

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>CORPORATION NAME</b>		<b>DOING BUSINESS AS (DBA)</b>	
Variety 57th Street Holdings, LLC		To be determined.	
<b>STREET ADDRESS</b>		<b>CROSS STREETS</b>	<b>ZIP CODE</b>
311 West 57th Street		Btwn. 8th Ave. & 9th Ave.	10019
<b>OWNER</b> <i>(Attach a list of all the people that will be associated/listed with the license)</i>	<b>NAME:</b> Murtaza Akbar, Edward Weiner, and Simon Hammerstein	<b>ATTORNEY/ REPRESENTATIVE</b>	<b>NAME:</b> Victor & Bernstein, P.C.
	<b>PHONE:</b> (929) 266-6916		<b>PHONE:</b> (212) 486-6000
	<b>EMAIL:</b> info@varietyww.com		<b>EMAIL:</b> dbernstein@victorbernstein.com, avictor@victorbernstein.com
<b>MANAGER</b>	<b>NAME:</b> Jennie Willink	<b>LANDLORD</b>	<b>NAME:</b> 309 Realty LLC c/o David Associates Agents
	<b>PHONE:</b> (929) 266-6916		<b>PHONE:</b> (718) 297-0888
	<b>EMAIL:</b> info@varietyww.com		<b>EMAIL:</b>
<b>APPLICATION TYPE (Check One)</b>			
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	See rider attached.	
	What were the dates applicant was involved with this former premise?	See rider attached.	
<input checked="" type="radio"/> <b>Transfer</b>	What is the prior license # and expiration date?	1153651. Exp.: September 30, 2016	
	Is applicant making any alterations or operational changes?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i> The operation will include a dinner-theater component.		
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
<b>METHOD OF OPERATION</b>			
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
<b>ESTABLISHMENT TYPE</b>	<input checked="" type="radio"/> Restaurant <input checked="" type="radio"/> Cabaret <input checked="" type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input checked="" type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	Plan to file after appearing before CB4's BLP committee.
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	The premises are within a 500 foot radius of three or more licensed establishments but the premises have been continuously licensed since prior to November 1, 1993.
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	11am-4:30am	11am-4:30am	11am-4:30am	11am-4:30am	11am-4:30am	11am-4:30am	11am-4:30am	11am-4:30am
	Kitchen	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am
	Music	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am	11am-4am
If you plan to have music, what type(s)? (Circle all that apply)			BACKGROUND	LIVE MUSIC	DJ	JUKE BOX	KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	750	750 or less	Approx. 54	Approx. 277	1	3	Approx. 45		
OUTSIDE <i>(Other than sidewalk café)</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
SIDEWALK CAFÉ	N/A	N/A	N/A	N/A	N/A				
How many floors are there? What is the capacity for each floor?					Basement: 200      Second Fl.: 250 Ground Fl.: 300				
How frequently will the owner(s) be at the establishment?					Approx. 1-3x per week, a manager will be present daily during all hours of operation.				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	There will be a variety of entertainment in addition to dancing by entertainers and patrons.		
Will applicant have bottle or table service for beverage alcohol?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	It will be available if requested but not necessary for admittance to dinner-theater shows.		
Will you be hosting private; promotional or corporate events?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	The premises will be available for private, promotional or corporate events on occasion.		
Will outside promoters be used on a regular basis? If yes please describe.					<input type="radio"/> YES	<input checked="" type="radio"/> NO	The applicant/licensee will be in control of the premises at all times.		
Will you have a security plan? If, yes please attach.					<input checked="" type="radio"/> YES	<input type="radio"/> NO	See attached.		
Will security plan be implemented?					<input checked="" type="radio"/> YES	<input type="radio"/> NO			
Will State certified security personnel be used?					<input checked="" type="radio"/> YES	<input type="radio"/> NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	<input type="radio"/> NO			
Will applicant be using delivery bicycles? If yes, how many?					<input type="radio"/> YES	<input checked="" type="radio"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					<input type="radio"/> YES	<input type="radio"/> NO	N/A		
Where will delivery bicycles be stored during the day when not in use?					N/A				

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Midtown
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	See attached.
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Are your plans filed with DOB?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	To be filed.

Community Notification/Relations			
<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Manhattan Community Board 4 Maria Guzman, Harborview Terrace T.A. (mariagnys@aol.com) Ellen Ceinik, The Aurora (ecelnik@actorsfund.org)	
	# 2	Richard Pimental, The Aurora (rpimentel@commonground.org) Derrick Sage, The Aurora (dsage@commonground.org) Paul Loeb, 300 West 55th Street (ploeb315@aol.com)	
	# 3	<del>Christine Gorman, West 55th Block Association (west55ba@gmail.com)</del> Raul Larios, Hudson Hotel Residents (rlarios@hotmail.com) Amanda Cernitz, 333 West 57th Street (acernitz@gmail.com) Susan Lahn, 345 West 58th Street (slahn@aol.com)	
	# 4	Pasquale D'Onofrio (pat301cpp@aol.com) Maria Rodriguez (ladyrod57@aol.com) Patrick MacMurray, 353 West 56th Street (pamacmurray@gmail.com)	
	# 5	Anita McDonagh, 333 West 56th Street (awm3333@aol.com) Demi Xidas, 333 West 57th Street (d_xidas@hotmail.com) Jack Terebelo, 301 West 57th Street (JTerebelo@halstead.com)	
	Please provide dates when applicant met with the groups listed above.	Initial email and letters to building sent/distributed on or before December 28, 2015. Numerous emails since then. Had a meeting on January 22, 2016.	
Who was your contact person at each group you met with?	See above.		
When did applicant post the notice that was provided?	On or before December 28, 2015. Notice to be re-posted on or before February 2, 2016.		
Where did applicant post the notice that was provided?	At the premises and at the corners of 57th Street and 8th Avenue and 57th Street and 9th Avenue.		
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	(929) 266-6916
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Yes, to the extent such job openings do not require applicants to possess any specialized talent or skills.

<b>BUILDING DESIGN</b>			
State the name and type of business previously located in the space.	Providence (nightclub, restaurant, and event space)		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Metronome Events Inc., d/b/a Providence
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Other than signage.
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Except if advisable or necessary for box office queuing.
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Premises already have soundproofing materials (Sound Silencer) installed throughout by Acoustical Surfaces, Inc.
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	We plan to use the existing system but will work with our acoustical engineers to ensure the system and soundproofing in place can control and mitigate the potential for noise to be heard outside of the premises.
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Yes, similar to existing.
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Yes, similar to existing.
Where will the air conditioner be located? What type is it?	Same as existing (installed in interior ceilings/exterior basement level, split units.		
When was the air conditioner installed?	Approx. 8 years ago.		

<b>OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE <i>**Not Applicable**</i></b>			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	

<b>OUTDOOR ITEMS – SIDEWALK CAFÉ <i>**Not Applicable**</i></b>			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via sealed food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

**ADDITIONAL STIPULATIONS: (Office Use Only)**

- Applicant will have no more than 599 total capacity
- At events with over an expected 350 performance, a minimum security on the stree in front of 301 W 27th Street and 315 W 57th Street
- Applicant agrees to no steel barricades unless specifically requested by NYPD; barricades will not remian on the street
- Applicant will do additional outreach
- Sunday/Monday 1 a.m. closing with 20 exemptions until 4 a.m.; Tuesday - Saturday 4 a.m. closing

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.*

**ADDITIONAL STIPULATIONS: (Office Use Only), *Continued***

***To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.***

Manhattan Community Board 4 (MCB4) recommends:

Denial unless all stipulations agreed to by applicant/owner are part of the method of operation  
 Denial  Approval

**CB4 REPRESENTATIVES**

*Nelly Gonzalez*  
Nelly Gonzalez  
CB4 Assistant District Manager

Frank Holozubiec  
CB4 BLP Committee Co-Chair

*Burt Cazarin*  
Burt Cazarin  
CB4 BLP Committee Co-Chair

**APPLICANT AGREEMENT WITH THE COMMUNITY**

Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

SIGN HERE →

*Randy Weiner*

PRINT NAME OF APPLICANT

*[Signature]*

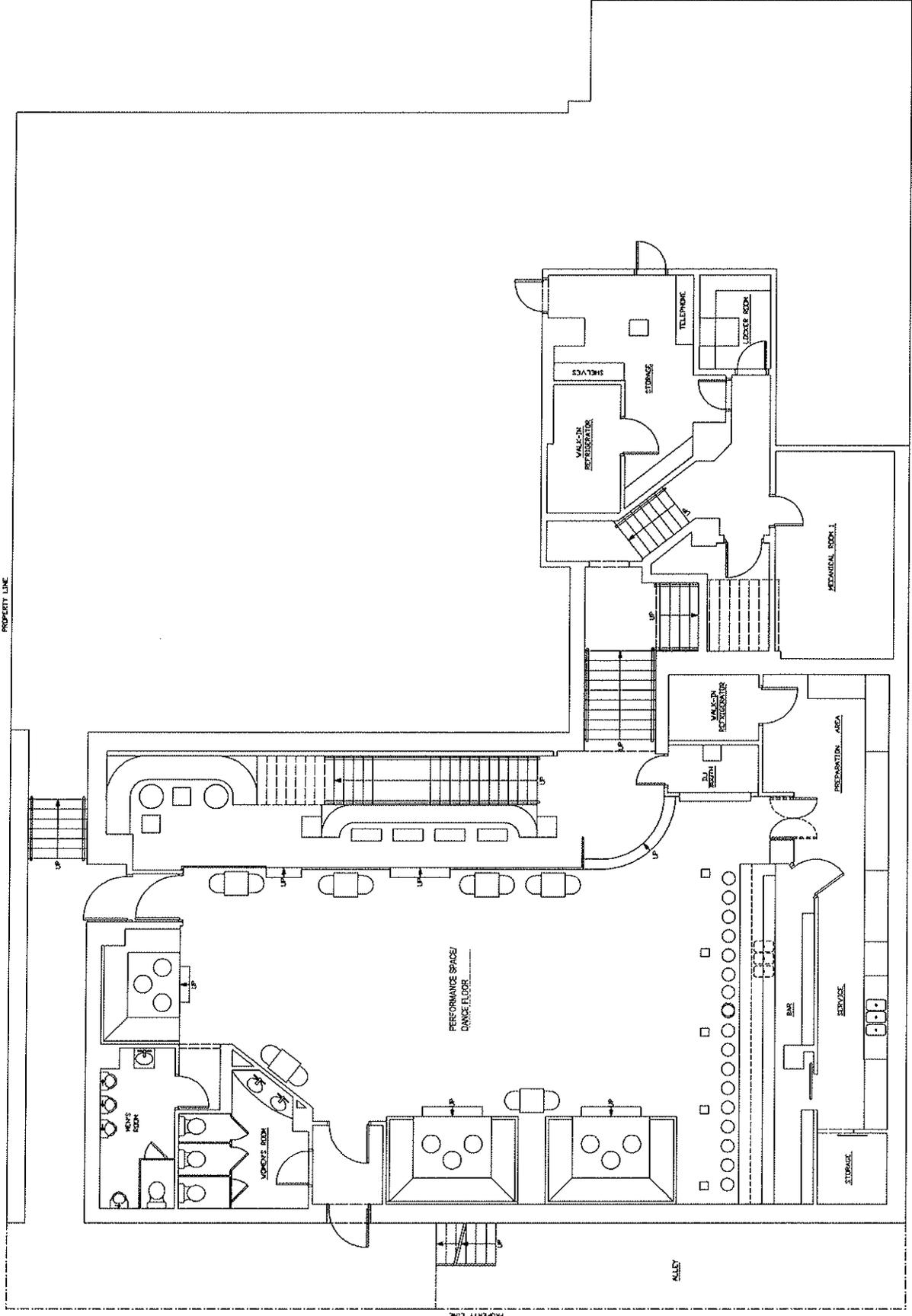
SIGNATURE OF APPLICANT

*Feb 9, 2016*

DATE

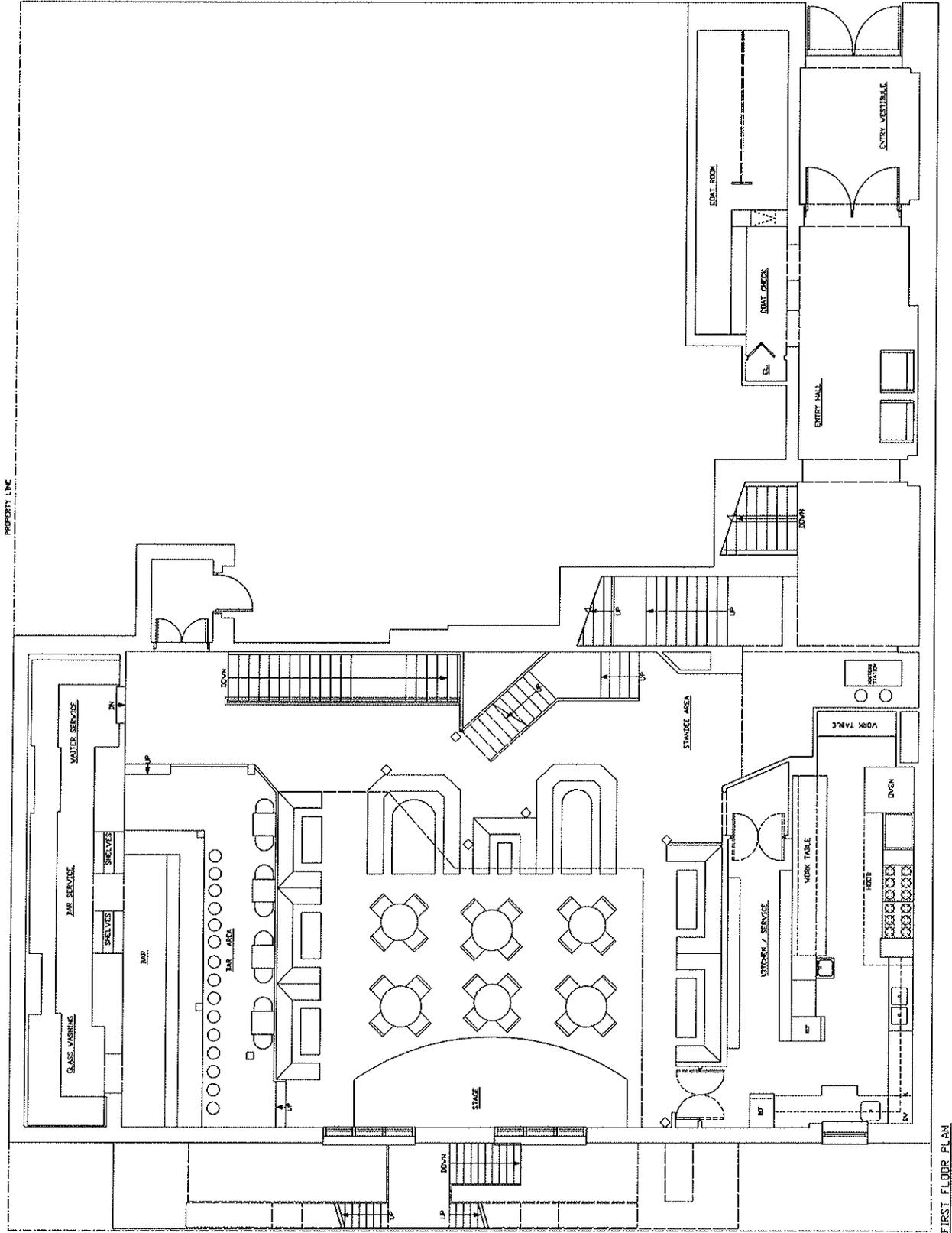
*PROVIDED  
Recommendations  
of the  
to the SLA →*  
*CB4 approval*

- STIPS NO MORE THAN TOTAL*
- NO OUTSIDE PROMPTERS*
- NO OUTSIDE GATES, ETC*
- NO QUEUE WITH TROPES*
- AS BEST AS POSSIBLE*
- SAT EVENTS OVER PERFORMANCY*
- EXPECTED 350 A SECURITY*
- ON STREET MINIMUM IN*
- FRONT OF W301 & W315*
- NO BARRICADES UNLESS SPECIFICALLY*
- REQUESTED BY NYPD. BARRICADES*
- NOT TO REMAIN ON STREET*
- ADDITIONAL OUTREACH*
- SUN/MON 1AM closing*
- WITH 20 SUN/MON EXEMPTIONS UNTIL 4AM*
- TUES - SAT 4AM*



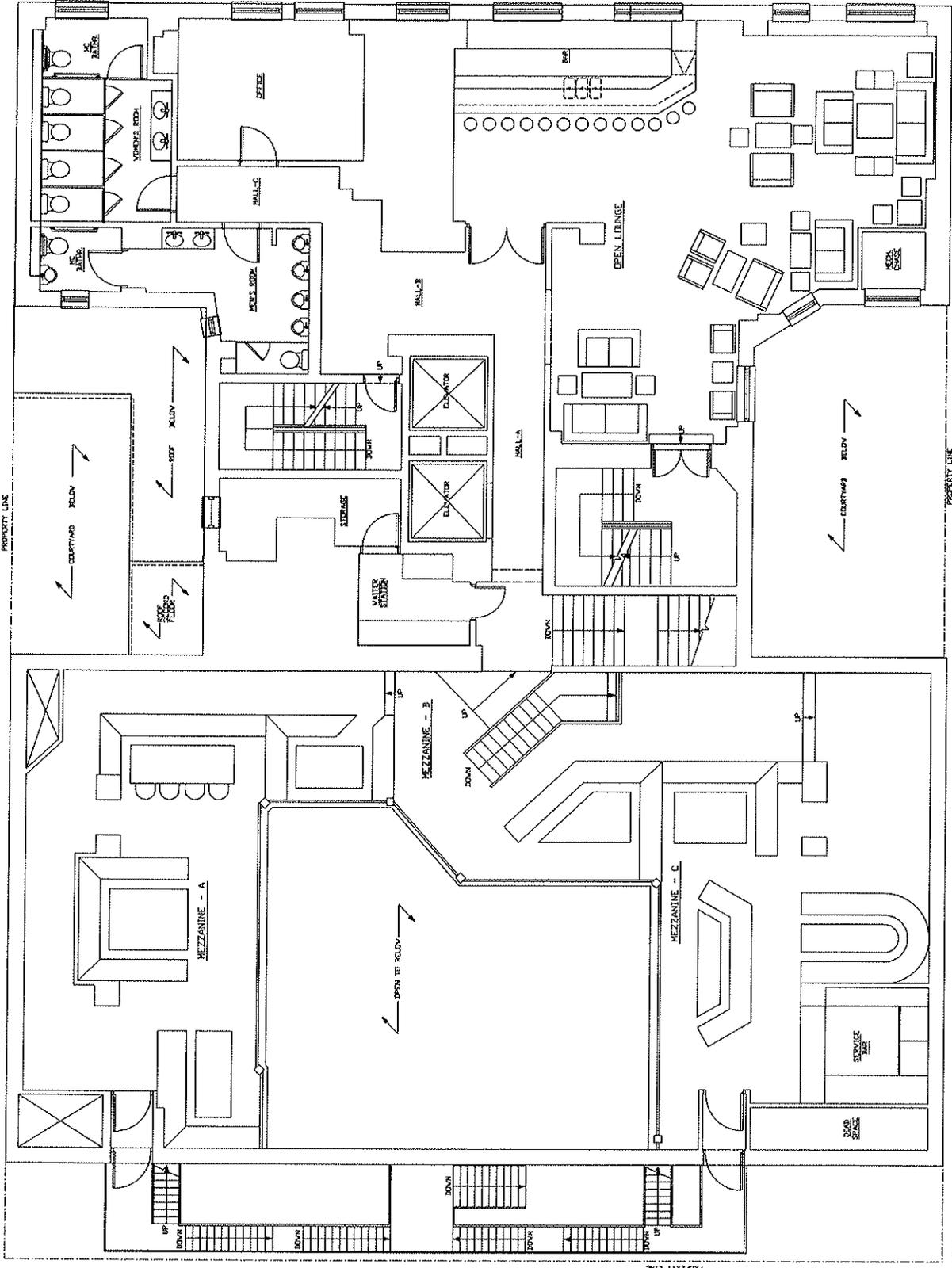
CELLAR FLOOR PLAN

WEST 57TH STREET



FIRST FLOOR PLAN

WEST 57TH STREET



SECOND FLOOR PLAN



*Sample/Proposed Dinner Theater Menu*

**Canapes:**

Baked Hummus Balls stuffed with pickled jalapeno

Pomegranate Infused Smoked Salmon on Persian cucumber, meyer lemon gilet

Faux Bacon Foam on medjool date, cayenne rice puff

**Entrees:**

Salmon Wellington, Wild Atlantic Salmon 4lb skin off filet, fresh lemon, broccolini, puff pastry

Organic Farm Raised 3lb Chicken Salt and Pepper Crusted, Black truffle popovers

10lb Bone in Leg of Lamb, green and yellow squash gratin, Hari Cots Verts, pickled shallots

Vegetable Risotto, Calasparra rice, seasonal vegetables, nutritional yeast, fried green scallions

Purple, Yellow, Green roasted Cauliflower, Red, Yellow and Green Peppers

Roasted Potatoes green scallions, truffle vinaigrette

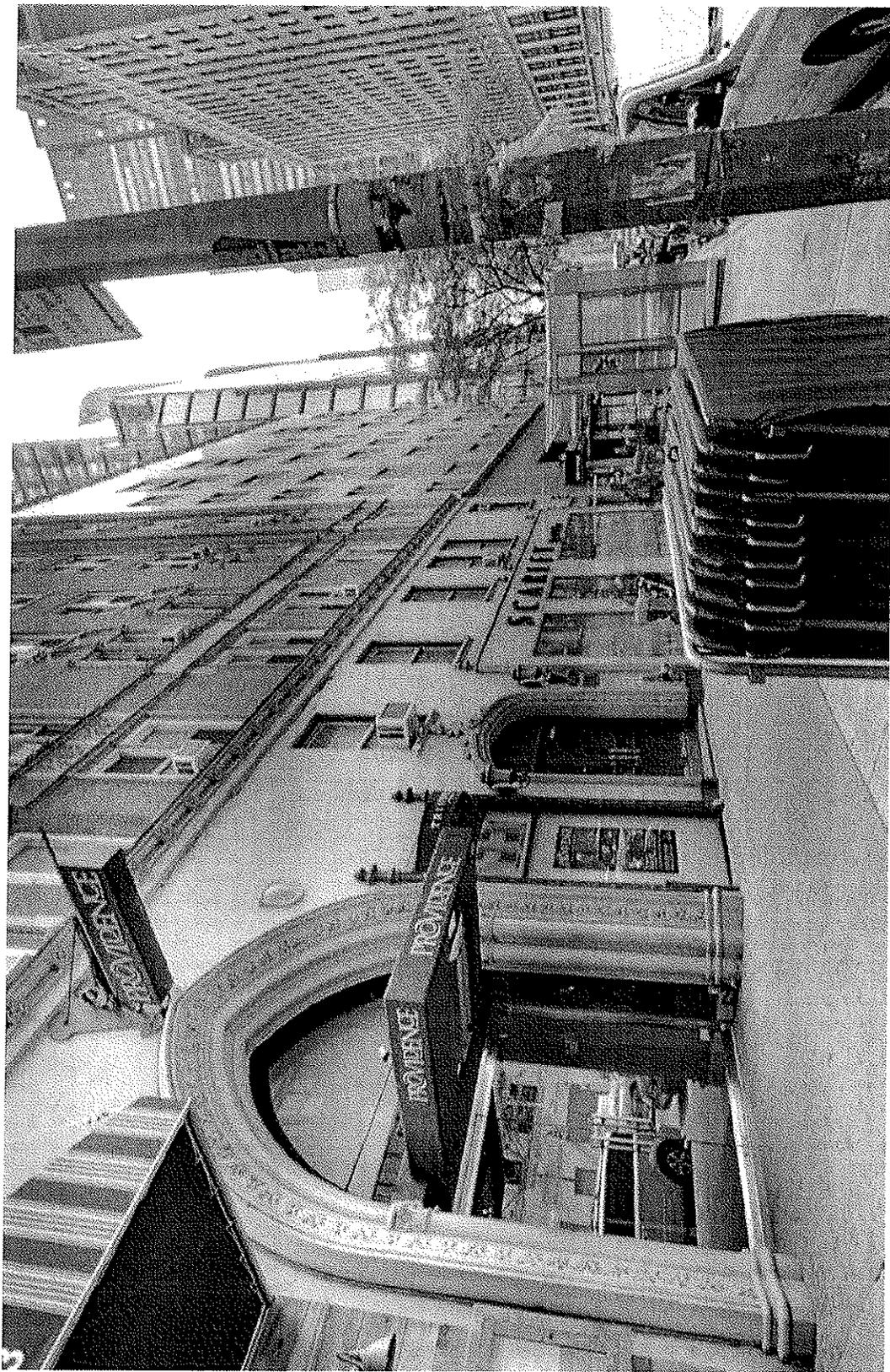
Kale Salad, roasted red pepper dressing

**Dessert:**

Chocolate Hazelnut Dacquoise

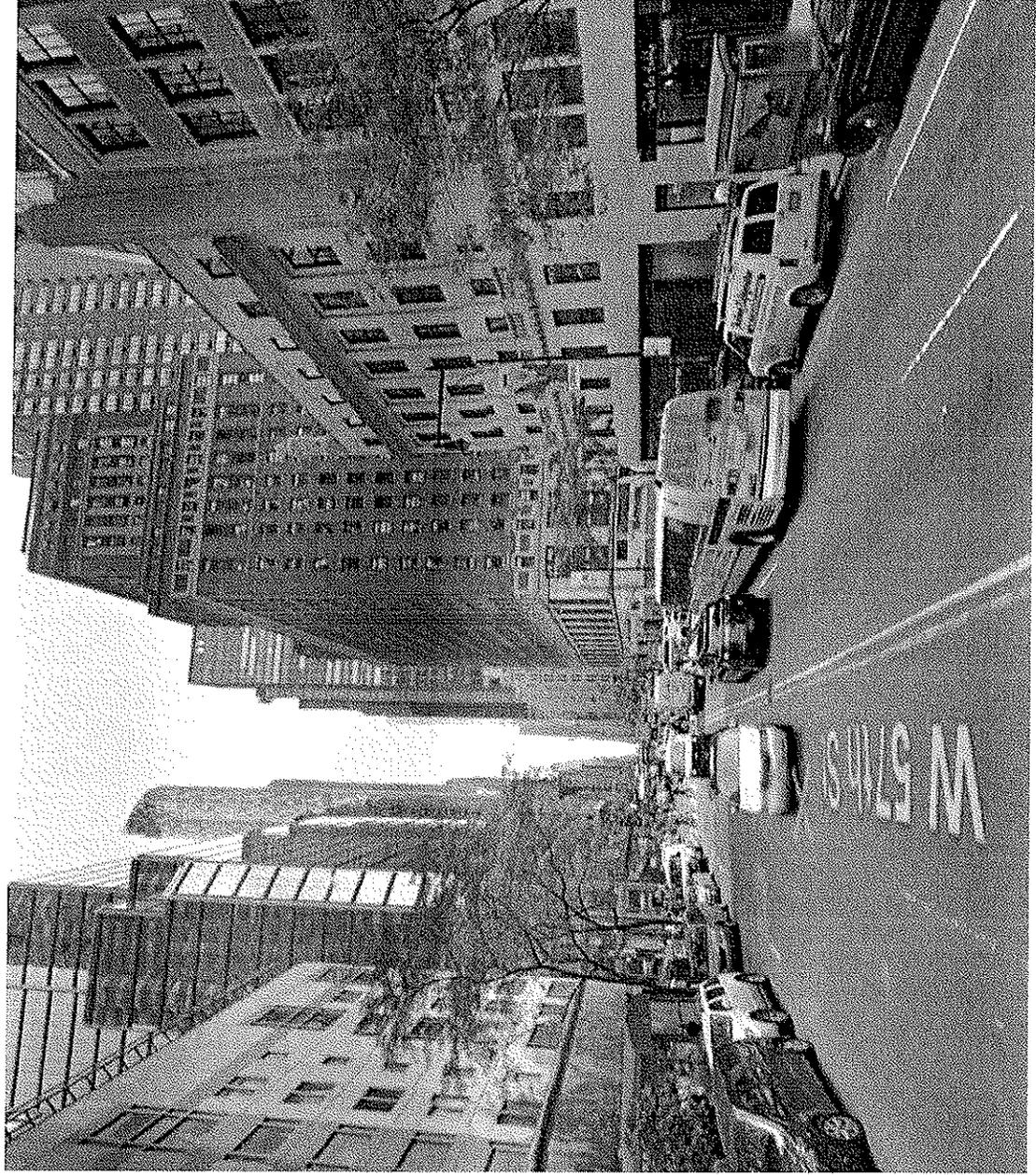
311 West 57<sup>th</sup> Street  
New York, New York 10019

*Area Photographs*



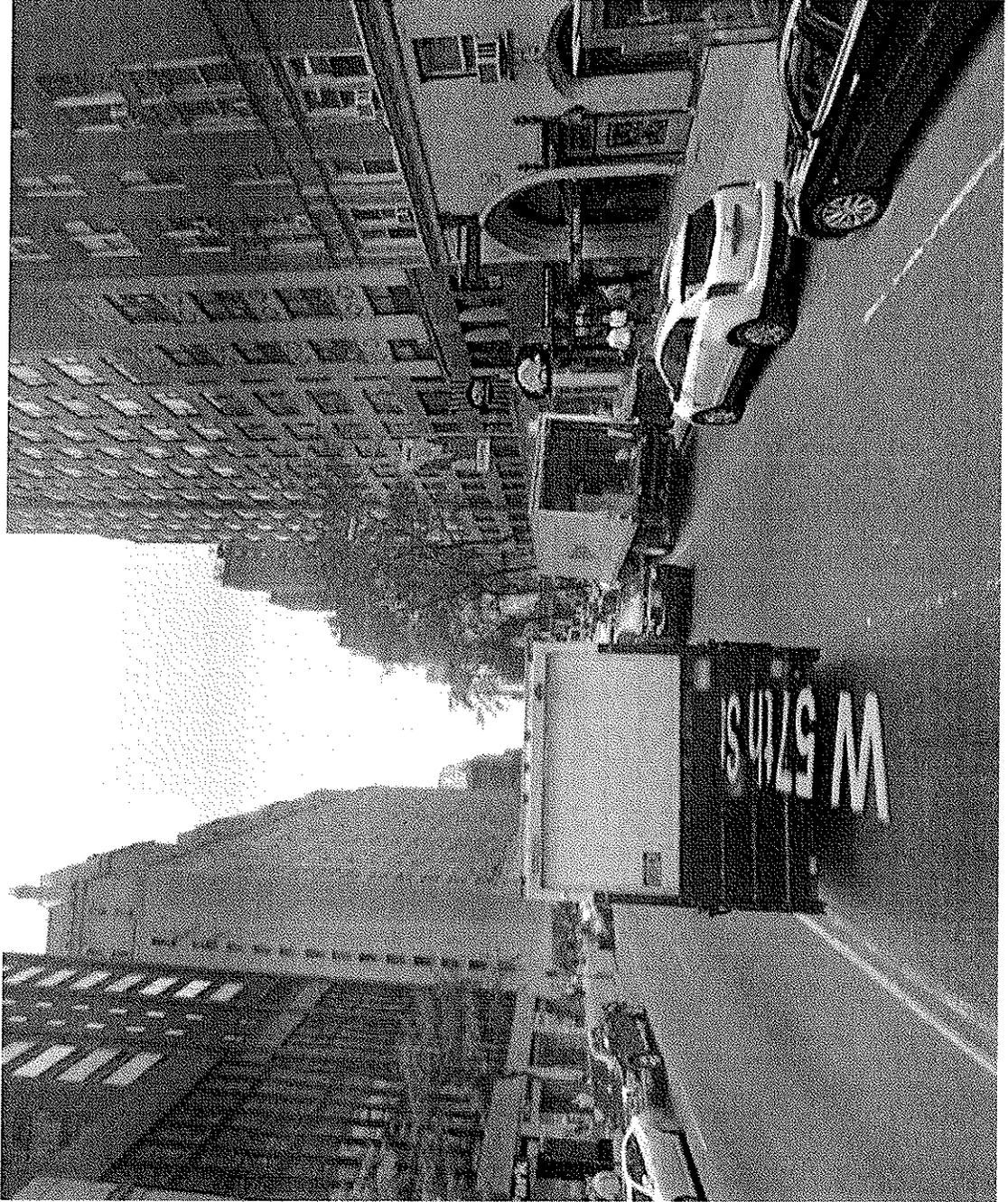
*311 West 57<sup>th</sup> Street  
New York, New York 10019*

*Area Photographs*



*311 West 57<sup>th</sup> Street  
New York, New York 10019*

*Area Photographs*



Re: 311 West 57<sup>th</sup> Street

1. Chipotle - 235 West 56<sup>th</sup> Street - (416')
2. Bar Basso - 235 West 56<sup>th</sup> Street - (479')
3. Ivy - 944 8<sup>th</sup> Avenue - (476')
4. Indikitch - 940 8<sup>th</sup> Avenue - (498')
5. Guantanamera - 939-945 8<sup>th</sup> Avenue - (475')
6. Bricco - 304 West 56<sup>th</sup> Street - (362')
7. Bareburger - 313 West 57<sup>th</sup> Street - (12')
8. D. J. Reynolds - 351 West 57<sup>th</sup> Street - (453')
9. Six Columbus - 308 West 58<sup>th</sup> Street - (205')
10. Blue Ribbon - 308 West 58<sup>th</sup> Street - (205')
11. The Coliseum - 312 West 58<sup>th</sup> Street - (206')
12. Sushi Damo - 330A West 58<sup>th</sup> Street - (253')
13. Red Cork - 330 West 58<sup>th</sup> Street - (282')
14. Center Bar - 10 Columbus Circle 4<sup>th</sup> Floor - (492')
15. Parkview Lounge - 10 Columbus Circle 4<sup>th</sup> Floor - (492')
16. Per Se - 10 Columbus Circle 4<sup>th</sup> Floor - (492')
17. Porter House - 10 Columbus Circle 4<sup>th</sup> Floor - (492')
18. Landmarc - 10 Columbus Circle - 3<sup>rd</sup> Floor - (492')
19. Masa - 10 Columbus Circle - 4<sup>th</sup> Floor - (492')
20. Bormasa - 10 Columbus Circle - 4<sup>th</sup> Floor - (492')
21. Avoce - 10 Columbus Circle - 3<sup>rd</sup> Floor - (492')

Schools & Churches

1. Speyer Legacy School - 925 9<sup>th</sup> Avenue - ( $\approx$  912')
2. Church of All Nations Lutheran Church - 417 West 57<sup>th</sup> St. - ( $\approx$  928')

Please note: the distances provided for these licensees are only to the entrance of the Time Warner Center (10 Columbus Circle), a large building with a public complex, and do not account for the vertical distance between the ground floor entrance to the Time Warner Center and each licensee's actual entrance on the 3<sup>rd</sup> or 4<sup>th</sup> floor, which would bring these licensees outside of 500 feet from the premises to be licensed.