

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>APPLICANT</b> Zonea Food & Beverage Inc.		<b>DOING BUSINESS AS (DBA)</b> TBD		
<b>STREET ADDRESS</b> 403 W 43 <sup>rd</sup> Street		<b>CROSS STREETS</b> 9 <sup>th</sup> & 10 <sup>th</sup> Avenues		
<b>OWNER</b>	<b>NAME:</b> Sortir Zonea	<b>ATTORNEY</b>	<b>NAME:</b> Donald M. Bernstein	
	<b>PHONE:</b> 323-251-9799		<b>PHONE:</b> 212-486-6000	
	<b>FAX:</b>		<b>FAX:</b> 212-486-8668	
<b>MANAGER</b>	<b>NAME:</b> TBD	<b>LANDLORD</b>	<b>NAME:</b> Ninth Ave Realty LLC c/o Beach Lane Management Inc.	
	<b>PHONE:</b>		<b>PHONE:</b> 914-997-2435	
	<b>FAX:</b>		<b>FAX:</b> 914-997-2486	
<b>DESCRIPTION OF BUSINESS</b>				
<b>Establishment Type:</b>	<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"/> <b>Restaurant</b>			
	<input type="radio"/> Catering Establishment <input type="radio"/> Club (Fraternal Organization – Members Only)			
	<input type="radio"/> Other (Explain):			
<b>Method of Operation:</b>	<input checked="" type="radio"/> <b>Restaurant</b> <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):			
<b>License Type:</b>	<input checked="" type="radio"/> <b>On-Premise</b> <input type="radio"/> Wine <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
<b>APPLICATION TYPE</b> (check one)	<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
		What is/was the name of establishment?	Area	
		What is/was the address of the establishment?	643 N. La Cienega Blvd; LA	
		What were the dates the applicant was involved with this former premise?	General Manager – 2006-2010	
	<input type="radio"/> <b>Transfer</b>	What is the prior license #?		
		What is the expiration date on the prior license?		
		Are you making any alterations or operational changes?	<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
		If alterations or operational changes are being made, please attach the plans to this form.		
	<input type="radio"/> <b>Alteration</b>	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									
HOURS		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	2p.m. – 1230 a.m.	2p.m. – 1230 a.m.	2p.m. – 1230 a.m.	2p.m. – 1 a.m.	2p.m. – 1 a.m.	11a.m. – 1 a.m.	11a.m. – 1230a.m.	
	Music	2p.m. – 1230 a.m.	2p.m. – 1230 a.m.	2p.m. – 1230 a.m.	2p.m. – 1 a.m.	2p.m. – 1 a.m.	11a.m. – 1 a.m.	11a.m. – 1230a.m.	
	Kitchen	2p.m. – 1230 a.m.	2p.m. – 1230 a.m.	2p.m. – 1230 a.m.	2p.m. – 1 a.m.	2p.m. – 1 a.m.	11a.m. – 1 a.m.	11a.m. – 1230a.m.	
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
	128	105	26	84	0	1	16	0	0
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+		
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	No promotional events, occasional private birthday or holiday party	
Will outside promoters be used?					YES	<input checked="" type="checkbox"/> NO	N/A		
Will the security plan submitted be implemented?					YES	<input checked="" type="checkbox"/> NO	N/A	But Applicant is installing video surveillance which will run during all hours of operation	
Will State certified security personnel be used?					YES	<input checked="" type="checkbox"/> NO	N/A		
Will New York Nightlife Association recommendations and NYPD Best Practices be followed?					YES	<input checked="" type="checkbox"/> NO	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)					<input checked="" type="checkbox"/> YES	NO	N/A	Bicycle rack is already in place. The bicycles will be clearly marked and staff will wear attire noting the name	
Will the applicant be applying for a Sidewalk Caf� now or in the future? (please respond in space provided)					YES	<input checked="" type="checkbox"/> NO	N/A	No intention to apply for sidewalk cafe	
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	323-251-9799; szonca@gmail.com	
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?					YES	<input checked="" type="checkbox"/> 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		

<b>OUTDOOR ITEMS</b>			
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




<b>LOCATION &amp; ZONING</b>			
Primary Zoning District:	<b>R8</b>	Overlay (If Applicable):	C1-5
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> YES	NO	N/A
Are your plans filed with DOB?	YES	<input checked="" type="checkbox"/> NO	N/A
Building Type	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Mixed Use <input type="checkbox"/> Other, describe: _____		
Adjacent Buildings	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other, describe: Theater		
<b>NOTIFICATION:</b> What organizations / community groups have you notified regarding your application?	# 1	West 43 <sup>rd</sup> Street Block Association, Eduardo Zeiger	
	# 2		
	# 3		

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

- Applicant may come back in 4 months to increase the hours after opening

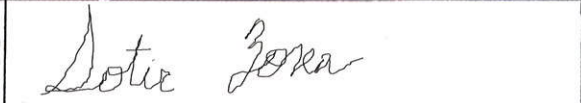
Manhattan Community Board 4 (MCB4) recommends:	<input type="radio"/> Approval <input checked="" type="radio"/> <u>Denial unless all agreed to by applicant is part of the</u> <u>method of operation</u> <input type="radio"/> Denial
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**CB4 REPRESENTATIVES**

 Nelly Gonzalez CB4 Community Associate	 Lisa Duglin CB4 BLP Committee Co-Chair	 Paul Seres CB4 BLP Committee Co-Chair
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**APPLICANT AGREEMENT WITH THE COMMUNITY**

Pursuant to these stipulations, this applicant agrees to have these provisions incorporated in the method of operation of their liquor license. Additionally, the applicant agrees to the community agreements as the basis for the community supporting this application.

SIGN HERE →	 SIGNATURE OF APPLICANT	9/17/12 DATE
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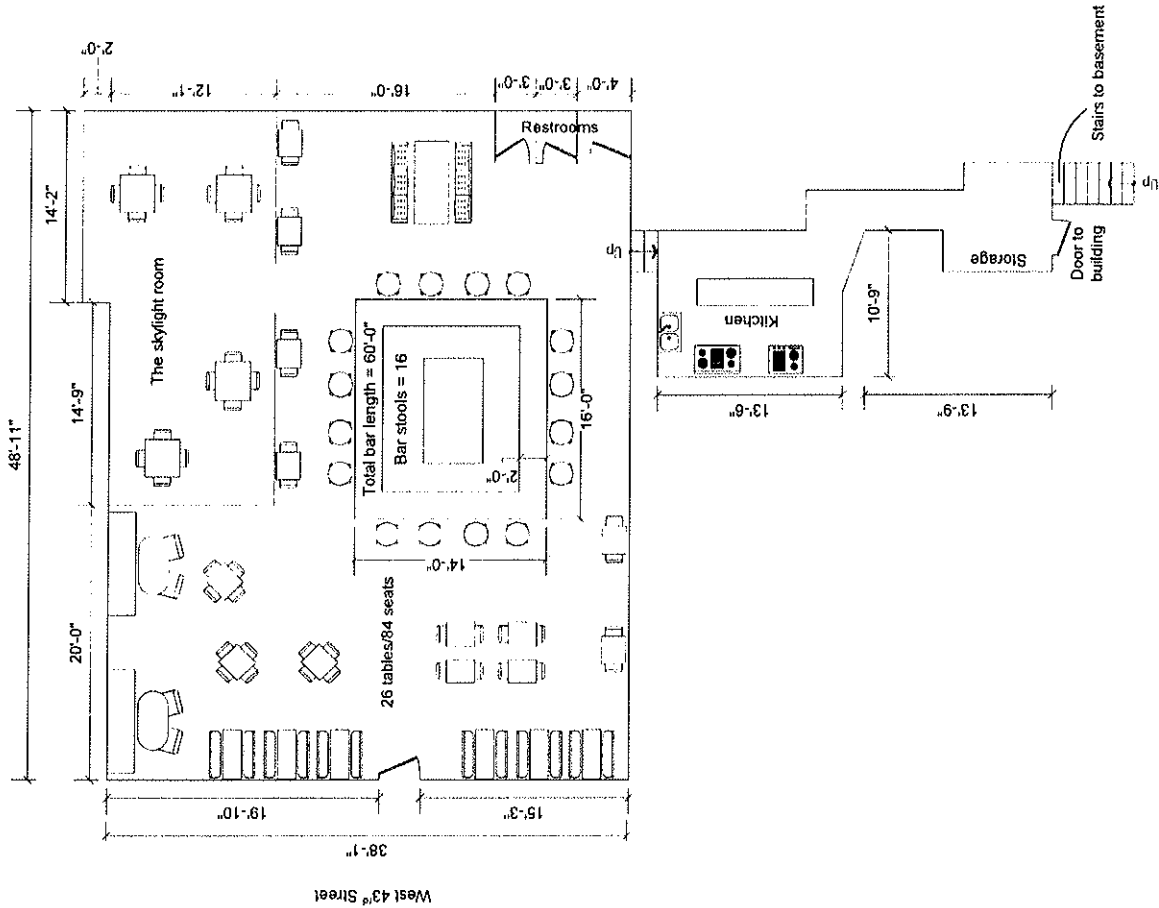


## Re: 403 West 43<sup>rd</sup> Street

1. Five Naphin Burger - 630 9th Ave. - (476')
2. Nizza - 630 9th Ave. - (445')
3. Marseille - 630 9th Ave. - (314')
4. Reunion - 357 West 44th St. - (324')
5. Chipotle - 620 9th Ave. - (260')
6. Westway Diner - 614 9th Ave. - (230')
7. Patron - 608 9th Ave. - (185')
8. The Producers Club - 358 West 44th St. - (327')
9. Don Giovanni - 358 West 44th St. - (337')
10. Irish Rogue - 356 West 44th St. - (350')
11. Bullmoose - 354 West 44th St. - (372')
12. Etcetera - 352 West 44th St. - (394')
13. Zuni - 598 9th Ave. - (195')
14. Shorty's - 576 9th Ave. - (445')
15. Dave's Tavern - 574 9th Ave. - (463')
16. Chez Josephine - 414 West 42<sup>nd</sup> St. - (374')
17. The Little Schubert Theatre - 422 W. 42<sup>nd</sup> St. - (415')
18. Theatre Row Diner - 424 West 42<sup>nd</sup> St. - (428')
19. West Bank Cafe - 407 West 42<sup>nd</sup> St. - (260')
20. Ollie's - 411 West 42<sup>nd</sup> St. - (267')
21. Esca - 402 West 43<sup>rd</sup> St. - (73')
22. Chimichurri Grill - 609 9th Ave. - (83')
23. Dalton's - 609 9th Ave. - (90')
24. Westside Theatre - 407 West 43<sup>rd</sup> St. - (45')
25. 44 SW Ristorante - 621 9th Ave. - (205')
26. Gallo Nero - 404 West 44th St. - (210')
27. L'allegria - 623 9th Ave. - (283')
28. Rudy's - 627 9th Ave. - (322')
29. Vucciria - 635 9th Ave. - (412)

### Schools & Churches

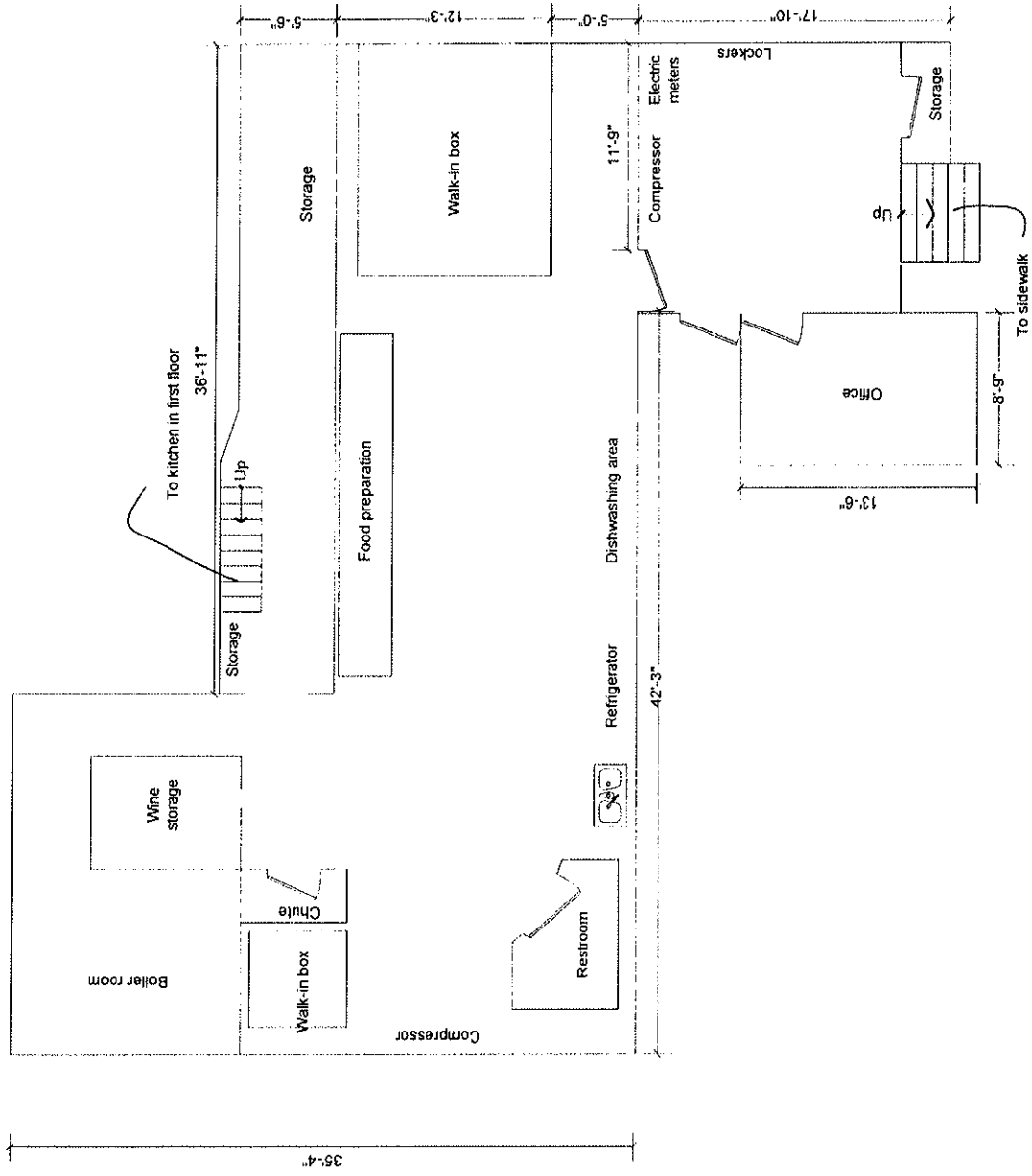
1. Crossroad Seventh Day Adventist Church - 410 West 45th St. - (475')
2. Holy Cross School - 329 West 42<sup>nd</sup> St. - (≈ 520')



INTERIOR DIAGRAM - 1<sup>st</sup> Floor  
 (Proposed)  
 403 West 43<sup>rd</sup> Street  
 New York, NY  
 August 17, 2012

SCALE: 1'-0" = 3/32"





INTERIOR DIAGRAM - Basement  
 403 West 43<sup>rd</sup> Street  
 New York, NY  
 August 17, 2012  
 SCALE: 1'-0" = 3/32"

# Proposed Menu

## RAW

OYSTERS EAST- WEST 3 per  
CLAMS LITTLENECKS-CHERRY STONES 2per  
SHOOTERS-OYSTER WASABI MARY 18  
CRUDO-3-5 TYPES 15  
PLATTERS-2 SIZES  
SHRIMP-BY THE PIECE 3.5 per  
LOBSTER COCKTAIL 17

## SOUP & SALADS

MARKET SALAD & SIMPLE VINAIGRETTE 9  
SHAVED FENNEL WITH CELERY & CITRUS & PARMESAN 11  
BIBB WITH BLEU CHEESE SHOWER & ROASTED BEETS 12  
TARBAIS BEAN SOUP & DUCK CONFIT 11  
SKIRT STEAK SALAD GORGANZOLA VINAIGRETTE 16

## SMALL PLATES

POTTED CHICKEN LIVERS PANCETTA & TOAST 9  
JAR OF SPICED PICKLED ROOT VEGETABLES 8  
POMMERY MUSTARD DEVILED EGGS 11  
CHUNKY CHIPS & SOUR CREAM ONION DIP 9  
OYSTERS & SHALLOT RELISH 16  
PAINTED HILLS BEEF TARTAR & PUMPERNICKEL CRISPS 17  
ROASTED MEATBALL & RICOTTA & PICKLED GOLDEN RAISINS 14  
MEAT JERKY ON A STICK 12  
SHISHITO PEPPERS & SMOKED SALT 9  
TOGARASHI POPCORN 8  
BONE MARROW & GARLIC CONFIT GREMOLATA 12  
CHIMAY BRAISED PORK SLIDERS & RED CABBAGE SLAW 15  
FAT WARM FARMHOUSE CHEDDAR BISCUITS & SPICED WILDFLOWER HONEY 12  
FRIED CALAMARI & SMOKED PAPRIKA 11  
DUCK RILLETTE 12  
BACON WRAPPED DATES STUFFED WITH PARMESAN 10  
CHOPPED CHICKEN,APPLE,BACON,MUSTARD AND BLUE CHEESE CRUMBLE 13  
MEATLOAF & DUCK PROSCIUTTO 12  
SOFT PRETZEL & SAUSAGE 10  
ASSORTED FLATBREADS 12  
RIB EYE SLIDERS & TOMATO COMPOTE 14

## **ENTREES**

- MAPLE BRINED NIMAN RANCH DOUBLE PORK CHOP & BRUSSEL SPROUT HASH  
24
- BWAY BURGER & CARMELIZED ONIONS & WHITE CHEDDAR WITH CHIPS  
15
- TODAYS FISH & CHIPS WITH MALTED TARTAR SAUCE  
18
- ORGANIC CHICKEN OR MARKET VEGETABLE POT PIE  
22
- CHARRED SKIRT STEAK & HORSERADISH TERRINE WITH MUSTARD SEED  
BUTTER  
23
- GRILLED KING SALMON & TOMATO WATERCRESS SALAD  
22
- FRIED FARM EGGS & GRILLED CHEESE ONION CONFIT SANDWICH WITH CRISP  
APPLES
- ROASTED HALIBUT WITH SWEET SOUR ONIONS & MINT  
23
- SQUID WITH LINGUINI GARLIC & HOT PEPPER  
20

## **SIDES**

- 6 per
- DUCK FAT HOME FRIES
- ROASTED ROOT VEGETABLES & THYME
- TENDER SPINACH & NUTMEG CREAM
- ROASTED WILD MUSHROOMS & SHALLOTS
- BIG BAKED POTATO FULLY LOADED

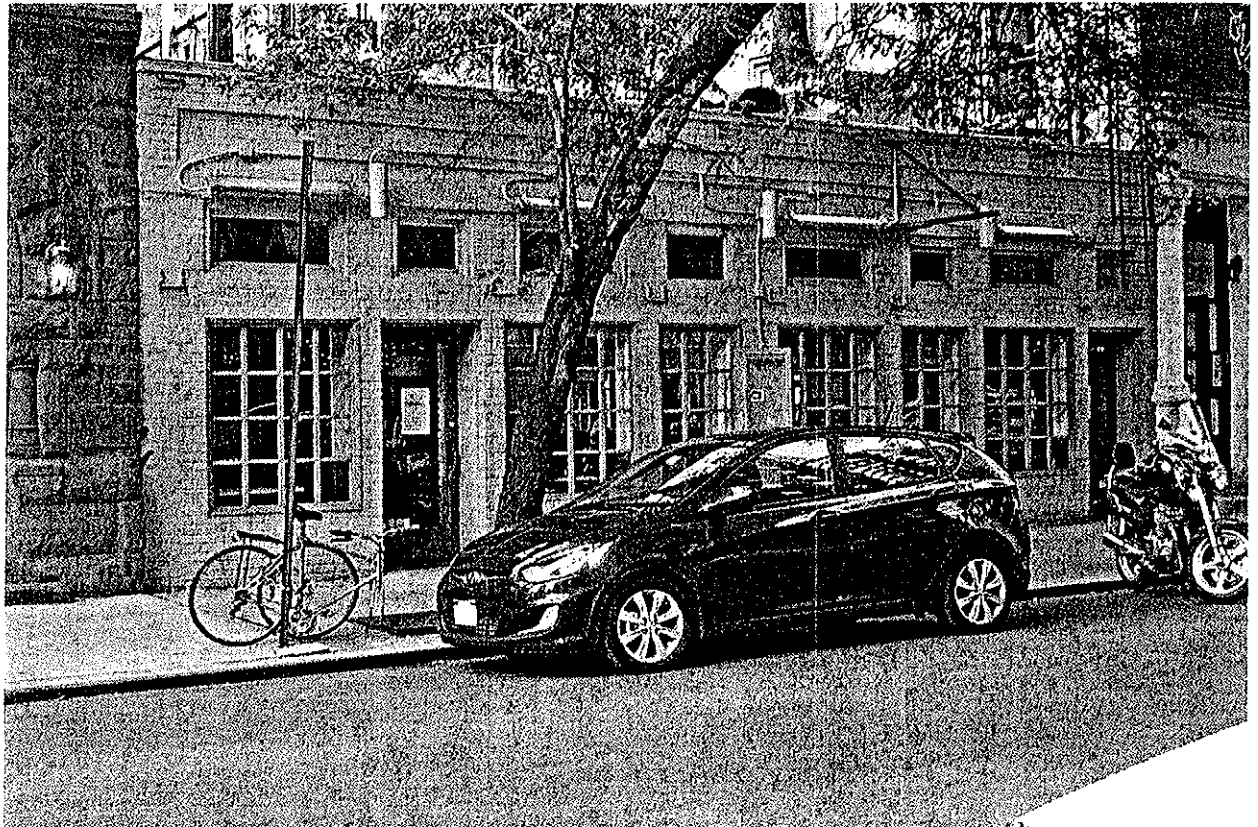
## **DESSERTS**

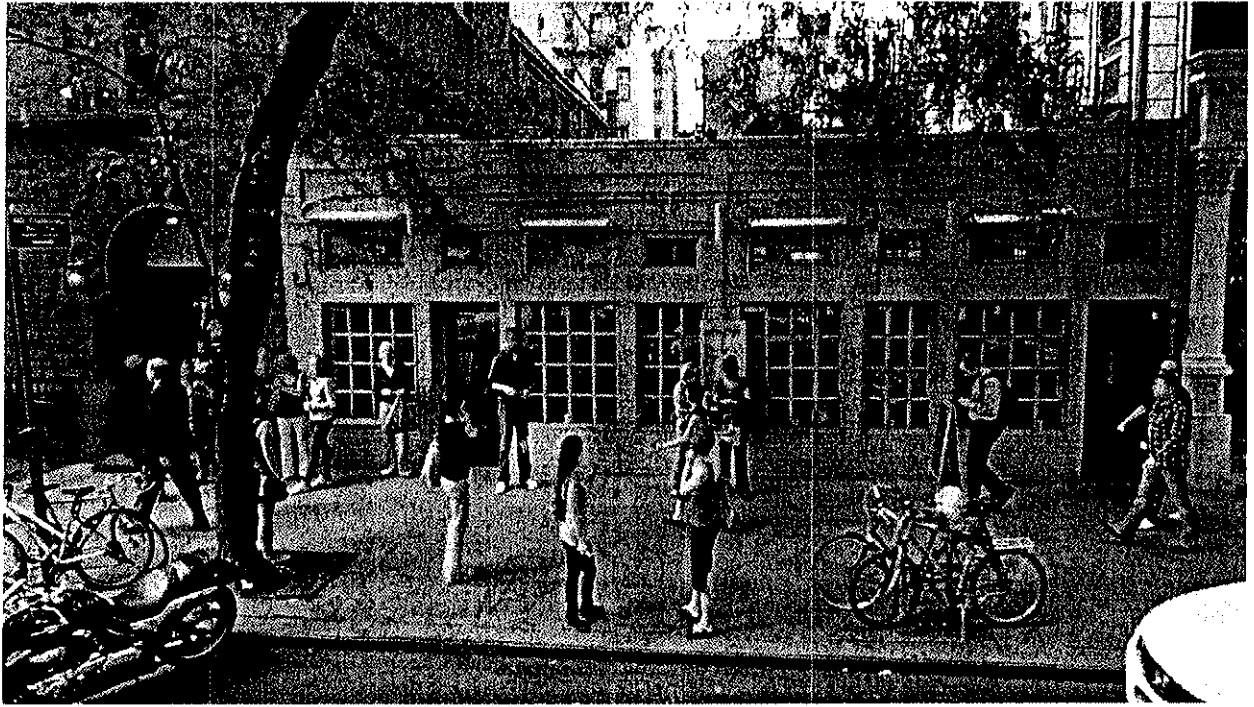
- 10 per
- CHOCOLATE PUDDING & WHIPPED CREAM WITH WARM CHOCOLATE CHIP  
COOKIES
- DEEP DISH APPLE PIE WITH FARMHOUSE CHEDDAR & VANILLA ICE CREAM  
RICOTTA FRITTERS & BERRIE HONEY MINT SALAD
- TALL NECK ROOT BEER FLOAT
- ARTISAN CHEESES & RAISIN BREAD
- CINNAMON ROLL BREAD PUDDING & RUM SOAKED RAISIN SAUCE

**Lunch Additions:**

**SANDWHICHES**

- BURRATA ARTICHOKE CAVOLO NERO 9
- COUNTRY HAM SWEET BUTTER MACHE 8
- SEARED TUNA CUCUMBER TAPINADE TOMATO EGG 11
- ORGANIC TURKEY CRANBERRY STUFFING MAYONNAISE 9
- BURGER & FRIED EGG SANDWICH 11
- GRILLED CHEESE SUNDREID TOMATO ONION JAM 8
- GRILLED FREE RANGE CHICKEN CURRY MAYONNAISE ROASTED SQUASH 9





THE CITY OF NEW YORK



DEPARTMENT OF BUILDINGS ALT# 966/84

CERTIFICATE OF OCCUPANCY AMENDED

BOROUGH MANHATTAN

DATE: JUN 21 1991 NO. 98651

This certificate Amends ~~XXXXXX~~ C.O. NO 5276 ZONING DISTRICT C1-5

THIS CERTIFIES that the ~~XXXX~~ altered ~~XXXXXX~~ building premises located at 607-609 Ninth Avenue AKA 401-405 W. 43rd Street Block 1053 Lot 29

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

PERMISSIBLE USE AND OCCUPANCY

STORY	FULL LOAD LBS PER SQ FT	MAXIMUM NO OF PERSONS PERMITTED	ZONING Dwelling OR HOUSING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
Cellar	OG						Storage
1st Floor	OG	128			6		Eating & drinking place
	120	50			6		eating & drinking place
	120	5			6		store
	120	15			6		store
2nd-5th Floors	40				2		Tenement

OLD LAW TENEMENT  
OLD CODE

Amended Certificate of Occupancy for first floor.

These premises have been declared to be subject to the provisions of section 12-10 of the zoning resolution as to zoning lot ownership. A terminable party wall easement has been granted to support the structure by the adjoining premises at 407-409 West 43rd Street.

POSTED  
 WITH THE RULES  
 MARCH 31ST, 1957.

OPEN SPACE USES \_\_\_\_\_

(SPECIFY--PARKING SPACES LOADING BERTHS OTHER USES NONE)

M.G.

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED M-5

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE.

BOROUGH SUPERINTENDENT

COMMISSIONER

ORIGINAL

OFFICE COPY - DEPARTMENT OF BUILDINGS

COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS

BEGINNING at a point on the North side of West 43rd Street  
 distant 150' 0" feet from the corner formed by the intersection of  
 West 43rd Street and Ninth Avenue  
 running thence East 150' 0" feet; thence North 50' 2 1/2" feet;  
 thence West 100' 0" feet; thence North 50' 2 1/2" feet;  
 thence West 50' 0" feet; thence South 100' 5" feet;  
 thence to the point or place of beginning. feet; thence feet;

XXIX ALT. No. 966/84 DATE OF COMPLETION 5/7/91 CONSTRUCTION CLASSIFICATION CL3non-fireproof  
 BUILDING OCCUPANCY GROUP CLASSIFICATION HEIGHT 5 STORIES, 55' FEET  
 Commercial/Residential

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM			AUTOMATIC SPRINKLER SYSTEM	X	
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM					
SMOKE DETECTOR					
FIRE ALARM AND SIGNAL SYSTEM					

STORM DRAINAGE DISCHARGES INTO:

- A) STORM SEWER  B) COMBINED SEWER  C) PRIVATE SEWAGE DISPOSAL SYSTEM

SANITARY DRAINAGE DISCHARGES INTO:

- A) SANITARY SEWER  B) COMBINED SEWER  C) PRIVATE SEWAGE DISPOSAL SYSTEM

LIMITATIONS OR RESTRICTIONS  
 BOARD OF STANDARDS AND APPEALS CAL. NO.  
 CITY PLANNING COMMISSION CAL. NO.  
 OTHERS



Re: Zonea Food & Beverage Inc.  
403 West 43<sup>rd</sup> Street  
New York, New York 10036

Public Interest – 500' Rule Statement

The subject premises will be an intimate full service, sit down restaurant located at 403 West 43<sup>rd</sup> Street between Ninth Avenue and Tenth Avenue which is in the Clinton neighborhood of Manhattan.

The premises consist of a basement and ground floor. The basement will be used for storage, food preparation, office space and an employee changing area. The kitchen, dining room and bar will be on the ground floor. There will be a total of twenty six (26) tables with eighty four (84) table seats and one (1) square-shaped bar with a total of sixteen (16) stools around the perimeter.

The restaurant will feature modern American cuisine and offer a raw bar of oysters, clams and cocktails as well as soups, salads, sandwiches, savory small plates, entrees and desserts. The restaurant will open at 2PM during the week and at 11AM on the weekends for brunch service. The restaurant will close at 2AM on Sunday through Wednesday, 3AM on Thursday and 4AM on Friday and Saturday. The kitchen will remain operational during all hours the restaurant is open.

The restaurant is located in a busy area of Manhattan that is mixed between commercial and residential uses. On one side of the restaurant is the Westside Theater and on the other is a building with residential units above a commercial deli. The Premises is a short walk from Times Square and many theater houses and hotels. The restaurant has no outdoor space and the Applicant does not intend to apply for a sidewalk café. There will be recorded music played off of an iPod at background levels only.

The premises is currently vacant but was previously licensed under the trade name Café Le Madeleine, then Petit Café Un, Deux, Trois and most recently as Elsewhere. The Applicant's principal has experience in the restaurant industry having worked as a manager and head bartender at Area, a restaurant and supper club in Los Angeles for four years before working at the Standard Hotel for three years as a manager and bartender. The Applicant's intention is to turn this location into a sustainable neighborhood restaurant.

The following sub-sections of section 64 of the Alcohol Beverage Control Law specifically address the statutory requirements for the public convenience and advantage when there are three or more establishments with full liquor licenses within 500 feet of the applicant:

- (a) The number, classes and character of licenses in proximity to the location and in particular municipality or subdivision thereof**

There are twenty nine (29) locations within 500 feet of the applicant that hold full liquor licenses. Two of those locations are theaters, including the Westside Theater which is adjacent to the premises, and several of the other licensed premises within 500' are either chain restaurants like Chipotle and Five Napkin Burger or are diners or casual tavern, bar and grill type operations. Aside from the Westside Theater, the three closest licensed premises are Dalton's Bar and Grill (90') away; Chimichurri Grill (83'); and Esca (73').

Dalton's advertises itself as a sports bar offering typical bar food and promoting a happy hour from 12PM to 4AM, every night. Chimichurri Grill is full service Argentinian steakhouse offering lunch and dinner and Esca is a well-known Italian seafood restaurant created by Mario Batali, Dave Pasternack and Joe Bastianich. Other licensed premises are further away from the Applicant's restaurant and primarily offer Italian cuisine.

The Applicant plans to complement the full-service restaurants in the area that serve the after work set and theater crowd but distinguish itself by offering modern American food in a more upscale environment.

**(b) Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies**

The Premises was previously licensed and has a Certificate of Occupancy issued by the City of New York Department of Buildings showing that it is zoned for Use Group 6 as an Eating and Drinking Place. The Applicant will apply for Workers' Compensation and Disability Insurance and to New York State for a Certificate of Authority to Collect Sales Tax. The Applicant has not yet determined its trade name but will apply for its Certificate of Assumed Name when determined.

The Applicant will apply for all necessary licenses, permits and certifications including but not limited to a Department of Health and Mental Hygiene permit and Fire Department inspections before opening the premises.

**(c) Effect of the grant of the license on vehicular traffic and parking in proximity to the location**

Although the premises are currently vacant, it has been continuously licensed since at least 2008 and approval of the application and issuance of a full liquor license will therefore not negatively impact traffic patterns in and around the premises.

The premises are located in a heavily trafficked area because of its proximity to many theater houses, Times Square and the entrance to the Lincoln Tunnel. The relative size of the Premises to the immediate area will therefore not have any noticeable impact on traffic patterns.

There are at least four (4) parking garages within a one (1) block radius and public transportation is also available via the northbound M11 bus on Tenth Avenue; the southbound M11 bus on Ninth Avenue; and the A, C, and E subway lines which stop on 42<sup>nd</sup> Street and Eighth Avenue.

**(d) The existing noise level at the location and any increase in noise level that would be generated by the proposed premises**

The space was previously licensed and is located in a heavily trafficked and commercial area. Therefore, approval of this application and issuance of a full liquor license will not cause an unusual increase in noise level in this area.

The restaurant will be located on the ground floor of a one (1) story building, there is no outdoor space and the premises will have recorded music at background levels only.

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

**(e) The history of liquor violations and reported criminal activity at the proposed premises**

There are no known violations for any of the former licensees at 403 West 43<sup>rd</sup> Street and we are unaware of any history of criminal activity associated with this premises.

Issuance of the instant license will promote the public interest in that it will be a positive use of a vacant premises and a contribution to the economy by way of the jobs created and maintained, continued wages paid, income, sales and other taxes collected, state and local license revenues, and maintenance of the local real estate tax base.

Accordingly, we believe approval of this applicant and issuance of an On-Premises Liquor License will promote the public interest and convenience and the Community Board should so find. We therefore request that the Community Board approve the application.



**PUBLIC NOTICE**

Business License and Permit Commission  
will discuss a petition submitted by

**Zonea Food and Beverage  
LLC  
403 W. 43<sup>rd</sup> Street**

An application for an **Alcohol License** is being considered

**DATE:** Tuesday, September 17, 2013  
**TIME:** 9:00 AM  
**PLACE:** Missouri State Capitol, 500 South Main  
St., Jefferson City, MO 64400

For more information regarding this application, please contact  
the Missouri State Capitol, Missouri State Capitol, 500 South Main  
St., Jefferson City, MO 64400