



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

July 31, 2009

Commissioner Daniel Boyle
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210

Re: 476 Ninth Avenue Restaurant LLC- 476 Ninth Avenue (36/37) New OP

Dear Commissioner Boyle:

Manhattan Community Board 4 recommends denial of a new full liquor license for 476 Ninth Avenue Restaurant LLC unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- The applicant state that this is and will be primarily a restaurant with revenues from food comprising 55% of the revenue and alcohol sales at 45%. The applicant agreed that he will not 'bait and switch' and will remain a restaurant that will serve food until 3 am everyday.
- No French Doors will be installed.
- Kitchen exhaust will be vented as per DOB code and will exit above the highest neighboring building, so as not to disturb neighbors.
- The applicant will not be using any outdoor space (rear patio or sidewalk café).
- Hours of operation are 9 am to 4 am on Monday through Saturday and 11 am to 4 am on Sunday.
- The applicant will not be applying for a cabaret license. There will be a jukebox.
- This establishment is within the Special Clinton District and the applicant has applied for a certificate of no harassment. The applicant will provide copies of the certificate to CB4 and the SLA when he receives it from NYC DOB.
- There is no use of the second floor to serve the public.

- There will be one service bar and one stand up bar that accommodates 5 patrons.

This establishment is a Mexican restaurant and bar with at total capacity of 74.

Sincerely,



John Weis
Chair
Manhattan
Community Board 4

[signed 7/31/09]

Lisa Daglian
Co-Chair
Business License &
Permits Committee



Chuck Spence
Co-Chair
Business License &
Permits Committee

cc: Applicant
Fred Gioffre
Elected Officials