupancy for their proposed occupancy and use but agreed and stipulated that its license would not be issued until a valid certificate of occupancy permitting catering services/occupancy on the 6<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> floors; and

**iv. Whereas,** the Applicant will store and serve alcoholic beverages only in those areas of the 6th, 9th and 10th floors of the premises identified in the floor plans presented to Community Board 2, Manhattan’s SLA Committee #2; and

**v. Whereas,** the Applicant has executed and notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the Catering On-Premise License, with those stipulations as follows:

1. The Applicant will operate solely to provide catering services for Google-sponsored private events.
2. The Applicant's hours of operation will no later than 1:00 AM, seven (7) days a week.
3. The Applicant shall serve and store alcoholic beverages only on the 6th, 9th & 10th floors of the premises.
4. The premises will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
5. The premises will not have televisions.
6. The Applicant will not operate a backyard garden or any outdoor area for commercial purposes.
7. The Applicant will play quiet ambient recorded background music only; no music will be audible in any adjacent residences at any time.
8. The Applicant will not install or utilize French doors, operable windows or open façades.
9. The Applicant will comply with the NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. The Applicant will not offer unlimited drink or unlimited food and drink specials; it will not offer "boozy brunches" or serve beer by the pitcher.
11. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
12. Will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, or security personnel/doormen.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new On-Premises License to **Restaurant Associates LLC, 315 Hudson Street, 6th, 9th & 10th Floors 10013** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the Method of Operation on the SLA Catering On-Premise License.

Vote: Unanimous, with 41 Board members in favor.

**20. Restaurant Associates, LLC d/b/a N/A, 345 Hudson Street, 5th & 15th Floors 10013**  
(Catering OP – Catering Facility; Private Events Only)

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for a new On-Premise License to enable the Applicant to provide alcoholic beverages as part of the catering services it has contracted to provide to Google LLC (Google) in an M1-6 zoned ten-story, commercial building constructed in 1907 on Hudson St. which is between Vandam and Spring Sts. (Block #597/Lot #12); and

**ii. Whereas**, the Applicant will be the in-house provider of food and drink services for private, invitation-only events hosted by Google in its offices and will provide such catering services at Google's instruction for on-site company-sponsored events scheduled no later than 1:00 AM seven (7) days a week; and

**iii. Whereas**, the Applicant was not able to produce a valid certificate of occupancy for their proposed occupancy and use but agreed and stipulation that its catering liquor license would not be issued until a valid certificate of occupancy permitting catering services/occupancy on the 5<sup>th</sup> and 15<sup>th</sup> floors; and

iv. **Whereas**, the Applicant will store and serve alcoholic beverages only in those areas of the 5th and 15th floors of the premises identified in the floor plans presented to Community Board 2, Manhattan’s SLA Committee #2; and

v. **Whereas**, the Applicant has executed and notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the Catering On-Premise License, with those stipulations as follows:

1. The Applicant will operate solely to provide catering services for Google-sponsored private events.
2. The Applicant’s hours of operation will no later than 1:00 AM, seven (7) days a week.
3. The Applicant shall serve and store alcoholic beverages only on the 5<sup>th</sup> and 15th floors of the premises.
4. The premises will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
5. The premises will not have televisions.
6. The Applicant will not operate a backyard garden or any outdoor area for commercial purposes.
7. The Applicant will play quiet ambient recorded background music only; no music will be audible in any adjacent residences at any time.
8. The Applicant will not install or utilize French doors, operable windows or open façades.
9. The Applicant will comply with the NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. The Applicant will not offer unlimited drink or unlimited food and drink specials; it will not offer “boozy brunches” or serve beer by the pitcher.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
12. Will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, or security personnel/doormen.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new On-Premises License to **Restaurant Associates LLC, 345 Hudson Street, 5th & 15th Floors 10013** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the Method of Operation on the SLA Catering On-Premise License.

Vote: Unanimous, with 41 Board members in favor.

**21. Darke Hospitality, LLC, or an entity to be formed by Chef Fadil Arifaj, d/b/a Darke, 15 W. 8<sup>th</sup> St. 10011 (New OP – Restaurant)**

i. **Whereas**, the Applicant and the Applicant’s Representative appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a new on premise liquor license to operate a full service restaurant featuring modern international cuisine on the ground floor and basement within a six-story building (circa 1920) on West Eighth Street between Fifth Avenue and MacDougal Street, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas**, the storefront premise has been previously licensed as a full service restaurant with an On-Premise license but that license was never used, the Applicant is not planning to make any changes to the exterior of the premises, the method of operation being consistent with the prior license for the premises, the certificate of occupancy will be updated; and,

**iii. Whereas**, the ground floor is approximately 1,800 sq. ft. and the basement is approximately 1,000 sq. ft. with no French doors or operable windows, there will be no sidewalk café or other outdoor areas for the service of alcohol, with 27 total tables with 68 patron seats, 1 bar with 10 patron seats for a total interior patron capacity of 78, there is two bathrooms for patrons, no TV; and,

**iv. Whereas**, the hours of operation will be from 11:30 AM to 12:00 AM Monday through Thursday, from 11:30 AM to 1:00 AM on Friday, and from 10:00 AM to 1 AM Saturday and Saturday, music will be background only; and,

**v. Whereas**, the West Eighth Street Block Association sent a letter of support; and,

**vi. Whereas**, the Applicant executing a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated into their method of operation on their On-Premise license and the stipulations are as follows:

1. The licensed premise will be advertised and operated as a full-service restaurant featuring modern international cuisine.
2. The hours of operation will be from 11:30 AM to 12:00 AM Monday through Thursday, from 11:30 AM to 1:00 AM on Friday, and from 10:00 AM to 1 AM Saturday and Saturday.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no television.
5. The premises will not permit dancing.
6. The premises will not install or have French doors, operable windows or open facades.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating.
8. All doors and windows will be closed at all times.
9. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
10. The premises will not have DJ’s, live music, cover charges, scheduled performances, velvet ropes or barricades on the sidewalk or promoted events.
11. There will only be 1 standup bar with 10 seats.
12. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for an new On Premise license to **Darke Hospitality, LLC, or an entity to be formed by Chef Fadil Arifaj, d/b/a Darke, 15 W. 8<sup>th</sup> St. 10011** **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 41 Board members in favor.

**22. Torch & Crown SoHo, LLC d/b/a Torch & Crown Brewing Company, 12 Vandam Street 10013** (Micro Brewer SN#1320015, Combined Craft Manufacturer SN#1320017, Farm Brewer SN#1320012 - Microbrewery with full-service restaurant and exterior beer garden selling on premise alcoholic beverages at retail)

**i. Whereas**, the Applicant and his Partner appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Micro-Brewers license with plans to operate a micro-brewery with full service restaurant with exterior beer garden within multiple floors of a 12-story commercial building at 12 Vandam Street between the Avenue of the Americas and Varick Street, a part of the South Village and NYC LPC’s designated Charlton-King-Vandam Historic District; and,

**ii. Whereas**, a portion of the premises on the ground storefront level was previously operated for years as the “Vandam Diner”, the Diner being closed in 2013, the building having undergone significant renovations after being sold to new ownership, the Micro-Brewery and Restaurant being proposed will be occupying 8,030 sq. ft. over three stories including first floor, cellar floor and subbasement, internal staircase, 3 patron entrances, 7 bathrooms and freight elevator, the interior premises including restaurant (3,100 sq. ft.) with 20 seat bar, 16 tables with 92 patron seats on the first floor, 30 additional seats at “education tables” in the cellar, the maximum interior occupancy for the premises planned to be 269, the brewery being in the cellar consisting of tanks in which bulk beer will be stored and/or fermented as well as brewing system and walk-in cooler, there will also be a merchandise area with small refrigerators for the sale of canned home-brewed beer; and

**iii. Whereas**, a large exterior yard for eating and drinking is planned for the restaurant, with 8 tables with 48 patron seats, the exterior space proposed is located in an adjacent vacant lot located next door the micro-brewer restaurant’s first floor premises, the vacant lot being a separate property having a separate block and lot number from the building at 12 Vandam, the commercial building also having a separate entrance at 161 Avenue of the Americas; and

**iv. Whereas**, the Applicant presented a certificate of occupancy that is not up-to-date and does not reflect the permitted use for a brewery at the premises, the occupancy of a restaurant is permitted albeit at no more than a 74 person occupancy, consistent with the Van Dam Diner which did not include use or ancillary access to the adjacent vacant lot next to the building; and

**v. Whereas**, the Applicant did not provide any explanation or provide any writing that demonstrated that the proposed restaurant can operate outside on the adjacent vacant lot with separate block and lot from the building where the interior restaurant and brewery is planned; and

**vi. Whereas**, the vacant lot is approximately 40 ft. (width) by 100 ft. (length), was previously operated as a loading dock and parking area for vehicles, most recently covered with a sidewalk shed due to on-going building façade work; and

**vii. Whereas**, immediately adjacent to the vacant lot where the Applicant seeks to operate his exterior restaurant space there is a large six story residential apartment building facing the proposed exterior restaurant and beer garden space, the residential building with 24 apartments being unanimously opposed to the exterior plans, there being roughly 40-45 residential windows facing the lot separating the residential and commercial buildings; and

**viii. Whereas**, the Applicant did not identify its hours of operation for the restaurant and bar in writing but when pressed at the meeting acknowledged that it would remain open until 12am during the week and by 2am on the weekends; with the exterior hours for the exterior yard until 10 pm during

the week and 11 pm on the weekends, music is background at the interior only, no plan was presented for exterior noise and privacy mitigation for the apartment dwellers in the adjacent building, those residents living in the adjacent residential apartment building being fully exposed to the proposed exterior operations of the micro-brewer's restaurant; and

**ix. Whereas**, the Applicant has no experience in operating a restaurant, the Applicant's Partner having operated a restaurant and bar called the "Cannibal" with exterior beer garden on East 29<sup>th</sup> Street in midtown Manhattan; and

**x. Whereas**, the Applicant and his Partner stated that the Restaurant will serve wine, beer and all forms of liquor/spirits on premise at retail, this statement being inconsistent with the Applicant's application for Micro-brewers license with the NYSLA, the application filed with the NYSLA stating that "at this time, the on premises restaurant will **not** serve wine or liquor or non-New York State-labeled beer, cider or braggot; should this be the case, applicant will apply for the appropriate on-premises license to offer to offer wine and liquor"; and

**xi. Whereas**, despite this significant inconsistency between application to the NYSLA and the Applicant's presentation to CB2, Man., the Applicant and his Partner indicated that the new ABC laws for a micro-brewer's license and ancillary restaurant allowed for the service of alcohol on premise, thus not being subject to the 500 foot rule for all such identical applications in NYC, albeit based on certain unidentified "legal advice"; and

**xii. Whereas**, the NYSLA published a Guideline in 2016 to assist craft brewers and other alcoholic beverage manufacturers in the State of New York for complying with New York ABC laws, the publication specifically stating that the brewery or farm brewery that operates a restaurant, hotel, catering establishment or other food and drinking establishment may sell, for on-premise consumption, the beer it produces and any New York State labeled beer without obtaining an additional license or permit, thereafter advising such brewer that it will need an on premise license "to sell other alcoholic beverages"; and

**xiii. Whereas**, the Applicant has provided very limited outreach and failed to provide any significant details about the restaurant operations, hours of operation, crowd control, patron occupancy, number of tables and chairs, despite indicating an intention and willingness to work with its residential neighbors to reduce and mitigate the impacts of the proposed operations in the future; and

**xiv. Whereas**, still others living in the neighborhood and living across the street from the premises to be licensed, as well as the Vandam Block Association, appeared in opposition to the Application, there being many unanswered questions for the restaurant, the exterior yard, those appearing voicing quality of life concerns, all of those who appeared being against the application; and

**xv. Whereas**, a review of the Alcohol Beverage and Control Act §51-a relating to Farm Brewery license permits the retail service of beer, cider and braggot at the premises only, the addition of alcohol on premise requiring an on-premise license subject to the 500-foot rule; and

**xvi. Whereas**, this Applicant has neither applied for an on premise liquor license for the proposed restaurant and bar, nor provided CB2, Man. with a 30-day notice triggering such an application, the instant application for Brewer's license must be limited to the sale of beer, cider and braggot on premise; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** for **Torch & Crown SoHo, LLC d/b/a Torch & Crown Brewing Company, 12 Vandam Street 10013** on its application seeking a Micro Brewer, Combined Craft Manufacturer and Farm Brewer licenses; and

**THEREFORE BE IT FURTHER RESOLVED** that the service of alcohol on premise be **denied** until the Applicant gives notice to CB2, Man. for an on premise license subject to the 500 foot rule; and

**THEREFORE BE IT FURTHER RESOLVED** that the exterior premises proposed for the restaurant be denied in its entirety; and should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and,

Vote: Unanimous, with 41 Board members in favor.

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

**23. Professional On-Site Management, Inc., d/b/a Sixth Avenue Tavern, 102 Washington Pl. 10014** (New OP – Bar/Tavern—previously unlicensed location)

**i. Whereas**, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 10, 2019 the Applicant **failed to appear** and further provided no information to CB2 Manhattan regarding its failure to appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, corporate change, alteration, transfer or other application for **Professional On-Site Management, Inc., d/b/a Sixth Avenue Tavern, 102 Washington Pl. 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

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests the NYSLA send this Applicant back to CB2, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**24. R&G Soho LLC d/b/a Piccola Cucina Enoteca, 184 Prince Street 10012** (OP – Existing Restaurant; Review of Method of Operation)

**i. Whereas**, the Licensee of **Piccola Cucina Enoteca** (Lic. # 1233248), Phillip Guardione, was requested to appear before CB2, Man., there being many complaints from people living in the surrounding neighborhood regarding the Restaurant’s on-going operations; and

**ii. Whereas**, in September, the manager of Piccola Cucina Enoteca at 184 Prince St. and its Licensing Representative appeared before Community Board 2, Manhattan’s SLA Committee #2 to discuss the true nature of the restaurant’s day-to-day operations and the negative impacts it has been creating on the community; and



**iii. Whereas**, a large number of residents, including a Building Manager representing multiple residential buildings in the immediate area, appeared and provided detailed examples of unwanted behavior that in some cases represented violations of their method of operation on their on-premise license; and

**iv. Whereas**, the following are among the most serious complaints presented to the Committee:

1. The business is being operated as a lounge, not as a restaurant; a party-like atmosphere is actively promoted and birthday celebrations, during which the overly-loud music volume increases further, are said to occur as many as ten times a night.
2. On a nightly basis, unacceptably loud music can be heard on the street and in nearby residences and patrons are allowed to dance on the tables and chairs; patrons are also encouraged to bang on pots and pans.
3. The business routinely operates and sells alcohol well past the hour allowed by its license; it is said to never close before 1:00 AM.
4. Customers have been seen drinking alcoholic beverages obtained in the restaurant on the street and it does not appear any effort is made to prevent this.
5. The business is operating an illegal sidewalk cafe.
6. Attempts by individual residents to discuss problems were repeatedly met by the Licensee's Management with hostility and threats against their persons.

**v. Whereas**, additionally, it was revealed that the problems at Piccola Cucina Enoteca are likewise seen at its sister restaurants Piccola Cucina Osteria, located at 196 Spring St., and at Piccola Cucina Estiatorio, located at 75 Thompson St. Further, the bad behavior exhibited at the Prince St. location was said to fuel comparable bad behavior witnessed at both the Spring St. and Thompson St. locations; and

**vi. Whereas**, the restaurant's manager, who acknowledged the restaurant ritual of banging on pots and pans to celebrate birthdays, also managed the Piccola Cucina restaurants on Spring and Thompson Sts., also claiming that the severity of the complaints made were exaggerated. The Licensee's representative, who accompanied the Manager denied prior knowledge of the complaints and bad behavior, but acknowledged the seriousness of the complaints and promised to relay the community's concerns to his client, Mr. Guardione, who failed to appear and was requested to appear in October, the Licensee's Representative requesting to lay over this item for another 30 days, and to return in October with Mr. Guardione; and

**vii. Whereas**, a day prior to Community Board 2, Manhattan's SLA Committee #2 the Licensee's Representative contacted CB2, Man. to indicate that Mr. Guardione would again not be available on to attend Community Board 2, Manhattan's SLA Committee #2 meeting on October 10<sup>th</sup>, 2019, requesting to lay over this matter once again to November to respond to the complaints being made; and

**viii. Whereas**, people living in the surrounding Community again appeared on October 10<sup>th</sup>, 2019 voicing their continued complaints regarding the Licensee's operations, not having been notified of the late request of the owner to adjourn this matter yet again, those living in the neighborhood questioning Mr. Guardione's motive for the adjournment in that they had observed him at the location a few hours prior to the meeting;

**THEREFORE BE IT RESOLVED** that at the Licensee's request, CB2 Man. will lay over this matter until its November/2019 scheduled meeting for the purpose of reviewing the complaints being made against **R&G Soho LLC d/b/a Piccola Cucina Enoteca, 184 Prince Street 10012.**

Vote: Unanimous, with 41 Board members in favor.

**25. Bruschetta Bar 1, LLC d/b/a Bruschetta Bar, 94-96 Christopher St. 10014** (OP – Restaurant in two combined storefronts, one of which was previously unlicensed, with service to a combined exterior backyard patio with backyard bar; withdrawn at this time and plans to resubmit for November)

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 10<sup>th</sup>, 2019 the Applicant requested **to withdraw** this application for a new on-premise liquor license from further consideration with the NYSLA;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed liquor license, corporate change, alteration, transfer or other application for **Bruschetta Bar 1, LLC d/b/a Bruschetta Bar, 94-96 Christopher St. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**26. Fortuna Realty Hotel SoHo LLC & 523 Greenwich Restaurant, LLC d/b/a Mav SoHo, 523 Greenwich St. 10013** (OP – Hotel Restaurant) (withdrawn-may resubmit in future)

**Whereas**, before this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 10, 2019 the Applicant requested **to withdraw** this application for a transfer of an on-premise liquor license from further consideration with the NYSLA;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **Fortuna Realty Hotel SoHo LLC & 523 Greenwich Restaurant, LLC d/b/a Mav SoHo, 523 Greenwich St. 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

**27. N & B 95 7<sup>th</sup> Restaurant, Inc., d/b/a Taqueria Meza, 95 7<sup>th</sup> Ave. So. 10014** (Corp. change – laid over to Nov.)

**Whereas**, before this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 10, 2019 the Applicant requested **to layover** this application to November/2019 and requested to adjourn and submit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **N & B 95 7<sup>th</sup> Restaurant, Inc., d/b/a Taqueria Meza, 95 7<sup>th</sup> Ave. So. 10014** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back

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

Vote: Unanimous, with 41 Board members in favor.

**28. Chillhouse 75, LLC, d/b/a ChillHouse, 75 Varick St. 10013** (Restaurant Wine – previously unlicensed location) (laid over requested to Nov.)

**Whereas**, before this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on October 10, 2019 the Applicant requested **to layover** this application to November/2019 and requested to adjourn and submit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **Chillhouse 75, LLC, d/b/a ChillHouse, 75 Varick St. 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 41 Board members in favor.

## **EXECUTIVE (BUDGET PRIORITIES)**

### **Executive Committee Minutes**

October 22, 2019, Community Board 2 Conference Room

**Elected Officers Present:** Carter Booth, *Chairman*; Susan Kent, *2nd Vice Chair*; Keen Berger, *Secretary*, Erik Coler; *Assistant Secretary*.

**Elected Officers Absent with Notification:** Daniel Miller; *1st Vice-Chair*, Antony Wong; *Treasurer*

**Committee Chairs Present:** Jeannine Kiely; *Schools & Education*, Robert Ely; *SLA Licensing 1*, Joseph Ghallagher, *Quality of Life*; Richard Caccappolo; *Parks and Waterfront*; Robin Rothstein; *Arts & Institutions*, Anita Brandt; *Land Use*, Cormac Flynn; *SLA Licensing 2* Susanna Aaron; *Social Services*, Chenault Spence; *Landmarks*.

**Committee Chairs Absent with Notification:** Shirley Secunda; *Traffic and Transportation*, Frederica Sigel; *Land Use*.

**Board Members Present:** Valerie De La Rosa, *Boardmember*

**Board Staff Present:** District Manager Bob Gormley, Assistant District Manager Josh Thompson

**6:34 PM** - A quorum being present, the meeting was called to order by Chair, Carter Booth

**6:35PM** - **Motion to approve Exec minutes from September** – *Passes Unanimously*

**6:35 PM** - **Chair’s Report** - *Carter Booth*

Chairperson Booth discussed future revisions of the bylaws for the Election Coordinating Committee. Over the winter, the committee will be streamlining procedures that will make the elections of officers a smoother process as well as discuss resolving future conflicts that will come along with term limits for CB members passed earlier this year.

With the unfortunate passing of board member Kathleen Faccini, there was discussion of a moment of silence for her during the full board meeting.

**6:41 PM - District Manager's Report – Bob Gormley**

Update on Baby Brasa. Due to multiple violations, the location was padlocked. The padlocks were then cut illegally by the owners who then operated in violation of the padlock order. DCA ordered a subsequent padlocking the following week. DM Gormley discussed some of the issues that have come along with the DCA's lack of approval of their sidewalk café operations. They will be coming to the Board for the renewal of their enclosed sidewalk cafe in November.

DM Gormley suggested the date of Dec.2<sup>nd</sup> for the holiday party this year, a discussion was had over the location.

November 8<sup>th</sup>, the Fire Museum will be hosting a fundraiser for their organization and has asked that community board members come in support.

**6:49 PM - Review of Draft Calendar/Reports from the Committees**

Social Services will be the 23<sup>rd</sup> of November

**6:58 PM - Reports from the Committee**

All the committee chairs or their representatives reported briefly on the recent work of their committees. For details, see the minutes of each committee, and their agenda for October.

A motion was made by chairperson Booth to send a letter local elected officials on exercising its option to build a school on the Bleecker street site. – *Passed Unanimously*

**7:23 PM – Fiscal Year 2020 Recommendations**

A general discussion was held by the exec committee on proposals for budget priorities for the 2020 fiscal year. The notes and prioritization of the discussion is the presented budget at the board.

**9:12 PM - Motion to Adjourn - Unanimous**

Respectfully Submitted,

*Erik Coler*

*Assistant Secretary, Community Board 2*

**CB2 Capital Budget Requests (FY 2021)**

1. Allocate funds for the permanent preservation of the Elizabeth Street Garden, in its entirety, on land owned by NYC Department of Citywide Administrative Services, on a through lot on Elizabeth Street and Mott Streets, between Prince and Spring Streets. (Parks)
2. Allocate funds for the 100,000 square foot Bleecker Street School. (SCA)
3. Allocate funds to refurbish walls, floors and ceilings in the West 4<sup>th</sup> Street subway station and add full disabled access by elevator at the northern end of the station. (NYCT)
4. Allocate funds for resiliency efforts to shore up the west side of Community District 2 along the Hudson River Park. (DPR)

5. Allocate funds for Hudson Park Library to create better accessibility for disabled persons and strollers, including the installation of an elevator, “in order to be in compliance with the NYPL’s accessibility statement that ‘everyone is welcome and has access to the full range of information, services and programs that are offered in our neighborhood branches.’” (NYPL)
6. Allocate funds to reconstruct Clarkson St. from West St. to Greenwich St. including repair & replacement of Belgian blocks and installation of a granite bicycle lane. (DOT)
7. Allocate funds for the complete renovation of the Mercer Playground. (DPR)
8. Allocate funds for the complete renovation of Vesuvio Playground. (DPR)
9. Allocate funds for technology improvements, including smartboards, laptops and computers for PS 3, PS 130, MS 297, P751, Broome Street Academy and City-As-School High School. (DOE)
10. Allocate funds for the complete renovation the Tony Dapolito Recreation Center. (DPR)
11. Allocate funds to Judson Memorial Church nonsectarian nonprofit affiliate (in formation) to replace aging and overused lift with new elevator to promote ADA accessibility to 2nd & 3rd floor program spaces. (Cultural Affairs)
12. Allocate funds to install a granite strip bicycle lane on Morton St. btw. West St. and Washington St. (DOT)
13. Allocate funds to P.S. 3 for gymateria dividers to increase flexibility and use, library renovation and physical fitness, including playground equipment upgrade and enhancements to the roof playground. (DOE)
14. Allocate funds to build STEAM and Literacy programs including a Wet Lab, Maker Space, Literacy Lab and Library / Media Center as well as to add water bottle refilling stations at City-as-School High School. (DOE)
15. Allocate funds for a library at Broome Street Academy, which also would be available to The Door members, as well as a cafeteria upgrade. (DOE)
16. Allocate funds to repair and replace Belgian blocks on Bond St., btw. Broadway and the Bowery, on Wooster St. btw. Houston and Canal Sts., on Gansevoort and Little West 12th Sts. btw. 9A and 8th Ave., and on 14th St. btw. 9th Ave. and Route 9A. (DOT)
17. Allocate funds for repair needs at JJ Walker courts and park. (DPR)
18. Allocate funds to install an irrigation system to the planted area in Seravalli Playground. (DPR)
19. Allocate funds for Horatio greenstreet West 4th and 8th Avenue wall (to have the wall removed and have the garden match the design of the one across 8th Avenue). (DPR)
20. Allocate funds for the update / renovation of Minetta Playground. (DPR)

## **CB2 Expense Budget Requests (FY 2021)**

1. Allocate funds to allow Visiting Neighbors to deliver on its mission statement. (DFTA)
2. Allocate funds to hire additional DCA inspectors to work nights and weekends to conduct enforcement and compliance of sidewalk café regulations. (DCA)
3. Allocate funds to provide outreach and treatment that targets individuals who are using drugs on NYC streets. (DOHMH)
4. Allocate additional funds for outreach and for improved access to existing services for our homeless population. (DHS)
5. Allocate funds for the placement of additional litter baskets and for additional basket service. (DSNY)
6. Allocate additional funding to community boards by baselining the extra allocations that the City Council has approved for community boards in the past two fiscal years. (OMB)
7. Allocate funds for traffic safety improvements at Cooper Sq. Plaza crossing (4th Ave. to Bowery at E. 6th St.) including speed humps, signage, signalization changes. (DOT)
8. Allocate funds for a washing machine and dryer to give students access at MS 297 and City-as-School High School. (DOE)
9. Allocate funds to enable the Street Activity Permit Office (SAPO) to conduct a study on the effects that full street closures for commercial events have on neighboring businesses and residents. (SAPO)
10. Allocate funds to hire additional Landmarks enforcement officers and staff to survey landmark districts to identify properties that have been altered without review and permission of the Commission and the processing of notices of violation in a timely manner. (LPC)
11. Allocate funds to reduce speeding and directional impacts at the pedestrian crossing on the east side of W. 8th St. at 6th Ave. and at the intersection of W, 8th St., 6th and Greenwich Aves. (DOT)
12. Allocate funds for curriculum development and teacher training for Culturally Responsive – Sustaining Education in our district’s public schools. (DOE)
13. Allocate funds to enable the Street Activity Permit Office (SAPO) to conduct enforcement and compliance of street activity permits. (SAPO)
14. Allocate funds to enable the Mayor's Office of Media and Entertainment (MOME) to conduct enforcement and compliance of film and television permits. (MOME)
15. Allocate funds to study the quantity and condition of trash containers, evaluate pick-up schedules and adjust them as necessary, and improve trash removal by providing more frequent litter basket collection. (DSNY)
16. Allocate funds for effective rat control throughout Community District 2 parks. (DPR)

17. Allocate funds for traffic safety improvements at the intersection of Waverly Pl., Christopher and Grove Sts. (Stonewall Nat'l. Monument area), including neckdowns, sidewalk extensions, daylighting, stop signs, improved directional signage. (DOT)
18. Allocate funds to implement suggested improvements recommended by the NYC Comptroller to address problems related to retroactive contracts. (DFTA)
19. Allocate additional funds to cover overhead reimbursements for Greenwich House. (DFTA)
20. Allocate funds to increase staffing levels so the Department of Buildings can monitor approved projects during and after construction to ensure that the work conforms to the approved applications (DOB)
21. Allocate more resources for speed hump inspections and installation. (DOT)
22. Allocate funds to install speed humps on Jane St. btw. Greenwich and 8th Aves., on Spring St. btw. Mott and Elizabeth Sts. and on Perry St. btw. W. 4th St. and 7th Ave. S. (DOT)
23. Allocate funds for teacher training and reading and writing curricula that use the Orton-Gillinham approach. (DOE)
24. Allocate and baseline additional funds for arts education, faculty and classrooms in our district's public schools based on CPI. (DOE)
25. Allocate funds for a follow-up Community Health Assessment to examine the success of the Lenox Hill Greenwich Village stand-alone emergency department model to understand the impact of the hospital's closing; and to survey the general experience of accessing medical services. (HHC)
26. Allocate funding for the Washington Square Conservancy Community Arts Grant program. (DPR)
27. Allocate funds to reduce pedestrian/vehicular conflicts at the southwest side of Christopher St. and Greenwich Ave. (DOT)
28. Allocate funds for staffing of gates and expanded hours at Jefferson Market Garden. (DPR)
29. Allocate funding for Washington Square Association Music Fund. (DPR)
30. Allocate funds to install split phase signalization, and bulb out plus daylight the n.e. corner of W. 13th St. and Greenwich Ave. (DOT)
31. Allocate funds for replace the fence at the Time Landscape and re-think the area completely. (DPR)
32. Allocate funds to conduct a study of the blocks with and/or impacted by design changes related to dangerous traffic conditions on Jane St. btw. Greenwich and 8th Aves. and at the W. 13th St./Greenwich Ave./Horatio St. intersection, including Jane btw. Greenwich and 8th Aves., Greenwich btw. 8th Ave. & Jane, Horatio btw. W. 4th St. and 8th Ave. and W. 13th approaching Greenwich Ave./Horatio St. (DOT)

33. Allocate funds for more frequent trash removal, and/or for larger-capacity, sanitary, trash bins in Parks. (DPR)
34. Allocate funds to install louvers on traffic light at Carmine St. on Bedford St. (DOT)
35. Allocate additional funding to The Door so it can continue and more effectively deliver services to its target population. (DYCD)
36. Allocate funds to increase the number of Learn to Swim programs. (DPR)
37. Allocate funds to increase arts and cultural programs for CB2M community centers, such Greenwich House, the LGBT Community Center, Center on the Square Neighborhood Senior Center and Our Lady of Pompeii Senior Center. (Cultural Affairs)
38. Allocate funds to plant new street trees throughout Community District 2. (DPR)
39. Allocate funds to conduct a study on the potential for installing a greenway on University Pl. from 14th St. to W. 4th St. where it would connect with Washington Sq. Park. (DOT)
40. Allocate increased funding for Hudson Square BID's new public art initiative Hudson Square Canvas and Village Alliance's public art commissions. (Small Business Services)
41. Allocate funds for a re-imagining of the Playground of the Americas. (DPR)
42. Allocate funds to add benches at Minetta Triangle Park. (DPR)
43. Allocate funds to add benches at Golden Swan Park. (DPR)
44. Allocate funds to install 3-hour metered commercial parking on Crosby St. btw. Spring and Prince Sts. (DOT)

Respectfully submitted,

Keen Berger  
Secretary  
Community Board #2, Manhattan

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<sup>i</sup> <https://www.nytimes.com/2019/03/13/us/schools-laundry-rooms.html>.

<sup>ii</sup> <http://www.nysed.gov/crs/framework>.

<sup>iii</sup> <https://www.schools.nyc.gov/about-us/vision-and-mission/culturally-responsive-sustaining-education>.