

1 **BUSINESS LICENSE & PERMITS COMMITTEE**

Item # 14

2
3 March 6, 2013

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: Mix 2 Chilian & Latin Bistro**
12 506 9th Avenue (37/38)

13
14 Dear Chairman Rosen:

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16 Manhattan Community Board 4 (MCB4) recommends denial of a new on-premise liquor license for Mix 2 Chilian &
17 Latin Bistro – 506 9th Avenue (37/38) unless the following stipulation, agreed to by the applicant, is part of the
18 method of operation for this establishment with a capacity of 74, with 15 tables and 48 seat, one service bar, one
19 stand-up bar seating 10.

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21 A signed copy of the questionnaire, stipulations and community agreements are enclosed.

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23 Sincerely,

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26 Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits
Committee

Lisa Daglian
Co-Chair
Business License & Permits
Committee

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Manhattan Community Board 4

(All Fields Must Be Completed)

APPLICANT		DOING BUSINESS AS (DBA)		
Mix 2 Crop.		Mix 2 Chilian and Latin Bistro		
STREET ADDRESS		CROSS STREETS		
506 9 th Avenue		W 37 th & W 38 th Street		
OWNER	NAME: Nancy Torres	ATTORNEY	NAME: George Karp	
	PHONE: 212-643-2616		PHONE: 646-732-1008	
	FAX:		FAX: 646-329-5825	
MANAGER	NAME: Denic Catalan	LANDLORD	NAME: PEC LLC	
	PHONE: 516-428-4215		PHONE: 212-643-2616	
	FAX:		FAX:	
DESCRIPTION OF BUSINESS				
Establishment Type:		<input type="radio"/> Bar/Tavern <input type="radio"/> Bed & Breakfast <input type="radio"/> Eating Place Beer <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Restaurant		
		<input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only)		
		<input type="radio"/> Other (Explain):		
Method of Operation:		<input checked="" type="radio"/> Restaurant <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Pizzeria <input type="radio"/> Cafe		
		<input type="radio"/> Other (Explain):		
License Type:		<input checked="" type="radio"/> On-Premise <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
APPLICATION TYPE <i>(check one)</i>	<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
		What is/was the name of establishment?	Pomaire	
		What is/was the address of the establishment?	371 W 46 th Street	
		What were the dates the applicant was involved with this former premise?	Active since 2001	
	<input type="radio"/> Transfer	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
		<i>If alterations or operational changes are being made, please attach the plans to this form.</i>		
	<input type="radio"/> Alteration	What is the current license #?		
		What is the expiration date on the current license?		
<i>Please describe the nature of the alterations and attach the plans</i>				

OPERATIONAL ISSUES

HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	12 pm – 2am							
	Music	12 pm – 2am							
	Kitchen	12 pm – 2am							

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
	74		15	48	1	1	10		

How many floors are there? What is the capacity for each floor? (please respond in space provided)	<input checked="" type="checkbox"/> 1-2	3-4	5+	74
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="checkbox"/> NO	N/A	
Will applicant have bottle service?	YES	<input checked="" type="checkbox"/> NO	N/A	
Will you be hosting private parties and promotional events?	<input checked="" type="checkbox"/> YES	NO	N/A	If requested
Will outside promoters be used?	YES	NO	<input checked="" type="checkbox"/> N/A	
Will the security plan submitted be implemented?	YES	NO	<input checked="" type="checkbox"/> N/A	
Will State certified security personnel be used?	YES	NO	<input checked="" type="checkbox"/> N/A	
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?	YES	NO	<input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> NO	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="checkbox"/> 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="checkbox"/> N/A	
Will applicant provide contact information to neighbors and respond to complaints that arise?	<input checked="" type="checkbox"/> 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="checkbox"/> YES	NO	N/A	
If you plan to have music, what type(s)?	<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> 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="checkbox"/> 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?	<input checked="" type="checkbox"/> YES	NO	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="checkbox"/> YES	NO	N/A	

OUTDOOR ITEMS			
Will applicant use the rooftop, rear yard or any outdoor space?	YES	<input checked="" type="checkbox"/> 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="checkbox"/> 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="checkbox"/> 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="checkbox"/> 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="checkbox"/> 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="checkbox"/> 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="checkbox"/> N/A

LOCATION & ZONING			
Primary Zoning District:	Mix Use Group 6	Overlay (If Applicable):	
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	N/A
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="checkbox"/> 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="checkbox"/> YES	NO	N/A
Is a Public Assembly permit required?	YES	<input checked="" type="checkbox"/> NO	N/A
Are your plans filed with DOB?	<input checked="" type="checkbox"/> YES	NO	N/A
Building Type	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
Adjacent Buildings	<input type="radio"/> Residential <input type="radio"/> Commercial <input checked="" type="radio"/> Mixed Use <input type="radio"/> Other, describe: _____		
NOTIFICATION: What organizations / community groups have you notified regarding your application?	# 1	Adjacent Building residents	
	# 2		
	# 3		

ADDITIONAL STIPULATIONS: (Office Use Only)

- Applicant agrees to HVAC placement and amend plans and submit to CB 4 office prior to March 6th Full Board Meeting
- Applicant agrees to down draft or compatible to mitigate excess odors
- Rain runoff use in backyard will be addressed to community satisfaction
- Applicant agrees to have garbage placed on north side of fire hydrant in front of property
- Applicant agrees to mitigate quality of life issues pertaining to patrons smoking (patrons will be asked to smoke by the cigar store), exit in use
- Applicant agrees to address sound by a trained acoustician to satisfy residents concerns of excess noise
- Applicant agrees to have staff use exit in corridor only for access to basement. No patrons will be allowed to use that egress unless in an emergency
- Applicant agrees to only have DJ's for private events and not after 10pm.
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