

1 **Business License & Permits Committee**

Item #: 20

2
3 May 6, 2015

4
5 Dennis Rosen
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Even Hotels New York Time Square South**
12 *321 W. 35th Street (8/9)*

13
14 Dear Chairman Rosen:

15
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a new On-Premise Liquor License
17 application for Even Hotels New York Times Square South – 321 W. 35th Street (8/9), **unless** the
18 attached stipulations, agreed to by the applicant, are part of the method of operation for this
19 establishment with a capacity of TBD, 6 tables with 20 seats, 1 Service-Only Bar and 1 Stand-Up Bar
20 with 8 seats.

21
22 Sincerely,

23
24
25
26 Christine Berthet
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

27
28

Manhattan Community Board 4

Liquor License Stipulations Application

(All Fields Must Be Completed)

| | | | |
|--|---|--|--|
| APPLICANT EVEN HOTEL 35, LLC & IHA MANAGEMENT (MARYLAND), LLC | | DOING BUSINESS AS (DBA) EVEN HOTELS NEW YORK - TIMES SQUARE SOUTH | |
| STREET ADDRESS 321 W. 35 th ST., NEW YORK, NY 10001 | | CROSS STREETS 35 th between 8 th & 9 th Avenues | |
| OWNER | NAME: EVEN HOTEL 35, LLC | ATTORNEY | NAME: WORMSER, KLEY, GALEF & JACOBS LLP BARBARA KWON, ESQ. |
| | PHONE: 917 - 428 - 0027 | | PHONE: 212 - 573 - 0661 |
| | FAX: 212 - 334 - 0034 | | FAX: 212 - 687 - 5703 |
| MANAGER | NAME: IHA MANAGEMENT (MARYLAND), LLC | LANDLORD | NAME: EVEN HOTEL 35, LLC |
| | PHONE: 770 - 604 - 2500 | | PHONE: 917 - 428 - 0027 |
| | FAX: 770 - 604 - 2378 | | FAX: 212 - 334 - 0034 |

DESCRIPTION OF BUSINESS

Establishment Type:

Bar/Tavern
 Bed & Breakfast
 Eating Place Beer
 Cabaret
 Night Club
 Hotel
 Restaurant
 w/restaurant

Catering Establishment
 Club (Fraternal Organization - Members Only)

Other (Explain): Bar/Arcade

Method of Operation:

Hotel with Restaurant
 Dance Club
 Sports Bar
 Adult Entertainment
 Wine Bar
 Pizzeria
 Cafe

Other (Explain): Bar/Arcade

License Type:

On-Premise
 Wine
 Beer
 Wine & Beer

| | | | | | | |
|--|---------------------------------------|---|---|--------------------------|--|--|
| APPLICATION TYPE (check one) | <input checked="" type="radio"/> New | Has applicant owned or managed a similar business? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | | |
| | | What is/was the name of establishment? | See attached exhibit | | | |
| | | What is/was the address of the establishment? | See attached exhibit | | | |
| | | What were the dates the applicant was involved with this former premise? | See attached exhibit | | | |
| | <input type="radio"/> Transfer N/A | What is the prior license #? | | | | |
| | | What is the expiration date on the prior license? | | | | |
| | | Are you making any alterations or operational changes? | <input type="radio"/> YES | <input type="radio"/> NO | | |
| | | If alterations or operational changes are being made, please attach the plans to this form. | | | | |
| | | <input type="radio"/> Alteration N/A | What is the current license #? | | | |
| | | | What is the expiration date on the current license? | | | |
| Please describe the nature of the alterations and attach the plans | | | | | | |

OPERATIONAL ISSUES

| | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|--------------|---|---------|-----------|----------|--------|----------|--------|
| HOURS | Operation 6:30am - 2:00am DAILY / Hotel is 24 Hours Music N/A Kitchen Same as "Operation Hours" above | | | | | | |

| OCCUPANCY | INDOOR | | | | BAR | | | OUTSIDE | |
|-----------|---|---|---------------------|--------------------|-----------------------------------|-------------------------------|-------------------------------|--------------------|---------------------|
| | 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 Bars | Number of Seats | Number of Tables |
| | TBD | TBD | 6 | 20 | 1 | 1 | 5 | N/A | N/A |

| | | | | |
|--|--------------------------------------|-------------------------------------|--------------------------------------|-------------------------|
| How many floors are there? What is the capacity for each floor? (please respond in space provided) | <input checked="" type="radio"/> 1-2 | <input type="radio"/> 3-4 | <input type="radio"/> 5+ | 25-story Hotel |
| Will you be applying or intending to apply for a cabaret license? If yes, will there be dancing? (please respond in space provided) | YES | <input checked="" type="radio"/> NO | N/A | |
| Will applicant have bottle service? | YES | <input checked="" type="radio"/> NO | N/A | |
| Will you be hosting private parties and promotional events? | <input checked="" type="radio"/> YES | NO | N/A | 1-2 private events/year |
| Will outside promoters be used? | YES | <input checked="" type="radio"/> NO | N/A | |
| Will the security plan submitted be implemented? | YES | NO | <input checked="" type="radio"/> N/A | |
| Will State certified security personnel be used? | YES | NO | <input checked="" type="radio"/> N/A | |
| Will New York Nightlife Association recommendations and NYPD Best Practices be followed? | YES | NO | <input checked="" type="radio"/> N/A | |
| Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided) | YES | NO | <input checked="" type="radio"/> N/A | |
| Will the applicant be applying for a Sidewalk Café now or in the future? (please respond in space provided) | YES | <input checked="" type="radio"/> NO | N/A | |
| If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided) | YES | NO | <input checked="" type="radio"/> N/A | |
| Will applicant provide contact information to neighbors and respond to complaints that arise? | <input checked="" type="radio"/> YES | NO | N/A | |
| Will you inform the Community Board office of your job openings and/or provide a hyperlink to your jobs webpage? | <input checked="" type="radio"/> YES | NO | N/A | |

If you plan to have music, what type(s)? BACKGROUND LIVE MUSIC DJ

BUILDING DESIGN

| | | | |
|---|--------------------------------------|----|--------------------------------------|
| Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days. | <input checked="" type="radio"/> YES | NO | N/A |
| 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? | YES | NO | <input checked="" type="radio"/> N/A |
| Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.) | <input checked="" type="radio"/> YES | NO | N/A |

| OUTDOOR ITEMS | | | |
|--|-----|----|---|
| Will applicant use the rooftop, rear yard or any outdoor space? | YES | NO | <input checked="" type="radio"/> N/A DS |
| If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days. | YES | NO | <input checked="" type="radio"/> N/A |
| The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service. | YES | NO | <input checked="" type="radio"/> N/A |
| The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke. | YES | NO | <input checked="" type="radio"/> N/A |
| Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.). | YES | NO | <input checked="" type="radio"/> N/A |
| Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners. | YES | NO | <input checked="" type="radio"/> N/A |
| Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors? | YES | NO | <input checked="" type="radio"/> N/A |

| LOCATION & ZONING | | | |
|---|---|--|-------------------------------|
| Primary Zoning District: | CG-4M | Overlay (If Applicable): | None |
| Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards? | <input checked="" type="radio"/> NO | YES | NO |
| Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection? | YES | <input checked="" type="radio"/> NO | N/A GC, preservation area P-2 |
| Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule. | <input checked="" type="radio"/> YES | NO | N/A 500 Rule, see attached |
| Is a Public Assembly permit required? | YES | <input checked="" type="radio"/> NO | N/A |
| Are your plans filed with DOB? | <input checked="" type="radio"/> YES | NO | N/A |
| Building Type | <input type="radio"/> Residential <input type="radio"/> Commercial <input type="radio"/> Mixed Use <input checked="" type="radio"/> Other, describe: Hotel (free-standing) | | |
| Adjacent Buildings | <input checked="" type="radio"/> Residential to west <input checked="" type="radio"/> Commercial to east <input type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____ | | |
| NOTIFICATION: What organizations / community groups have you notified regarding your application? | # 1 | Hell's Kitchen Neighborhood Association (Kathleen Treal) 3/11/15 | |
| | # 2 | 14 nearby residential buildings on W. 35th and Ave | |
| | # 3 | South side of W. 36th St. | |

Exhibit to Question #4: Has Applicant owned or managed a business with a liquor license? If yes, list name and address of establishment.

Applicant: IHG Management (Maryland), LLC & 111 East 48th Street Holdings LLC
Premises: InterContinental New York Barclay
111 East 48th Street, New York, NY 10017
Serial: 1276907
Original Filing Date: 3/6/2014
Community Board: Manhattan Community Board 5

Applicant: IHG Management (Maryland), LLC
Premises: Crowne Plaza White Plains
66 Hale Avenue, White Plains, NY 10601
Serial: 1161728
Original Filing Date: 2/15/2005
Community Board: City Clerk's Office City of White Plains

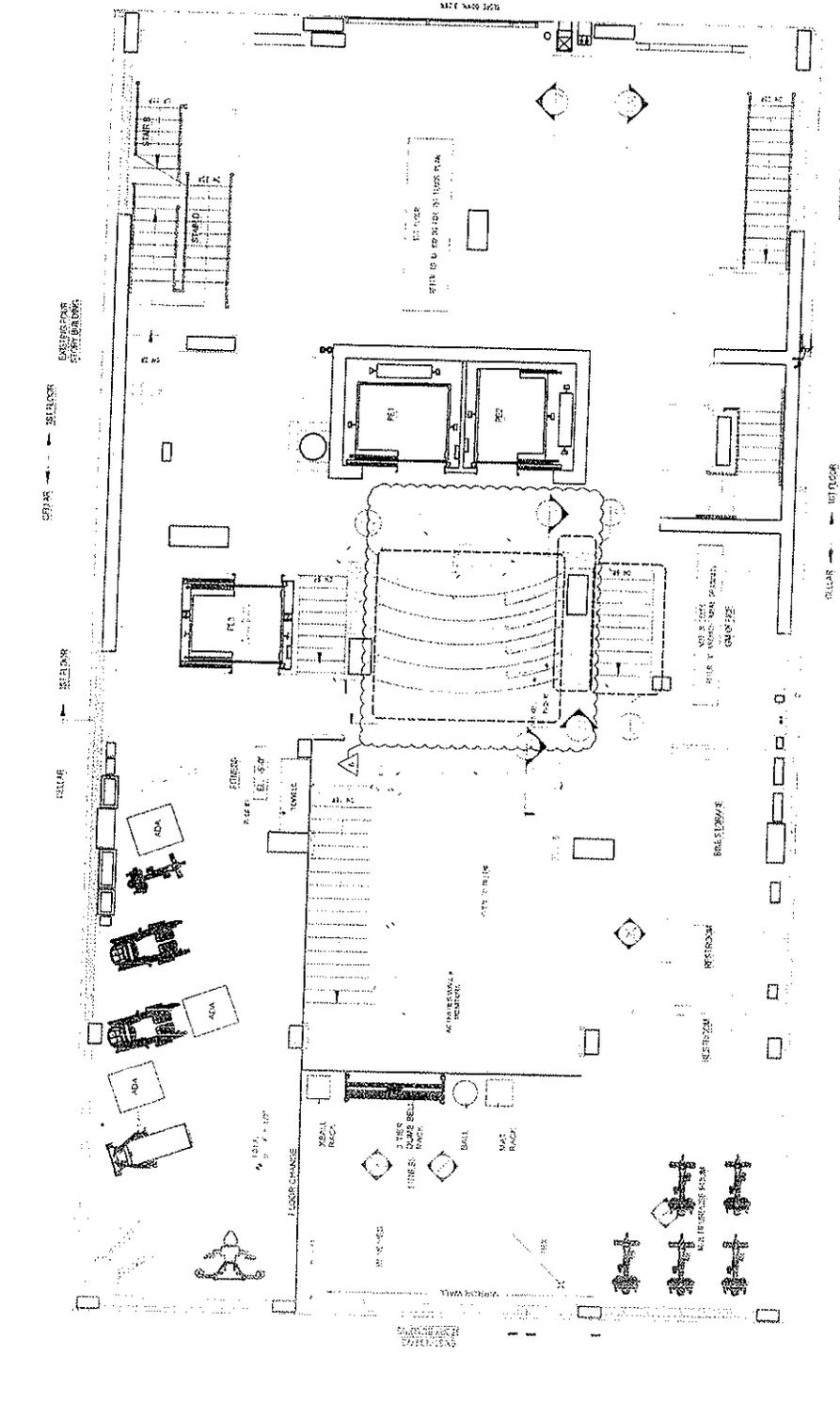
Applicant: IHG Management (Maryland), LLC & West 44th Street Hotel LLC
Premises: InterContinental New York Times Square
300 W 44th Street, New York NY 10036
Serial: 1237159
Original Filing Date: 1/14/2010
Community Board: Manhattan Community Board 4

OWNER
 Lindmark Realty LLC/Plan 179 LLC
 CD Rehab Enterprises LLC
 135 CAL STREET, NEW YORK, NY 10012
 ARCHITECT

CONSULTANTS
 ARCHITECTURE
 MECHANICAL/ELECTRICAL/PLUMBING
 STRUCTURAL
 INTERIORS
 GENERAL CONTRACTOR

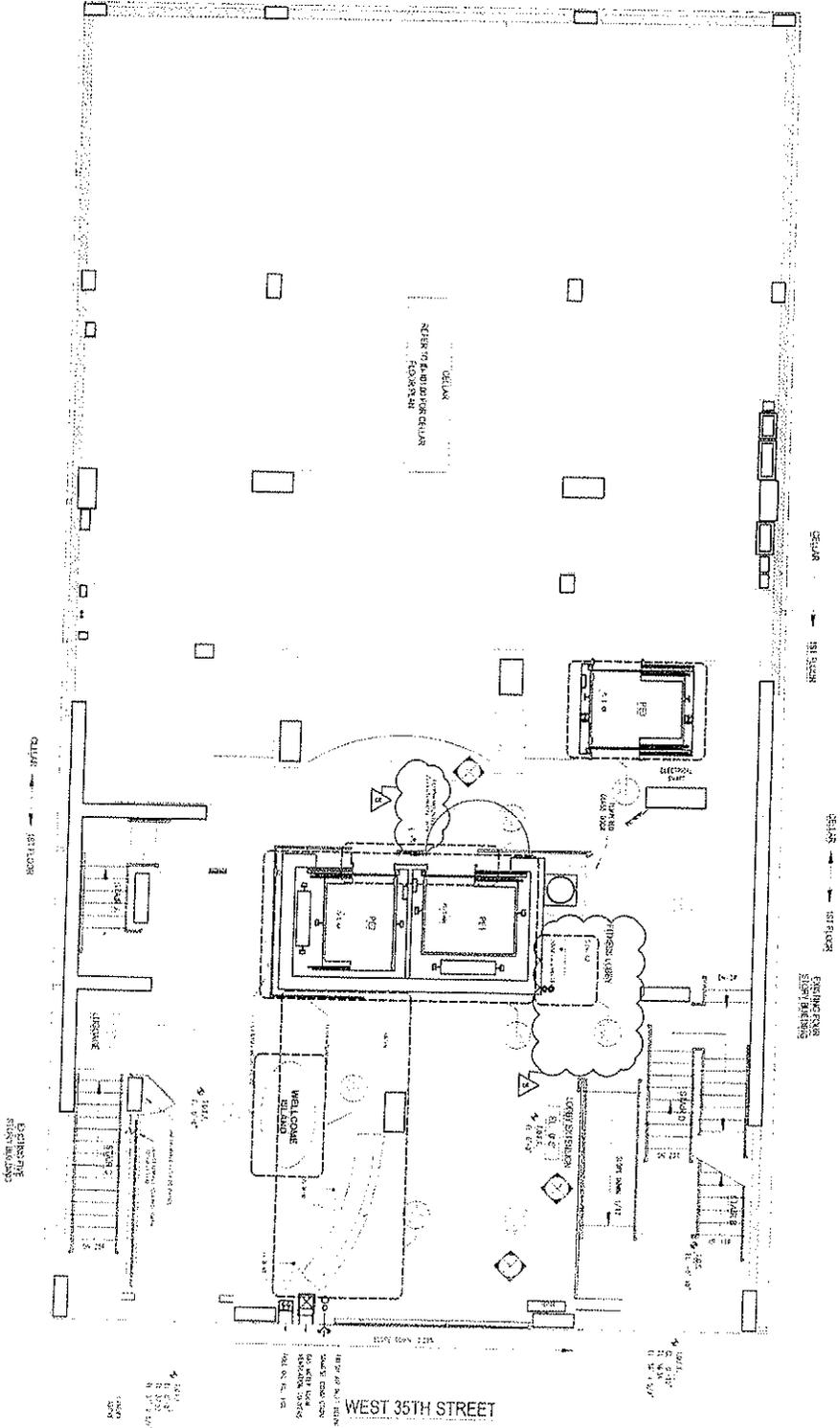
301-435 WEST 35TH STREET
 NEW YORK, NY 10001

CELLAR FLOOR PLAN
 ID-101.00



FIRST FLOOR PLAN
 1/8" = 1'-0"

FIRST FLOOR PLAN



OWNER
 National Bank of Commerce
 175 CHAM STREET NEW YORK, NY 10011

DESIGNER
 ARCHITECTS

DATE
 1958

PROJECT
 FIRST FLOOR PLAN

NO. 102 WEST 35TH STREET
 NEW YORK, NY 10011

1ST FLOOR PLAN

ID: 102.00

| | |
|-----|------|
| NO. | DATE |
| 1 | 1958 |
| 2 | 1958 |
| 3 | 1958 |
| 4 | 1958 |
| 5 | 1958 |
| 6 | 1958 |
| 7 | 1958 |
| 8 | 1958 |
| 9 | 1958 |
| 10 | 1958 |

EVEN Hotel 35th Street / 321 W. 35th Street (between 8th + 9th Avenues)*

Premises within 500 feet for liquor sales

OP **1. Alpha Fusion** (N34 Eof9)
365 West 34th Street, New York, NY 10001
Phone: (212) 279-8887

NOTE ~~2. Café Bistro~~ (S34 Eof9)
~~312 West 34th Street, New York, NY 10001~~
~~Phone: (212) 239-7050~~

OP **3. Chipotle Mexican Grill** (S34 Wof8)
304 W 34th St, New York, NY 10001
Phone: (212) 268-4197

HL **4. TRYP by Wyndham** (N35 btw 8&9)
345 W 35th St, New York, NY 10001
Phone: (212) 600-2440

HL **5. Double Tree by Hilton** (N36 btw 8&9)
341 W 36th St, New York, NY 10018
Phone: (212) 542-8990

RW **6. Abaya Thai Cuisine** (S36 btw 8&9)
318 W 36th St, New York, NY 10018
Phone: (212) 868-3399

OP **7. Staghorn Steakhouse** (N36 btw 8&9)
315 W 36th St, New York, NY 10018
Phone: (212) 239-4390

HL **8. The New Yorker Hotel by Wyndham** (W8 btw 34&35)
481 8th Avenue, New York, NY 10001
Phone: (212) 971-0101

EB **9. International Gourmet Kitchen** (E8 btw 35&36)
505 8th Ave, New York, NY 10018
Phone: (212) 216-9421
Beer only

RW **10. Amici 36** (W8 btw 35&36)
519 8th Ave, New York, NY 10001
Phone: (212) 279-7070
Beer only

HW **11. Homewood Suites New York Midtown Manhattan** (S37 btw 8&9)
312 W 37th St, New York, NY 10018
Phone: (212) 244-0644

* NO churches, schools or places of worship within 200'

OP **12. Chef Yu (NE36&8)**
520 8th Ave, New York, NY 10018
Phone: (212) 736-6150
Serves Beer, Wine and Liquor

OP **13. Azuki (NE36&8)**
520 8th Ave, New York, NY 10018
Phone: (212) 736-5116
Serves Beer, Wine and Liquor

may be just outside 500ft of EVEN Hotel

14. Courtyard Marriott New York West (N37 btw 8&9)
307 W 37th St, New York, NY 10018
Phone: (212) 912-0009

15. Patiala (N34 Eof9)
371 W 34th St, New York, NY 10001
Phone: (212) 564-8255

16. Zoob Zib (E9 btw 35&36)
462 9th Ave, Manhattan, NY 10016
Phone: (212) 971-8530

17. Burgers & Cupcakes (E9 btw 35&36)
458 9th Ave, New York, NY 10018
Phone: (212) 643-1200

18. Sergimmo Salumeria (E9 btw 35&36)
456 9th Ave, New York, NY 10018
Phone: (212) 967-4212

19. Hudson Station (E9 btw 34&35)
440 9th Ave, New York, NY 10001
Phone: (212) 244-4406

20. Uncle Jacks Steakhouse (E9 btw 34&35)
440 9th Avenue, New York, NY 10001
Phone: (212) 244-0005
Serves Beer, Wine and Liquor

21. Houndstooth Pub (SE 37&8)
520 8th Ave, New York, NY 10018
Phone: (212) 643-0034
Serves Beer, Wine and Liquor

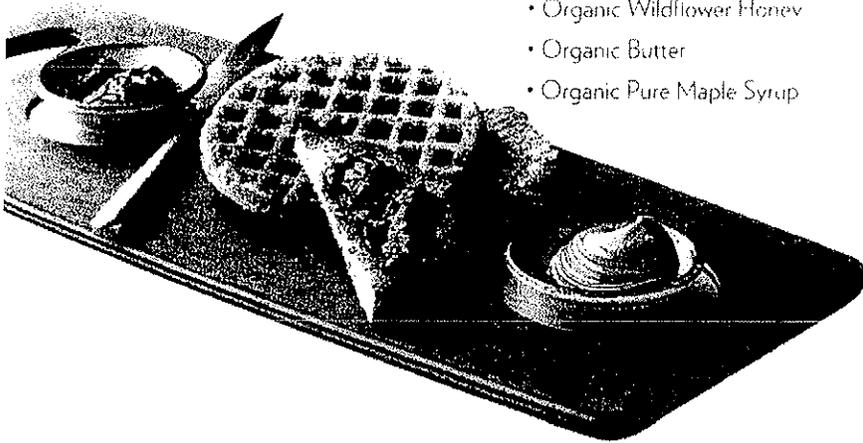
TOAST - CHOOSE 2 

- Gluten-Free Buckwheat Berry Waffle
- 7 Sprouted Grains Bread
- Multi-Grain Bagel
- Gluten-Free Whole Grain Bread

SPREADS - CHOOSE UP TO 2

(Or more at an additional \$1.50 each)

- Organic Almond Butter
- All-Natural Chocolate Almond Butter
- All-Natural Peanut Butter
- Organic Raspberry Preserves
- Cream Cheese
- Organic Strawberry Preserves
- Organic Wildflower Honey
- Organic Butter
- Organic Pure Maple Syrup



**SIGNATURE
BREAKFAST
BOWLS - \$6.50**

CORK & KALE

POWER GRANOLA   

Granola topped with goji berries, dried fruit, nuts, Qi'a protein and a drizzle of agave nectar. Complete it with the milk of your choice. *Contains nuts.*

CORK & KALE

POWER YOGURT    

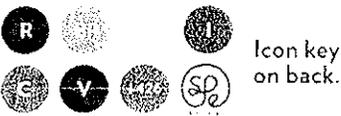
Greek yogurt topped with granola, dried fruit, nuts, goji berries, Qi'a protein and a drizzle of agave nectar. *Contains nuts.*

CREATE YOUR OWN BOWL

See the other side for a list of options for your custom breakfast bowl.

FRICTATA*   

Features your choice of egg whites or cage-free whole eggs combined with baby spinach, quinoa, roasted pepper, Havarti and Pecorino cheeses, red onion, sun-dried tomatoes, and topped with our Signature Avocado Salad.



EGG QUINOA WRAP*   

Features your choice of egg whites or cage-free whole eggs blended with quinoa, red onions, smoked Gouda and golden raisins wrapped in lavosh. Served with hummus, a chimichurri yogurt sauce and a sliced orange.

MORNING REFUEL BOARD   

Sliced hard-boiled egg, turkey bacon and your choice of bread and up to 2 spreads. Extra spreads available for additional cost.

SALMON BOARD  

Toasted multi-grain bagel with thinly sliced smoked salmon, sliced hard-boiled egg and classic accompaniments.

BREAKFAST FLATBREAD   

Your choice of whole or egg whites with baby spinach, mozzarella, asiago and turkey bacon on crisp lavosh.

**Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase the risk of food-borne illness.*

CREATE YOUR OWN BOWL - \$6.50

STEP 1



YOGURT



CHOOSE 1



CEREAL



CHOOSE 1

STEP 2

NON-FAT
GREEK PLAIN
YOGURT

NON-FAT
GREEK
STRAWBERRY
YOGURT

STEEL CUT OATMEAL
ALL NATURAL GRANOLA
HONEY NUT CHEERIOS

CHOOSE 1

STEP 3

CHOOSE UP TO 3

(All toppings are gluten free. Choose more at an additional \$ 50 each)

DRIED TART CHERRIES

PISTACHIOS

MACADAMIA NUTS

DRIED PAPAYA

ORGANIC GOJI BERRIES

ORGANIC QI'A
BUCKWHEAT &
HEMP PROTEIN

GOLDEN RAISINS

MARCONA ALMONDS

PUMPKIN SEEDS

OPTIONAL CHOOSE 1

(Or more at an additional \$ 50 each)

STEP 4

CHICKEN AND ROASTED RED PEPPER 

Grilled chicken, roasted red peppers, chickpeas, tomatoes and fresh mozzarella on a ciabatta roll.

PROSCIUTTO AND FIG 

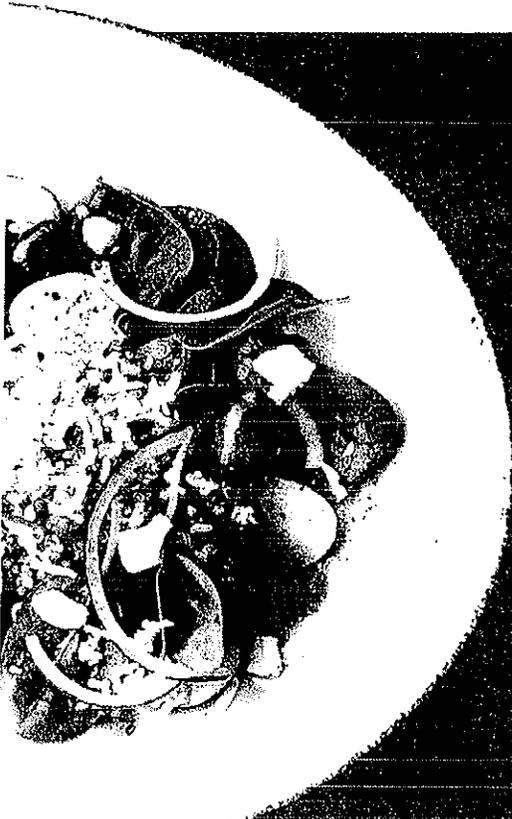
Grilled chicken, prosciutto, washed with a mix of olive and topped with Asiago, blue and mozzarella cheese. Topped with thinly sliced prosciutto, fresh tomatoes, ricotta and a balsamic drizzle.

SPINACH, TOMATO AND OLIVES 

Grilled chicken, tomatoes, olives, baby spinach, red onion and a blend of feta, mozzarella and cheddar cheeses on a ciabatta roll. Lightly seasoned with garlic.

KALE AND 4 CHEESE

Grilled chicken, kale, cheddar, mozzarella, topped with our house-made lemon vinaigrette and topped with cheese sauce.



SALADS - \$9.70

SIGNATURE KALE    

A chiffonade of tender lacinato kale combined with sliced medjool dates, fresh radish, chopped toasted hazelnuts, pecorino cheese and tossed with our house-made lemon vinaigrette. *Contains nuts.*

KALE MISO GINGER    

A chiffonade of tender lacinato kale combined with edamame, dried papaya, toasted sesame seeds and chopped cashews tossed with a ginger dressing. *Contains nuts.*

SPINACH NICOISE    

Starts with baby spinach topped with olives, asiago cheese, thinly sliced red onion, chopped hardboiled egg and our house made quinoa salad topped with our house-made lemon vinaigrette.

SIGNATURE SPINACH   

Combines baby spinach, grape tomatoes, red onions, pecans, blue cheese and our house-made lemon vinaigrette. *Contains nuts.*

All salads have the option to add grilled chicken (\$8), poached salmon (\$8) or edamame (\$4).





DINNER BOARDS - \$11.98

FRUIT, CHEESE AND NUT

Includes goat, blue and cheddar cheeses accompanied by fresh and dried fruits, nuts and a selection of bread crisps and crackers.

Contains nuts

ARTISAN MEATS

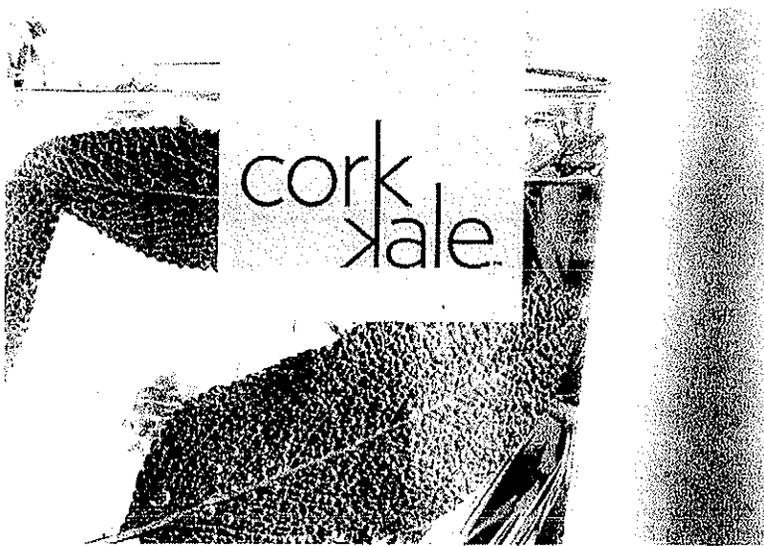
Features artisan meats, accompanied by fig paste and a selection of bread crisps and crackers.

MEDITERRANEAN

With an olive blend, hummus, gluten-free falafel chips, pita chips, flavorful peppadews and fresh baby carrots

WARM GRILLED CHICKEN

Warm grilled chicken on a bed of our signature quinoa salad topped with a flavorful chimmichuri yogurt sauce



BEER

MAINSTREAM

- TRU Organic IPA \$4
- TRU Organic Pilsner \$4
- TRU Organic Lager \$4

ULTRA LIGHT

- TRU Organic Ultra Light \$4

CRAFT

- TRU Organic IPA \$5
- TRU Organic Pilsner \$5
- TRU Organic Lager \$5

SPECIALTY IMPORT

- TRU Organic IPA \$6
- TRU Organic Pilsner \$6
- TRU Organic Lager \$6

WINE

CHARDONNAY

- TRU Organic Chardonnay \$12
- TRU Organic Chardonnay \$12
- TRU Organic Chardonnay \$12

SAUVIGNON BLANC

- TRU Organic Sauvignon Blanc \$12

PINOT GRIGIO

- TRU Organic Pinot Grigio \$12

SPECIALTY WHITES

- TRU Organic Specialty White \$12
- TRU Organic Specialty White \$12
- TRU Organic Specialty White \$12

MERLOT

- TRU Organic Merlot \$12

PINOT NOIR

- TRU Organic Pinot Noir \$12
- TRU Organic Pinot Noir \$12
- TRU Organic Pinot Noir \$12

CABERNET SAUVIGNON

- TRU Organic Cabernet Sauvignon \$12
- TRU Organic Cabernet Sauvignon \$12
- TRU Organic Cabernet Sauvignon \$12

SHIRAZ/SIRAH

- TRU Organic Shiraz/Sirah \$12

SPIRITS

VODKA

- TRU Organic Vodka \$12
- TRU Organic Vodka \$12
- TRU Organic Vodka \$12

RUM

- TRU Organic Rum \$12
- TRU Organic Rum \$12
- TRU Organic Rum \$12

GIN

- TRU Organic Gin \$12
- TRU Organic Gin \$12
- TRU Organic Gin \$12

TEQUILA

- TRU Organic Tequila \$12
- TRU Organic Tequila \$12
- TRU Organic Tequila \$12

BOURBON

- TRU Organic Bourbon \$12
- TRU Organic Bourbon \$12
- TRU Organic Bourbon \$12

WHISKEY

- TRU Organic Whiskey \$12
- TRU Organic Whiskey \$12
- TRU Organic Whiskey \$12

SCOTCH

- TRU Organic Scotch \$12
- TRU Organic Scotch \$12
- TRU Organic Scotch \$12

LIQUEUR

- TRU Organic Liqueur \$12
- TRU Organic Liqueur \$12
- TRU Organic Liqueur \$12

SPECIALTY

- TRU Organic Specialty \$12
- TRU Organic Specialty \$12
- TRU Organic Specialty \$12

EVEN KEELD

TRU Organic FRUITLAB Ginger liqueur, ginger beer and lime wheel garnish.

\$10

TRU GREYHOUND

TRU Organic FRUITLAB Jasmine liqueur and grapefruit juice

\$12

COCOMOSA

TRU Organic Coconut Sake, Sofia sparkling wine and fresh orange juice

\$12

MARY IN THE GARDEN OF EVEN

TRU Organic Garden Vodka, bloody mary mix, lime and fresh herb garnish

\$12

WHITE MAPLE OLD FASHIONED

FLOW-HAND White Whiskey, organic maple syrup, apple bitters and apple slice garnish

\$12

HIBISCUS MARGARITA

TRU Organic Seven tequila, FRUITLAB hibiscus liqueur, fresh lemon juice and agave nectar

\$12

NATURALLY SKINNY

TRU Organic Citrus, soda water and fresh lemon juice.

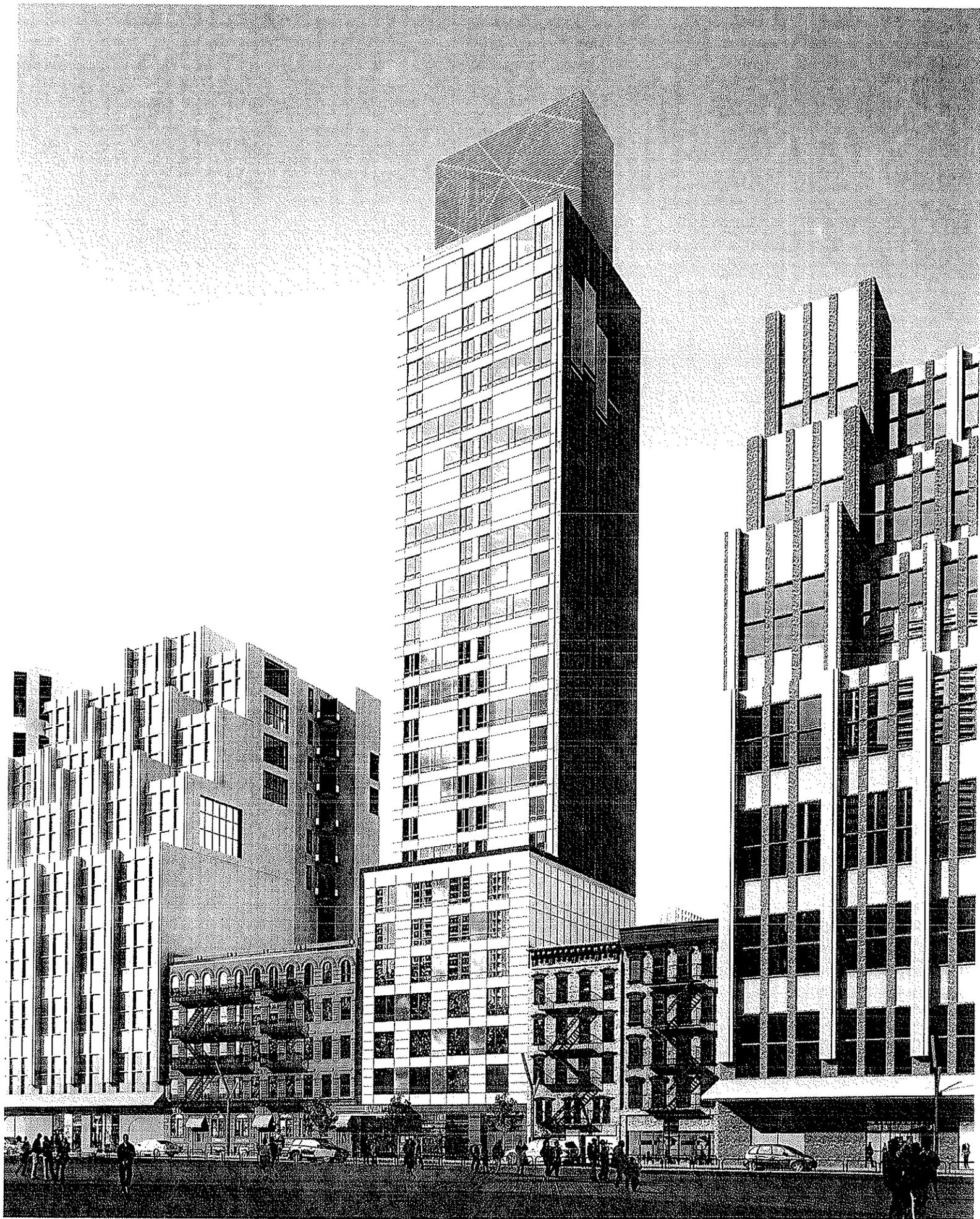
\$10

THE GARDEN OF EVEN COLLINS - \$12

The Garden of EVEN Collins brings together the freshest herbs available and in some cases, grown on the hotel's property, with FRUITLAB Exotics, TRU Organic Garden Vodka in a fresh, unique and simple to make signature cocktail. TRU Organic Garden Vodka, fresh lemon juice, simple syrup, BAP KEEP fennel bitters and citrus.

Garnished with fresh orange and lime wedges and a sprig of dill.





Kwon, Barbara

From: Kwon, Barbara
Sent: Thursday, March 19, 2015 1:03 PM
To: 'ktreat@earthlink.net'
Subject: Even Hotels New York - Times Square - 321 W. 35th Street, NYC
Attachments: Even Hotel 35 LLC IHG Management (Maryland) LLC - to hells kitchen neighborhood association.pdf

Hello Ms. Treat –

We received your contact information from Nelly Gonzalez, Assistant District Manager of Manhattan Community Board 4.

Attached is a letter from Dieter Schmitz, General Manager and Chief Wellness Officer of Even Hotels New York – Times Square, which is being built at 321 W. 35th Street and scheduled to open in August 2015. The hotel will meet with the Business Licenses & Permits Community of Manhattan Community Board 4 on April 14th.

Please feel free to reach out to me or Dieter with any questions you may have.

Thank you.
Barbara

Barbara J. Kwon | Associate
Wormser, Kiely, Galeff & Jacobs LLP
825 Third Avenue | New York, NY 10022 | T: (212) 573-0661 | F: (212) 687-5703 | bkwon@wkgj.com



WORMSER, KIELY, GALEFF & JACOBS LLP

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EVEN HOTEL 35, LLC & IHG MANAGEMENT (MARYLAND), LLC
EVEN HOTELS NEW YORK – TIMES SQUARE SOUTH
321 W. 35th STREET
NEW YORK, NY 10001

March 17, 2015

Hell's Kitchen Neighborhood Association
Via E-mail to hellskitchen@hellskitchen.org

Ladies & Gentlemen:

My name is Dieter Schmitz and I am the Chief Wellness Officer, General Manager of Even Hotel 35, LLC & IHG Management (Maryland), LLC. We write to inform you of our intent to open a hotel that will be known as the EVEN Hotels New York – Times Square South, which will have a restaurant that serves liquor at 321 W. 35th Street (between 8th and 9th Avenues), New York, New York. We have provided Manhattan Community Board 4 with notice of our intent to file an application for a Hotel Liquor License for the premises located at 321 W. 35th Street, New York, New York.

Even Hotels New York – Times Square South will be a positive addition to the neighborhood, providing hotel accommodations to travelers and family and friends visiting nearby residents of the neighborhood. The hotel restaurant will serve breakfast, lunch, brunch and dinner seven days a week and the hours will be 6:30a.m. to 2:00a.m. IHG, The managers of the proposed hotel currently manage a distinguished portfolio of brands including the InterContinental New York Times Square, InterContinental New York Barclay and Crowne Plaza White Plains and have over 68 years of experience as hotel owners and managers internationally. The Even Hotels brand is an exciting new brand within the IHG family of hotels. At EVEN Hotels we know that many travelers wish there were more options to stay healthier and happier away from home. That's why we're here with a wellness-savvy staff, a best-in-class fitness experience, healthier food choices and natural, relaxing spaces.

We welcome the opportunity to meet with you to answer any questions you may have and to further discuss the hotel. Please feel free to contact me by email at dieter.schmitz@ihg.com or by telephone at (203) 846-9355.

Very Truly Yours,

Dieter Schmitz

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

Robert Perris
District Manager
Brooklyn Community Board Two
350 Jay Street, 8th Floor
Brooklyn, NY 11201

March 19, 2015

Dear Mr. Perris:

Please be advised that Manhattan Community Board Five has previously approved new and renewal liquor license applications for an establishment operated by IHG Management (Maryland) LLC at 111 East 48th Street, doing business as the Hotel Intercontinental New York. Our records show no history of complaints relevant to this establishment, and all licenses have been approved with no comment. If you have any questions, please contact our board office.

Sincerely,



Nicholas Athanail, Chair
Public Safety and Quality of Life Committee
Community Board Five

1 **Business License & Permits Committee**

Item #: 21

2
3 May 6, 2015

4
5 Dennis Rosen
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: BK 17 Inc.**
12 *122 9th Avenue (17/18)*

13
14 Dear Chairman Rosen:

15
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a new On-Premise Liquor License
17 application for BK 17 Inc. – 122 9th Avenue (17/18), **unless** the attached stipulations, agreed to by the
18 applicant, are part of the method of operation for this establishment with a capacity of 74 people, 15
19 tables with 58 seats, and 1 Service-Only Bar with 8 seats.

20
21 Sincerely,

22
23
24
25
Christine Berthet
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

26
27

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

| | | | |
|--|-----------------------------|---------------------------------------|--------------------------------|
| APPLICANT BK 17 INC | | DOING BUSINESS AS (DBA) TBD | |
| STREET ADDRESS 122 Ninth Ave 10011 | | CROSS STREETS 17/18 street | |
| OWNER | NAME: Babak Khorrami | ATTORNEY | NAME: Camira & McCallan |
| | PHONE: 212-470-0931 | | PHONE: 212-732-3640 |
| | FAX: | | FAX: 212-732-3670 |
| MANAGER | NAME: Todd Flathman | LANDLORD | NAME: Stonehedge Realty |
| | PHONE: 917-365-2049 | | PHONE: 646-524-8050 |
| | FAX: | | FAX: |

DESCRIPTION OF BUSINESS

Establishment Type:

Bar/Tavern
 Bed & Breakfast
 Frying Fish/Bier
 Cabaret
 Night Club
 Hotel
 Restaurant

Catering Establishment
 Club (Fraternal Organization - Members Only)

Other (Explain): Bar/Amcade

Method of Operation:

Restaurant
 Dance Club
 Sports Bar
 Adult Entertainment
 Wine Bar
 Pizzeria
 Cafe

Other (Explain): Bar/Amcade

License Type:

On-Premise
 Wine
 Beer
 Wine & Beer

APPLICATION TYPE
(check one)

New

Transfer

Alteration

Has applicant owned or managed a similar business? YES NO
 What was the name of establishment?
 What was the address of the establishment?
 What were the dates the applicant was involved with this former premise?
 What is the current license #?
 What is the expiration date of the prior license?
 Are you making any alterations or operational changes? YES NO
 If alterations or operational changes are being made, please attach the plans to this form.
 What is the current license #?
 What is the expiration date of the current license?
 Please describe the nature of the alterations and attach the plans

OPERATIONAL ISSUES

| | | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|-------|-----------|------------|------------|------------|------------|------------|------------|------------|
| HOURS | Operation | 12-12 | 12-12 | 12-12 | 12-12 | 12-12 | 12-12 | 12-11 |
| | Music | Background |
| | Kitchen | 12-12 | 12-12 | 12-12 | 12-12 | 12-12 | 12-12 | 12-12 |

| OCCUPANCY | INDOOR | | | | BAR | | | OUTSIDE | |
|-----------|-------------------------------------|--|------------------|-----------------|-----------------------------|-------------------------|------------------------|-----------------|------------------|
| | Capacity (Certificate of Occupancy) | Maximum # of Persons You Anticipate Occupying Premises (Including Employees) | Number of Tables | Number of Seats | Number of Seating Only Bars | Number of Stand-Up Bars | Number of Seating Bars | Number of Seats | Number of Tables |
| | 74 | 74 | 15 | 58 | 1 | 0 | 8 | 15 | 15 |

How many floors are there? What is the capacity for each floor? (please respond in space provided)

Will you be applying or intending to apply for a tobacco license? If yes, will there be dancing? (please respond in space provided)

Will applicant have bottle service?

Will you be hosting private parties and promotional events?

Will outside promoters be used?

Will the security plan submitted be implemented?

Will State certified security personnel be used?

Will New York Nightlife Association recommendations and NYPD Best Practices be followed?

Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly noting name. (please respond in space provided)

Will the applicant be applying for a Sidewalk Cafe now or in the future? (please respond in space provided)

If yes to the above, are plans attached and submitted to DOA? How many tables/seats? (please respond in space provided)

Will applicant provide contact information to neighbors and respond to complaints that arise?

Will you inform the Community Board office of your upcoming online license hearing via a hyperlink to your job webpage?

If you plan to have music, what type(s)? BACKGROUND LIVE MUSIC DJ

BUILDING DESIGN

Doors and windows will be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.

Will applicants follow the recommendations of a certified sound engineer to mitigate outdoor noise disturbance to the neighboring residents and buildings, including placing speakers on the roof of the establishment?

Do you agree to comply with DOB rules concerning a storm awning? Storm awnings can be used between November 15 and April 15, but they may NOT project more than 18 inches from the store front.

OUTDOOR ITEMS

| | | | |
|--|--------------------------------------|-------------------------------------|--------------------------------------|
| Will applicant use the rooftop, rear yard or any outdoor space? | YES | <input checked="" type="radio"/> NO | N/A |
| If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days. | YES | NO | <input checked="" type="radio"/> N/A |
| The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service. | <input checked="" type="radio"/> YES | NO | N/A |
| This rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke. | <input checked="" type="radio"/> YES | NO | N/A |
| Applicant will do everything in their power to provide an effective sound buffering or sound controlled environment through landscaping or some type of enclosure, where possible, provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.). | <input checked="" type="radio"/> YES | NO | N/A |
| Applicant will enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners. | <input checked="" type="radio"/> YES | NO | N/A |
| Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors? | <input checked="" type="radio"/> YES | NO | N/A |

LOCATION & ZONING

| | | | |
|---|--------------------------------------|-------------------------------------|-----|
| Primary Zoning District: | Overlay (If Applicable): | | |
| Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards? | <input checked="" type="radio"/> YES | NO | N/A |
| Does the building have a Certificate of Occupancy (C of O) or a letter of no objection? | <input checked="" type="radio"/> YES | NO | N/A |
| Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule. | <input checked="" type="radio"/> YES | NO | N/A |
| Is a Public Assembly permit required? | YES | <input checked="" type="radio"/> NO | N/A |
| Are your plans filed with DOB? | <input checked="" type="radio"/> YES | NO | N/A |

West-chelsea.
SDF
SUA Proximity Impact

Building Type: Residential Commercial Mixed Use Other describe

Adjacent Buildings: Residential Commercial Mixed Use Other describe

| | |
|---|-----|
| NOTIFICATION: | # 1 |
| What organizations / community groups have you notified regarding your application? | # 2 |
| | # 3 |

Fulton House Tenant Assoc.
 Manhattan Plaza. Tenant Assoc.
 300 West 18-19 st. Block Assoc.

ADDITIONAL STIPULATIONS: (Office Use Only)

THIS APPLICATION DOES
NOT EXTEND TO
THE SIDEWALK CAFE

Proximity Report for Location:

March 30, 2015

122 9TH AVE, New York, NY, 10011

* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Closest Liquor Stores

| Name | Address | Approx. Distance |
|----------------------------|------------------------------|------------------|
| CHELSEA WINERY LTD | 75 9TH AVENUE | 620 ft |
| MIDTOWN SPIRITS INC | 177 9TH AVE UNIT C | 670 ft |
| IN A GLASS LLC | 156 10TH AVENUE, SOUTH STORE | 1020 ft |
| HOME OF CHEERS CORP | 188 90 8TH AVE | 1215 ft |
| FORAGERS WINES CHELSEA LLC | 231 8TH AVE | 1325 ft |
| ALGA WINES & SPIRITS LTD | 221 9TH AVENUE | 1500 ft |
| HAYMARKET WINE LLC | 19 LITTLE WEST 12TH ST | 1520 ft |
| CHELSEA WINERY LTD | 75 9TH AVENUE | 635 ft |
| MIDTOWN SPIRITS INC | 177 9TH AVE UNIT C | 655 ft |
| IN A GLASS LLC | 156 10TH AVENUE, SOUTH STORE | 1010 ft |
| HOME OF CHEERS CORP | 188 90 8TH AVE | 1225 ft |
| FORAGERS WINES CHELSEA LLC | 231 8TH AVE | 1315 ft |
| ALGA WINES & SPIRITS LTD | 221 9TH AVENUE | 1485 ft |
| SUEBOB LIQUOR INC | 312 W 23RD STREET | 1515 ft |

Churches within 500 Feet

| Name | Approx. Distance |
|----------------------|------------------|
| Saint Peter's Church | 420 ft |

Schools within 500 Feet

| Name | Address | Approx. Distance |
|------------------------|---------------|------------------|
| HS - HUMANITIES | 351 W 18TH ST | 490 ft |
| HUMANITIES PREP SCHOOL | 351 W 18TH ST | 490 ft |

On-Premise Licenses within 750 Feet

| Name | Address | Approx. Distance |
|--|----------------------|------------------|
| DLP GROUP LLC | 132 9TH AVE | 100 ft |
| DT HOSPITALITY GROUP INC | 110 9TH AVE | 105 ft |
| VIRCAN GROUP LLC | 136 9TH AVE | 150 ft |
| MARITIME F&B LLC E&S HOTEL OWNERS INC AS MGR | 88 9TH AVE 2ND FLOOR | 325 ft |
| HUDSON RIVER INN LLC E&S HOTEL OWNERS INC AS MGR | 88 9TH AVENUE | 325 ft |
| TASTY BISCUIT LLC | 156 9TH AVE | 425 ft |

| Name | Address | Approx. Distance |
|---|------------------------------|------------------|
| SAIGON FOOD CORP | 158 NINTH AVE | 460 ft |
| SPEAK INTEGRATED CORP | 167 9TH AVE | 470 ft |
| BD STANHOPE LLC AND E&S HOTEL OWNERS INC AS MGR | 369 W 16TH ST | 500 ft |
| 346 LOUNGE LLC & STRATEGIC DREAM ROOFTOP LLC | 355 W 16TH STREET | 580 ft |
| NORTHQUAY PROP LLC & AVE REST LLC & DREAM REST LLC | 355 W 16TH STREET | 580 ft |
| LAS RAMBLAS RESTAURANT LLC | 355 W 16TH STREET | 580 ft |
| LDV 16 LLC | 357 W 16TH ST | 585 ft |
| ELECTRIC ROOM 16 LLC STRATEGIC DREAM LOUNGE LLC | 355 W 16TH ST | 595 ft |
| CLEAVER COMPANY INC, THE | 428 W 16TH ST AKA 75 9TH AVE | 625 ft |
| BUDDAKAN NY LP | 75 9TH AVE CHELSEA MARKET | 635 ft |
| RANA USA LLC | 75 9TH AVE STE 01A55 | 635 ft |
| MKT GROUP LLC | 75 9TH AVENUE | 635 ft |
| GREENWICH VILLAGE ENTERTAINMENT GROUP LLC | 431 WEST 16TH STREET 2ND FL | 665 ft |
| 17TH STREET ENTERTAINMENT II LLC | 453 W 17TH STREET | 740 ft |
| 408 W15 ASSOCIATES LLC & BOWERY HOSPITALITY GROUP | 408 410 W 15TH ST | 750 ft |

Pending Licenses within 750 Feet

| Name | Address | Approx. Distance |
|-----------------|-------------|------------------|
| HOT SICHUAN INC | 130 9TH AVE | 120 ft |

Unmapped licenses within zipcode of report location

| Name | Address |
|----------------------|------------------|
| OAXACA GREENWICH LLC | 48 GREENWICH AVE |

1 **Business License & Permits Committee**

Item #: 22

2
3 May 6, 2015

4
5 Dennis Rosen
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: BK 18 Inc.**
12 *120 9th Avenue (17/18)*

13
14 Dear Chairman Rosen:

15
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a new On-Premise Liquor License
17 application for BK 18 Inc. – 120 9th Avenue (17/18), **unless** the attached stipulations, agreed to by the
18 applicant, are part of the method of operation for this establishment with a capacity of 55 people, 12
19 tables with 47 seats, 1 Service-Only Bar with 8 seats and 6 outdoor tables with 14 seats within building
20 property line.

21
22 Sincerely,

23
24
25
26
Christine Berthet
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

27
28

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

| | | | |
|---|-----------------------------|---------------------------------------|--------------------------------|
| APPLICANT BK 18 INC | | DOING BUSINESS AS (DBA) TBD | |
| STREET ADDRESS 120 Ninth Ave. 10011 | | CROSS STREETS 17-18 street. | |
| OWNER | NAME: Babak Khorrami | ATTORNEY | NAME: Carrere & McAllen |
| | PHONE: 212-470-0931 | | PHONE: 212-732-3640 |
| | FAX: | | FAX: 212-732-3670 |
| MANAGER | NAME: Kelly McAlfrey | LANDLORD | NAME: Stonehedge Realty |
| | PHONE: 805-279-2151 | | PHONE: 646-524-8050 |
| | FAX: | | FAX: |

DESCRIPTION OF BUSINESS

Establishment Type:

Bar/Tavern
 Bed & Breakfast
 Eating Place/Beer
 Club/Bar
 Night Club
 Hotel
 Restaurant

Catering Establishment
 Club (Fraternity Organization - Members Only)

Other (Explain) Bar/Arcade

Method of Operation:

Restaurant
 Dance Club
 Sports Bar
 Adult Entertainment
 Wine Bar
 Pub/Bar
 Cafe

Other (Explain) Bar/Arcade

License Type:

On-Premise
 Wine
 Beer
 Wine & Beer

APPLICATION TYPE

New

Transfer

Alteration

Has application been previously assigned a similar business? YES NO

What is the name of establishment? _____

What is the address of the establishment? _____

What date, if any, did applicant was received with this license previously? _____

What is the other license #? _____

What is the expiration date of the other license? _____

Are you making any alterations to the establishment? YES NO

If alterations or operational changes are being made, please attach the plans to this form.

What is the current license #? _____

What is the expiration date of the current license? _____

Please describe the nature of the alteration and attach the plans.

(2) (2) (2) (2) (2)

OPERATIONAL ISSUES

| | | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|-------|-----------|------------|------------|------------|------------|------------|------------|------------|
| HOURS | Operation | 12-2 | 12-4 | 12-4 | 12-4 | 12-4 | 12-4 | 12-2 |
| | Music | Background |
| | Kitchen | 12-2 | 12-4 | 12-4 | 12-4 | 12-4 | 12-4 | 12-2 |

| OCCUPANCY | INDOOR | | | | BAR | | OUTSIDE | |
|-----------|-------------------------------------|--|------------------|-----------------|-----------------------------|-------------------------|-------------------------|-----------------|
| | 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 Bars | Number of Seats |
| | 55 | 55 | 12 | 47 | 1 | 0 | 8 | 14 |

How many floors are there? What is the capacity for each floor? (please respond in space provided)

Will you be applying or intending to apply for a carbon license? If yes, will there be dancing? (please respond in space provided)

Will applicant have bottle service?

Will you be hosting private parties and promotional events?

Will outside promoters be used?

Will the security plan submitted be implemented?

Will State certified security personnel be used?

Will New York Nightlife Association recommendations and NYPD Best Practices be followed?

Will the applicant be using delivery bicycles? If yes, have you applied to DOT for bicycle rack? Delivery bicycles are to be clearly marked with the name of the restaurant and staff will wear attire clearly indicating name. (please respond in space provided)

Will the applicant be applying for a Sidewalk Cafe now or in the future? (please respond in space provided)

If yes to the above, are plans attached and submitted to DCA? How many tables/seats? (please respond in space provided)

Will applicant provide contact information to neighbors and respond to complaints that arise?

Will you inform the Community Board office of your job openings and/or provide a hyperlink to your job's webpage?

If you plan to have music, what type of?

YES → Not At this time
6 tables, 14 seats

BUILDING DESIGN

Doors and windows ask be closed when any amplified music is played and in the event of no amplified sound, will be closed by 11 PM Friday and Saturday and 10 PM on all other days.

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?

Do you agree to comply with DOB rules concerning a storm enclosure? Storm enclosures can be used between November 10 and April 15, but they may NOT project more than 18 inches from the store front.

OUTDOOR ITEMS

| | | | |
|---|--------------------------------------|-------------------------------------|--------------------------------------|
| Will applicant use the rooftop, rear yard or any outdoor space? | YES | <input checked="" type="radio"/> NO | N/A |
| If yes to the above, the rear yard, rooftop, and any outdoor space will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days. | YES | NO | <input checked="" type="radio"/> N/A |
| The service and consumption of alcohol in the rear yard, on the rooftop, or in any other outdoor space will be only via seated food service. | <input checked="" type="radio"/> YES | NO | N/A |
| The rear yard, rooftop, and any other outdoor space will not allow standing space for patrons to drink or smoke. | <input checked="" type="radio"/> YES | NO | N/A |
| Applicant will do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure where possible, provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing towards apartments (such as installing soundproofing windows, acoustical tiles, etc.). | <input checked="" type="radio"/> YES | NO | N/A |
| Applicant will enforce a quiet environment in the outdoor space, so as not to disturb non-patrons (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners. | <input checked="" type="radio"/> YES | NO | N/A |
| Applicant will have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors? | <input checked="" type="radio"/> YES | NO | N/A |

LOCATION & ZONING

| | | | | |
|---|--------------------------------------|-------------------------------------|-----|---|
| Primary Zoning District: | Overlay (if Applicable): | | | <p>West Chelsea</p> <p>SEE SLA PROXIMITY MAP</p> |
| Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards? | <input checked="" type="radio"/> YES | NO | N/A | |
| Does the building have a Certificate of Occupancy (CO or C) or a letter of no objection? | <input checked="" type="radio"/> YES | NO | N/A | |
| Is the 500 Foot Rule or 200 Foot Rule Triggered? If yes, which? Please attach a diagram of the establishments that triggers the rule. | <input checked="" type="radio"/> YES | NO | N/A | |
| Is a Public Assembly permit required? | YES | <input checked="" type="radio"/> NO | N/A | |
| Are your plans filed with DOB? | <input checked="" type="radio"/> YES | NO | N/A | |

Building Type: Residential Commercial Food Use Other, describe:

Adjacent Buildings: Residential Commercial Mixed Use Other, describe:

NOTIFICATION:

What organizations / community groups have you notified regarding your application?

| | |
|-----|---------------------------------|
| # 1 | Fulton House Tenant Assoc. |
| # 2 | Manhattan Plaza Tenant Assoc. |
| # 3 | 300 West 18-19 St. Block Assoc. |

ADDITIONAL STIPULATIONS: (Office Use Only)

THIS APPLICATION DOES
NOT EXTEND TO THE
SIDEWALK CAFE.

Proximity Report for Location:

March 30, 2015

120 9TH AVE, New York, NY, 10011

* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Closest Liquor Stores

| Name | Address | Approx. Distance |
|----------------------------|------------------------------|------------------|
| CHELSEA WINERY LTD | 75 9TH AVENUE | 620 ft |
| MIDTOWN SPIRITS INC | 177 9TH AVE UNIT C | 670 ft |
| IN A GLASS LLC | 156 10TH AVENUE, SOUTH STORE | 1020 ft |
| HOME OF CHEERS CORP | 188 90 8TH AVE | 1215 ft |
| FORAGERS WINES CHELSEA LLC | 231 8TH AVE | 1325 ft |
| ALGA WINES & SPIRITS LTD | 221 9TH AVENUE | 1500 ft |
| HAYMARKET WINE LLC | 19 LITTLE WEST 12TH ST | 1520 ft |

Churches within 500 Feet

| Name | Approx. Distance |
|----------------------|------------------|
| Saint Peter's Church | 435 ft |

Schools within 500 Feet

| Name | Address | Approx. Distance |
|------------------------|---------------|------------------|
| HS - HUMANITIES | 351 W 18TH ST | 490 ft |
| HUMANITIES PREP SCHOOL | 351 W 18TH ST | 490 ft |

On-Premise Licenses within 750 Feet

| Name | Address | Approx. Distance |
|---|----------------------|------------------|
| DT HOSPITALITY GROUP INC | 110 9TH AVE | 90 ft |
| DLP GROUP LLC | 132 9TH AVE | 120 ft |
| VIRCAN GROUP LLC | 136 9TH AVE | 170 ft |
| HUDSON RIVER INN LLC E&S HOTEL OWNERS INC AS MGR | 88 9TH AVENUE | 305 ft |
| MARITIME F&B LLC E&S HOTEL OWNERS INC AS MGR | 88 9TH AVE 2ND FLOOR | 305 ft |
| TASTY BISCUIT LLC | 156 9TH AVE | 445 ft |
| SAIGON FOOD CORP | 158 NINTH AVE | 475 ft |
| BD STANHOPE LLC AND E&S HOTEL OWNERS INC AS MGR | 369 W 16TH ST | 485 ft |
| SPEAK INTEGRATED CORP | 167 9TH AVE | 485 ft |
| 346 LOUNGE LLC & STRATEGIC DREAM ROOFTOP LLC | 355 W 16TH STREET | 570 ft |

| Name | Address | Approx. Distance |
|--|------------------------------|------------------|
| NORTHQUAY PROP LLC & AVE REST LLC & DREAM REST LLC | 355 W 16TH STREET | 570 ft |
| LAS RAMBLAS RESTAURANT LLC | 355 W 16TH STREET | 570 ft |
| LDV 16 LLC | 357 W 16TH ST | 570 ft |
| ELECTRIC ROOM 16 LLC STRATEGIC DREAM LOUNGE LLC | 355 W 16TH ST | 585 ft |
| CLEAVER COMPANY INC, THE | 428 W 16TH ST AKA 75 9TH AVE | 615 ft |
| BUDDAKAN NY LP | 75 9TH AVE CHELSEA MARKET | 615 ft |
| RANA USA LLC | 75 9TH AVE STE 01A55 | 615 ft |
| MKT GROUP LLC | 75 9TH AVENUE | 620 ft |
| GREENWICH VILLAGE ENTERTAINMENT GROUP LLC | 431 WEST 16TH STREET 2ND FL | 650 ft |
| 408 W15 ASSOCIATES LLC & BOWERY HOSPITALITY GROUP | 408 410 W 15TH ST | 730 ft |
| 17TH STREET ENTERTAINMENT II LLC | 453 W 17TH STREET | 735 ft |

Pending Licenses within 750 Feet

| Name | Address | Approx. Distance |
|-----------------|-------------|------------------|
| HOT SICHUAN INC | 130 9TH AVE | 135 ft |

Unmapped licenses within zipcode of report location

| Name | Address |
|----------------------|------------------|
| OAXACA GREENWICH LLC | 48 GREENWICH AVE |

1 **Business License & Permits Committee**

Item #: 23

2
3 May 6, 2015

4
5 Julie Menin
6 Commissioner
7 Department of Consumer Affairs
8 42 Broadway
9 New York, NY 10004

10
11 **Re: West 17th Street Italian Restaurant LLC**
12 **d/b/a Artichoke**
13 *114 10th Avenue (17)*

14
15 Dear Chairman Rosen:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Unenclosed Sidewalk Cafe
18 License application for Artichoke – 114 10th Avenue (17), **unless** the attached stipulations, agreed to by
19 the applicant, are part of the method of operation for this establishment with 11 tables and 25 seats.

20
21 Sincerely,

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Christine Berthet
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

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27

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

| | | | |
|--|--|---|--|
| APPLICANT WEST 17TH STREET ITALIAN RESTAURANT LLC | | ADDRESS 114 TENTH AVENUE NY NY 10001 | |
| DOING BUSINESS AS (DBA) ARTICHOKE | | CROSS STREETS 17TH STREET | OWNER SAL BASILE, FRANCIS GARCIA, JASON STRAUSS, NOAM TEPPERBERG |
| DESCRIPTION OF APPLICATION | | | LAWYER TOM McCAULEN |
| ON SITE CONTACT: (Name, position & phone number): JUDY TEPPERBERG 917 207 8686 | | | LICENSE NUMBER: 1421989 |

| Side-walk café hours of Operation | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|-----------------------------------|--------|---------|-----------|----------|--------|----------|--------|
| | 11-10 | 11-10 | 11-10 | 11-10 | 11-11 | 12-11 | 10-10 |
| DCA Hours Allowed | 8-12 | 8-12 | 8-12 | 8-12 | 8-1 | 8-1 | 12-12 |

| SEATING & TABLES | DESCRIPTION | | NOTES |
|------------------|-------------|--------|-------|
| | SEATS | TABLES | |
| | 25 | 11 | |

OPERATIONAL ISSUES

| | | | | |
|---|--------------------------------------|-------------------------------------|--------------------------------------|---------------------------------------|
| Will you follow the rule prohibiting speakers for music in the outdoor space? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| Will you close all French doors and sliding windows when any interior amplified music is played (per law)? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| The service and consumption of alcohol on the sidewalk café will be only via seated food service. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| The sidewalk café will not provide standing space for drinking or smoking. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| Will the outdoor furniture be removed when not in use? | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | |
| Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café. | <input checked="" type="radio"/> YES | <input type="radio"/> NO | <input type="radio"/> N/A | ON CROSS STREET OR STORED IN BASEMENT |
| Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department? | <input type="radio"/> YES | <input checked="" type="radio"/> NO | <input type="radio"/> N/A | |
| Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors? | <input type="radio"/> YES | <input type="radio"/> NO | <input checked="" type="radio"/> N/A | |

OTHER / NOTES:

SOUND ISSUES

Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).

YES

NO

N/A

Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.

YES

NO

N/A

CAFÉ DESIGN

Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?

YES

NO

N/A

Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?

YES

NO

N/A

Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?

YES

NO

N/A

Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)

YES

NO

N/A

Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?

YES

NO

N/A

Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?

YES

NO

N/A

Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?

YES

NO

N/A

If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.

YES

NO

N/A

ADDITIONAL INFORMATION: (Applicant Use)

Empty box for additional information.

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

TABLES & CHAIRS WILL BE
REMOVED & STORED
INSIDE NIGHTLY

~~5'x8' PERIMETER~~ OF SIDEWALK
CARS WILL BE
MARKED ON SIDEWALK



Artichoke[®] Basille's Pizza & Bar

18" Pizza

| | |
|--|----|
| Artichoke Spinach & cream sauce, artichoke hearts, mozzarella & pecorino romano cheese..... | 32 |
| Margherita Plum tomato sauce, olive oil, fresh basil & a blend of Italian cheeses..... | 30 |
| Sicilian Square style, twice baked crust: Plum tomato sauce, olive oil, fresh basil & a blend of Italian cheeses..... | 30 |
| Vodka Sicilian Square style, twice baked crust: Smooth tomato, vodka cream sauce & a mix of Italian cheeses..... | 30 |
| Crab Crab sauce, fresh mozzarella & panko breaded surimi crab meat..... | 32 |
| Burnt Anchovy Mozzarella cheese, plum tomato sauce & imported anchovies (whole pie only)..... | 29 |
| Meatball Parm Homemade meatballs, mozzarella & reggiano cheese, cooked tomato sauce..... | 32 |
| White Ricotta, fresh mozzarella, pecorino romano & reggiano cheese..... | 30 |
| Staten Island Homemade meatballs, red onions, ricotta, mozzarella & reggiano cheeses, cooked tomato sauce..... | 32 |
| Pepperoni Plum tomato sauce, pepperoni & a blend of cheeses..... | 32 |

Pizza Wedge

15

One third of any of the above
pizza styles

17th Street Sampler

17

A variety pizza wedge of your
choice; choose 3 pizza styles.

Not Pizza

Meatballs & Ricotta.....13

Served with cooked tomato sauce, garnished with
grated cheese & topped with ricotta cheese

Basille's Garlic Sticks.....12

Homemade breadsticks with dipping sauce

Meatball Roll.....13

Meatball parmigiana rolled in our homemade dough

Calzone.....13

Ricotta, mozzarella & grated pecorino romano cheese

Stuffed Artichoke.....13

Stuffed with seasoned breadcrumbs, parsley & pignoli nuts,
topped with cheese

Tomato & Mozzarella Salad.....12

Box Salad (family style).....16

Spring mix, artichoke hearts, red onion, kalamata olives,
plum tomatoes, mozzarella & house dressing

Salad For One (box salad ingredients).....8

114 Tenth Avenue, New York, NY 10011 • 212.792.9200

20% Gratuity Added to Table Checks After Midnight Or To Tables of 6 Or More





1 **Business License & Permits Committee**

Item #: 24

2
3 May 6, 2015

4
5 Julie Menin
6 Commissioner
7 Department of Consumer Affairs
8 42 Broadway
9 New York, NY 10004

10
11 **Re: West Side Steakhouse**
12 *597 10th Avenue (43)*

13
14 Dear Chairman Rosen:

15
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Unenclosed Sidewalk Cafe
17 application for Westside Steakhouse LLC – 597 10th Avenue (43), **unless** the attached stipulations,
18 agreed to by the applicant, are part of the method of operation for this establishment with 4 tables and 12
19 seats.

20
21 Sincerely,

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24
25
Christine Berthet
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

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Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

| | | | | | | | |
|---|--|---|--|--|--|---------------------------------------|--|
| APPLICANT Nicholas Zippilli | | ADDRESS 597 10 th Avenue | | | | | |
| DOING BUSINESS AS (DBA) West Side Steakhouse | | CROSS STREETS W. 43 rd & W 44 th Street | | | | OWNER: Nicholas Zippilli | |
| DESCRIPTION OF APPLICATION Applying for an unenclosed sidewalk café application with 19 tables & 37 seats | | | | | | | |
| LAWYER: | | | | | | | |
| DCA LICENSE NUMBER: 1428086 | | | | | | | |
| SLA LICENSE NUMBER: 1240741 | | | | | | | |
| ON SITE CONTACT: (Name, position & phone number): Nicholas Zippilli – 212-564-4803 | | | | | | | |

| Side-walk café hours of Operation | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | SUNDAY |
|-----------------------------------|------------------|------------------|------------------|------------------|----------------|----------------|------------------|
| | 1130am – 1030 pm | 1130am – 11 pm | 1130am – 11 pm | 1130am – 1030 pm |
| DCA Hours Allowed | 8-12 | 8-12 | 8-12 | 8-12 | 8-1 | 8-1 | 12-12 |

| SEATING & TABLES | DESCRIPTION | | NOTES |
|------------------|-------------|--------|-------|
| | SEATS | TABLES | |
| | 37 | 19 | |

OPERATIONAL ISSUES

| | | | | |
|---|------------|----|-----|---|
| Will you follow the rule prohibiting speakers for music in the outdoor space? | <u>YES</u> | NO | N/A | |
| Will you close all French doors and sliding windows when any interior amplified music is played (per law)? | <u>YES</u> | NO | N/A | |
| The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days. | <u>YES</u> | NO | N/A | |
| Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA? | <u>YES</u> | NO | N/A | |
| The service and consumption of alcohol on the sidewalk café will be only via seated food service. | <u>YES</u> | NO | N/A | |
| The sidewalk café will not provide standing space for drinking or smoking. | <u>YES</u> | NO | N/A | |
| Will the outdoor furniture be removed when not in use? | <u>YES</u> | NO | N/A | |
| Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café. | <u>YES</u> | NO | N/A | Will be stored at the existing bike rack in front of the restaurant |
| Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department? | YES | NO | N/A | |
| Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors? | YES | NO | N/A | |

SOUND ISSUES

Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).

YES

NO

N/A

Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.

YES

NO

N/A

CAFÉ DESIGN

Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?

YES

NO

N/A

Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?

YES

NO

N/A

Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?

YES

NO

N/A

Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)

YES

NO

N/A

Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?

YES

NO

N/A

Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?

YES

NO

N/A

Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?

YES

NO

N/A

If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.

YES

NO

N/A

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

- Applicant will submit amended plans to reflect 6 top on southern end and 4 top & 2 top on the northern boundary
- No other change in the method of operation

ADDITIONAL STIPULATIONS: (Office Use Only)