Whynot Orchard LLC dba Sushi Wa
175 Orchard Street/ New York, NY 10002

Questionnaire for Class Change, Alteration and Change in Method of Operation Applications

1. Photographs of the Exterior and Interior
2. Current and Proposed Floor Plans
3. Current and Proposed Menus
4. Area Survey with List of Measurements
5. Public Interest Statement
6. NYC DOB Property Profile Page and Certificate of Occupancy
7. Photograph of Notice Posting

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THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3
59 East 4th Street - New York, NY 10003
Phone: (212) 533-5300 - Fax: (212) 533-3659
www.cb3manhattan.org - info@cb3manhattan.org

Gigi Li, Board Chair

Susan Stetzer, District Manager

Community Board 3 Liquor License Application Questionnaire

Please bring the following items to the meeting:

NOTE: ALL ITEMS MUST BE SUBMITTED FOR APPLICATION TO BE CONSIDERED.

- ☒ Photographs of the inside and outside of the premise.
- ☒ Schematics, floor plans or architectural drawings of the inside of the premise.
- ☒ A proposed food and or drink menu.
- ☒ Petition in support of proposed business or change in business with signatures from residential tenants at location and in buildings adjacent to, across the street from and behind proposed location. Petition must give proposed hours and method of operation. For example: restaurant, sports bar, combination restaurant/bar. (petition provided)
- ☒ Notice of proposed business to block or tenant association if one exists. You can find community groups and contact information on the CB 3 website: http://www.nyc.gov/html/mancb3/html/communitygroups/community_group_listings.shtml
- ☒ Photographs of proof of conspicuous posting of meeting with newspaper showing date.
- ☐ If applicant has been or is licensed anywhere in City, letter from applicable community board indicating history of complaints and other comments.

Check which you are applying for:

☐ new liquor license ☒ alteration of an existing liquor license and change in method of operation ☐ corporate change

Check if either of these apply:

☐ sale of assets ☒ upgrade (change of class) of an existing liquor license

Today's Date: February 27, 2015

If applying for sale of assets, you must bring letter from current owner confirming that you are buying business or have the seller come with you to the meeting.

Is location currently licensed? ☒ Yes ☐ No Type of license: Beer and wine license

If alteration, describe nature of alteration: see attached description

Previous or current use of the location: Cafe that sells art work

Corporation and trade name of current license: Whynot Orchard LLC dba Whynot Coffee Wine and Art Gallery*

*The trade name will change to Sushi Wa.

APPLICANT:

Premise address: 175 Orchard Street/ New York, NY 10002

Cross streets: East Houston and Stanton Street

Name of applicant and all principals: Emil Stefkov

Trade name (DBA): Sushi Wa

Alteration Description for Whynot Orchard LLC dba Sushi Wa
175 Orchard Street/ New York, NY 10002 – Serial #1274766

Whynot Orchard LLC operates as a full service café with a beer and wine license that closes at 1AM seven days a week. The café features local artists and sells artwork.

Whynot Orchard LLC plans to operate as a full service Japanese restaurant and will change the trade name from *Whynot Coffee Wine & Art Gallery* to *Sushi Wa*. The décor will be Japanese minimalist in all wood. The food preparation area will be renovated and a full kitchen will be installed.

The restaurant plans to have background music only and artwork will not be sold.

The current number of tables is 25 and the current seating is 70 which include 49 café seats, 10 bar stools and 11 counter seats. The proposed number of tables for the new restaurant has increased to 28 tables and the proposed number of seats has increased to 73 seats which include 6 bar stools and 10 counter seats.

The proposed restaurant will include a backyard garden with 11 tables and 22 seats. The backyard garden is contained by a 15' brick wall on the west side of the garden. A 10' fence will be installed in the north area of the backyard garden. The backyard garden will install a retractable roof made out of metal, glass and Plexiglas.

The stand-up bar will be reduced in size from 10'-3' x 11'6" to 16' and the bar shape will be changed from circular to a slightly curved shape. The number of bar stools will be reduced from 10 bar stools to 6 bar stools.

The current coffee food counter will be removed and a sushi bar/ counter will be installed. The current food counter has 11 seats and the new sushi bar/ counter will have 10 seats.

The current hours of operation are 7AM to 1AM seven days a week. The proposed interior hours of operation are 12PM to 1AM Sunday to Thursday and 12PM to 2AM Friday to Saturday. The proposed exterior hours of operation are 12PM to 12AM seven days a week.

Whynot Orchard LLC will apply for a class change from a beer and wine license to on-premises liquor.

PREMISE:

Type of building and number of floors: 5 story building with 16 residential units and commercial space on the ground floor

Will any outside area or sidewalk cafe be used for the sale or consumption of alcoholic beverages? *(includes roof & yard)* ☒ Yes ☐ No If Yes, describe and show on diagram: A enclosed backyard garden with a retractable roof with 11 tables and 22 seats (see also attached description)

Does premise have a valid Certificate of Occupancy and all appropriate permits, including for any back or side yard use? ☒ Yes* ☐ No What is maximum NUMBER of people permitted? 50

*see enclosed Certificate of Occupancy. Licensee will follow up with DOB on exterior space

Do you plan to apply for Public Assembly permit? ☐ Yes ☒ No

What is the zoning designation (check zoning using map: http://gis.nyc.gov/doitt/nycitymap/ - please give specific zoning designation, such as R8 or C2):

C4-4A

PROPOSED METHOD OF OPERATION:

Will any other business besides food or alcohol service be conducted at premise? ☐ Yes ☒ No

If yes, please describe what type: N/A

What are the proposed days/hours of operation? (Specify days and hours each day and hours of outdoor space) Interior hours= 12PM to 1AM Sunday to Thursday and 12PM to 2AM Friday to Saturday. Exterior hours= 12PM to 12AM seven days a week.

Number of tables? 28 Number of seats at tables? 73 which includes 6 bar stools and 10 counter seats

How many stand-up bars/ bar seats are located on the premise? One stand-up bar with 6 bar stools

(A **stand up bar** is any bar or counter (whether with seating or not) over which a patron can order, pay for and receive an alcoholic beverage)

Describe all bars (length, shape and location): 16' curved stand-up located in the north west area of the restaurant

Does premise have a full kitchen ☒ Yes ☐ No?

Does it have a food preparation area? ☐ Yes ☒ No (If any, show on diagram)

Is food available for sale? ☒ Yes ☐ No If yes, describe type of food and submit a menu

Japanese cuisine / Current and proposed menus are enclosed

What are the hours kitchen will be open? All hours of operation

Will a manager or principal always be on site? ☒ Yes ☐ No If yes, which?

How many employees will there be? 4 per shift

Do you have or plan to install ☒ French doors* ☐ accordion doors or ☐ windows? *Already exists

Will there be TVs/monitors? ☐ Yes ☒ No (If Yes, how many?)

Will premise have music? ☒ Yes ☐ No

If Yes, what type of music? ☐ Live musician ☐ DJ ☐ Juke box ☒ Tapes/CDs/iPod

If other type, please describe N/A

What will be the music volume? ☒ Background (quiet) ☐ Entertainment level

Please describe your sound system: There is vintage music equipment from the 1970's with a record vinyl player with 2 speakers on the base of the floor that plays mellow quiet music.

Will you host any promoted events, scheduled performances or any event at which a cover fee is charged? If Yes, what type of events or performances are proposed and how often? No

How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? Please attach plans. (Please do not answer "we do not anticipate congestion.")
We will request that people move away from the premises and that vehicles do not linger.

Will there be security personnel? ☐ Yes ☒ No (If Yes, how many and when) _____

How do you plan to manage noise inside and outside your business so neighbors will not be affected? Please attach plans. Background music will be played at a low volume level and no live music will be played.

Do you ☒ have or ☐ plan to install sound-proofing?

APPLICANT HISTORY:

Has this corporation or any principal been licensed previously? ☒ Yes ☐ No

If yes, please indicate name of establishment: see attached list

Address: _____ Community Board #_____

Dates of operation: _____

If you answered "Yes" to the above question, please provide a letter from the community board indicating history of complaints or other comments.

Has any principal had work experience similar to the proposed business? ☒ Yes ☐ No If Yes, please attach explanation of experience or resume. see attached list

Does any principal have other businesses in this area? ☐ Yes ☒ No If Yes, please give trade name and describe type of business _____

Has any principal had SLA reports or action within the past 3 years? ☐ Yes ☒ No If Yes, attach list of violations and dates of violations and outcomes, if any.

Attach a separate diagram that indicates the location **(name and address)** and total number of establishments selling/serving beer, wine (B/W) or liquor (OP) for 2 blocks in each direction. Please indicate whether establishments have On-Premise (OP) licenses. Please label streets and avenues and identify your location. Use letters to indicate **B**ar, **R**estaurant, etc. The diagram must be submitted with the questionnaire to the Community Board before the meeting.

List of Establishments Owned and Operated by Applicant Emil Stefkov

(1)
Whynot My Way LLC dba Whynot Coffee*
14 Christopher Street
New York, NY 10014

Operating as a coffee café since May of 2013 and issued a beer wine license on September 11, 2013

*Whynot My Way LLC dba Whynot Bistro
14 Christopher Street
New York, NY 10014

Operating as a bistro since November 2014 with a beer and wine license.

(2)
Olio Restaurant LLC dba Olio Restaurant
2 Greenwich Avenue
New York, NY 10014

Operating with a full liquor license since July 2, 2010

(3)
BBSF Dooel
Skopje, Macedonia

Applicant owned and operated the restaurant from 2006 to 2009

LOCATION:

How many licensed establishments are within 1 block? 10 (6 full OP licenses & 4 beer wine licenses)*

How many On-Premise (OP) liquor licenses are within 500 feet? 41*

Is premise within 200 feet of any school or place of worship? ☐ Yes ☒ No

*Subject to change since an updated area survey will be submitted

COMMUNITY OUTREACH:

Please see the Community Board website to find block associations or tenant associations in the immediate vicinity of your location for community outreach. Applicants are encouraged to reach out to community groups. Also use provided petitions, which clearly state the name, address, license for which you are applying, and the hours and method of operation of your establishment at the top of each page. (Attach additional sheets of paper as necessary).

We are including the following questions to be able to prepare stipulations and have the meeting be faster and more efficient. Please answer per your business plan; do not plan to negotiate at the meeting.

1. ☒ I agree to close any doors and windows at 10:00 P.M. every night?
2. ☒ I will not have ☒ DJs, ☒ live music, ☒ promoted events, ☒ any event at which a cover fee is charged, ☒ scheduled performances, ☐ more than ____ DJs/ promoted events per ____, ☐ more than ____ private parties per ____
3. ☒ I will play ambient recorded background music only.
4. ☒ I will not apply for an alteration to the method of operation agreed to by this stipulation without first coming before CB 3.
5. N/A ☐ I will not seek a change in class to a full on-premise liquor license. Or ☐ my business plan is to seek an upgrade at a later date.
6. ☒ I will not participate in pub crawls or have party buses come to my establishment.
7. ☒ I will not have a happy hour. Or ☐ Happy hour will end by _____.
8. ☒ I will not have wait lines outside. ☐ There will be a staff person outside to monitor sidewalk crowds and ensure no loitering.
9. ☒ Residents may contact the manager/owner at the following phone number. Any complaints will be addressed immediately and I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

(1)
Photographs of the Exterior and Interior

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden

Bar and seating area

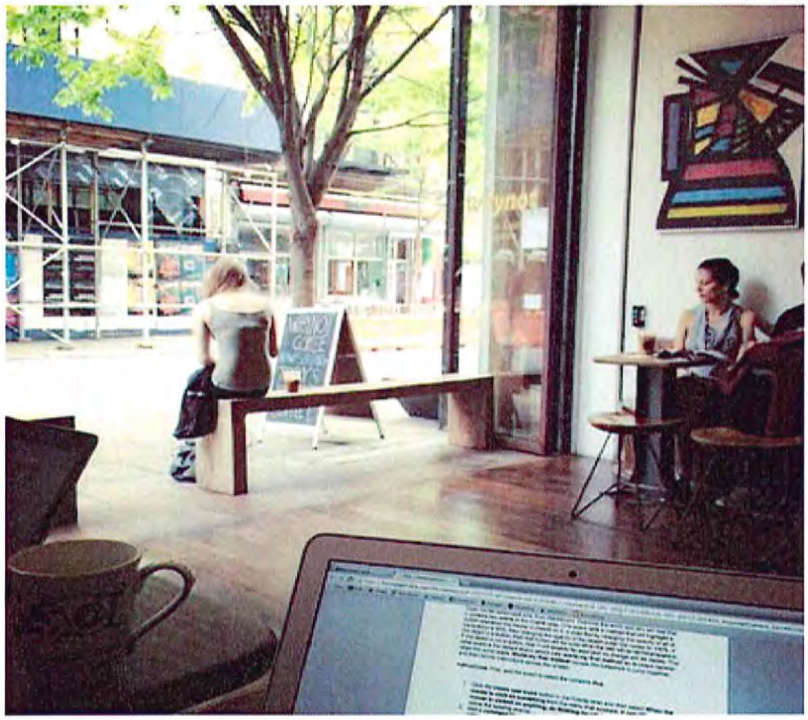
Coffee bar area

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden

Seating

Exterior front view

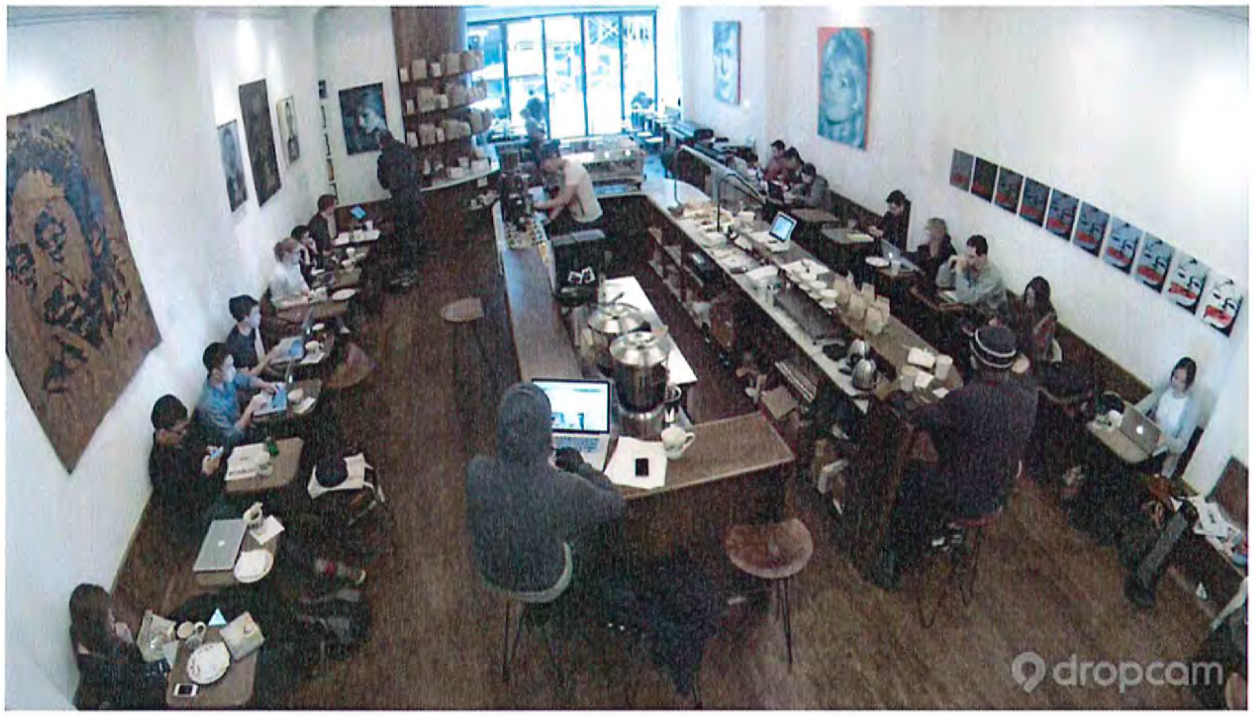
Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden



Entrance

French doors

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden

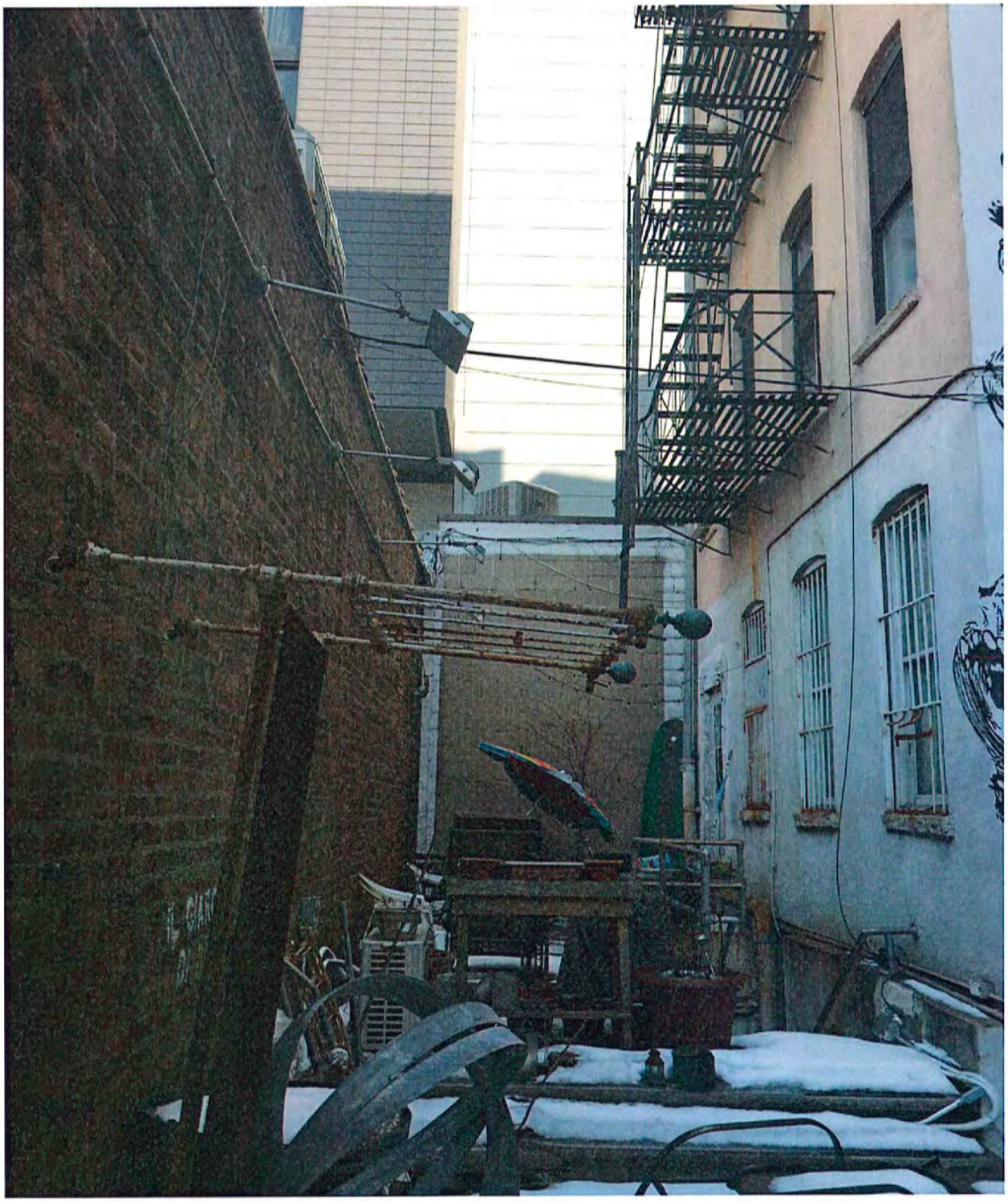


Seating

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden

Exterior backyard garden showing the building on the east side

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden



Exterior backyard garden showing north wall, east building and western brick wall

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden

Exterior backyard garden showing the entrance from Whynot Orchard LLC (south view)

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden

Exterior backyard garden showing building on eastside

Whynot Orchard LLC – Current Photographs of Premises and Proposed Exterior Backyard Garden

Exterior backyard garden looking north

(2)
Current and Proposed Floor Plans

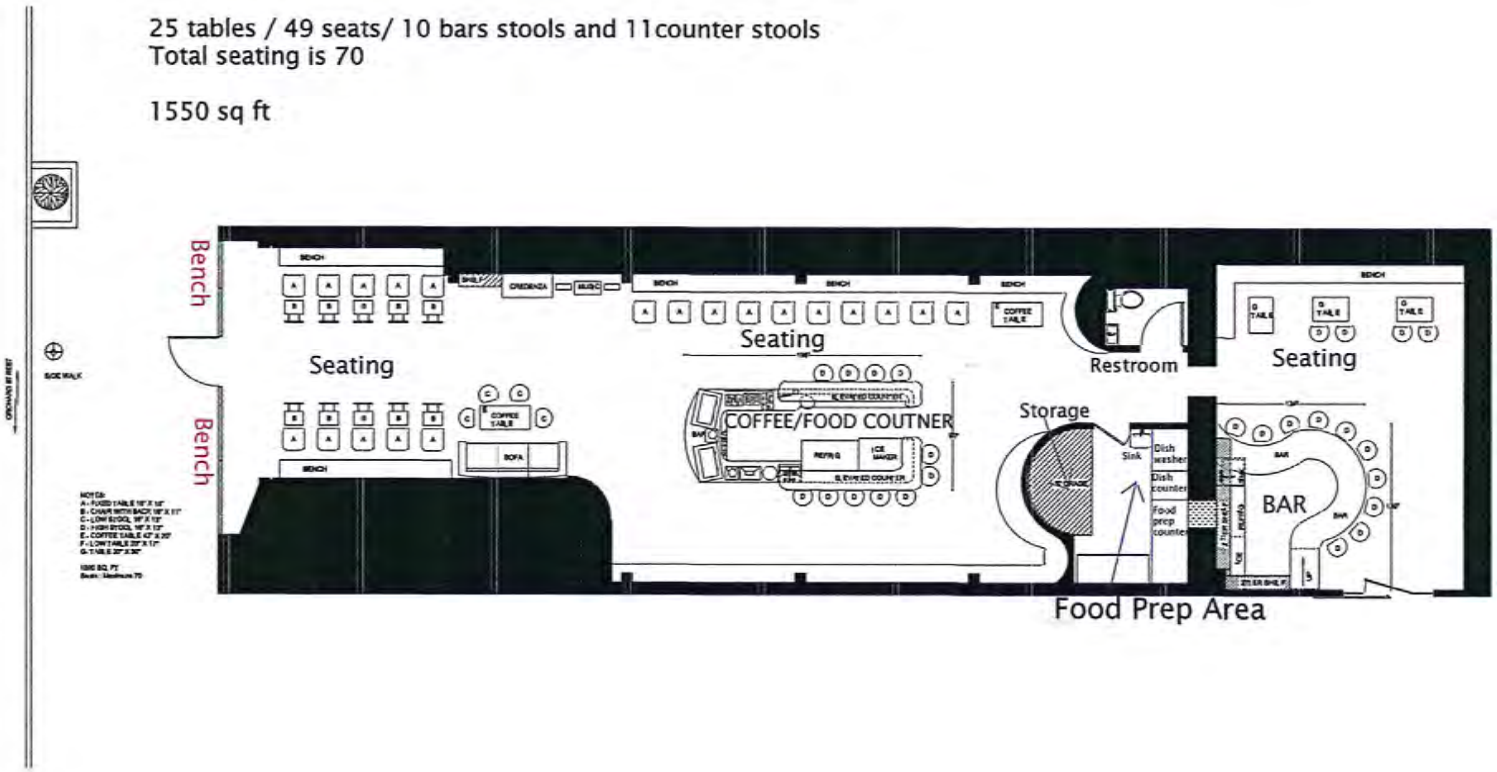
Current Floor Plan Showing one bar

S
E W
N

Whynot Orchard LLC / 175 Orchard Street /Serial #1274766

25 tables / 49 seats/ 10 bars stools and 11counter stools
Total seating is 70

1550 sq ft

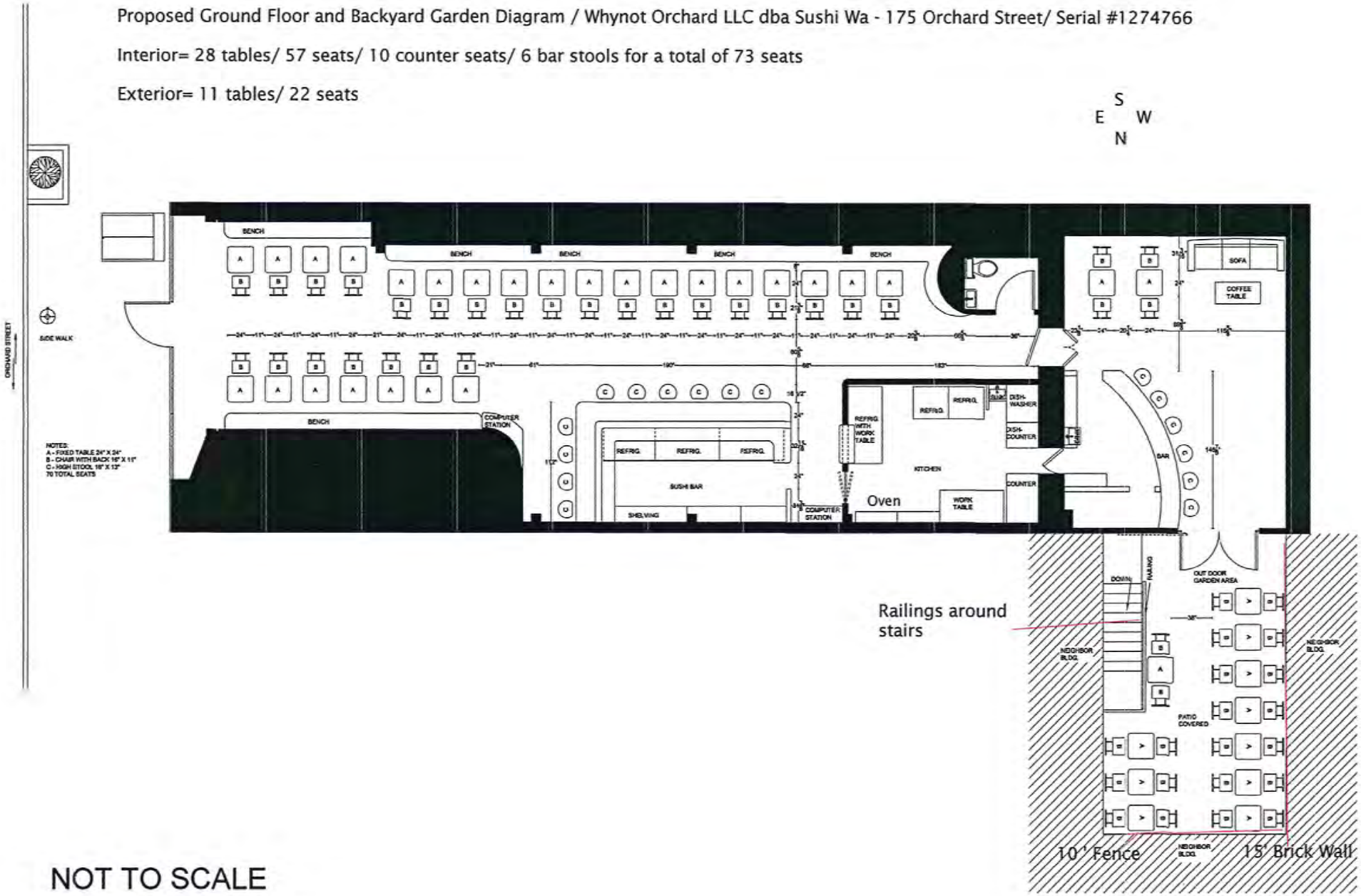


SCALE : 1/4" = 1'-0"

Proposed Ground Floor and Backyard Garden Diagram / Whynot Orchard LLC dba Sushi Wa - 175 Orchard Street/ Serial #1274766

Interior= 28 tables/ 57 seats/ 10 counter seats/ 6 bar stools for a total of 73 seats

Exterior= 11 tables/ 22 seats



NOT TO SCALE

(3)
Current and Proposed Menus

COFFEES

Coffee roasted by Toby's Estate
All Milks are Organic from Organic Valley

Coffee	$2.5
Espresso	$3
Latte	$4
Cappuccino	$4
Americano	$3
Macchiato	$3
Mocha	$4
Coffee Au Lait	$3
Cortado	$3
Cold Brew	$3.5
Ice Latte	$4
Extra shot (2 doses)	$1
Single Origin Pour Over	$4.5
Flavor Shot	$0.50

OTHER GOODIES

Bellocq Teas:

Black Tea (Gypsy Caravan, Bellocq Breakfast, The Earl Gray)	$3.5
White Tea (The White wolf)	$3.5
Green Tea (Dragonwell)	$3.5
Mint Tea (La Corazon De Cien Fuegos, Le Hammeau, Little Dickens, Pic du Midi, Ashram Afternoon)	$3.5
Fresh Lemonade w/ Mint	$4
Evian	$3
Perrier	$3
House blends 8 oz	$10
Single Origin Coffees 8 oz	$12
Ice Tea	$3.5
Traditional Chai	$4
Dirty Chai	$4.5
Hot Chocolate	$4
Fresh Orange Juice	$4
Mocha	$4.5

PASTRIES

Croissant	$3.5
Chocolate Croissant	$4
Almond Croissant	$5
Prosciutto & Provolone Croissant	$6
Goat Cheese & Wild Berry Jam Croissant	$6
Veggie Croissant	$6
Brownie	$4.5
Caramel Loaf Cake (*Organic flour and european style butter*)	$4.5
Walnut Loaf Cake (*Organic flour and european style butter*)	$4.5
Lemon Loaf Cake (*Organic flour and european style butter*)	$4.5
Banana Walnut Loaf (*Organic Vegan*)	$5.5
Pumpkin Loaf	$5.5
Almond Macaroon (*Organic Raw Vegan*)	$3
Chocolate Macaroon (*Organic Raw*)	$3
Pain aux Raisins (*Organic flour and european style butter*)	$5
Strawberry Scones	$2.5
Pistachio Financier (*Organic flour and european style butter*)	$3
Raspberry Financier (*Organic flour and european style butter*)	$3
Macaroon (*gluten free*)	$3
Chocolate Chip Cookie (*Org Vegan & Gluten Free*)	$3
Lemon Raspberry Cookie (*Org Vegan & Gluten Free*)	$3
Coconut Jam Drop Cookie (*Organic Vegan Gluten Free*)	$3
Peanut Butter Cookie (*Organic Vegan Gluten Free*)	$3
Almond Cookie (*Organic Vegan Gluten Free*)	$3
Gorilla Bar (*Organic*)	$5
Oat Bran Muffin (*Organic*)	$5
Quiche Ham & Spinach	$7
Quiche Chicken & Leek	$7

Orchard & Stanton www.facebook.com/whynotorchard tel 646 682 9065

prices do not include sales tax

DRAFT BEER

Radeberger, Pilsner, Germany, since 1872, 4.8% $5
Weihenstephaner, Hefeweissbier, Hefeweizen, since 1040, 5.4% $5
Founders, All Day IPA American IPA, Grand Rapidis, MI, 4.7% $5

BOTTLE BEER

Speakeasy Ales & Lagers, Prohibition, Ale American Amber, 6.10% $6
Stone Brewing Co, Arrogant bastard, American Strong Ale, 7.2% $12
McKenzie's Hard Cider, Seasonal Reserve, Cider, 5% $6

RED WINE $7

Monte Degali Angeli, Pinot Noir, Piemonte, Italy, 2013
Tomaiolo, Chianti Classico Reservo, Pontedera Italy , 2009
Alto Tierruca, Cabernet Sauvignon, Colchagua Chile, 2012
Domaine Du Pere Caboche, Chateauneuf Du Pape, France, 2010
Charles Brotte: Grand Vallon, Rose, France

WHITE WINE $7

Pasco Grion, Pino Grigio, Venito Italy, 2012
Oracal, Chardonnay, South Africa, 2012
Conti Speroni, Gave, Piemonte Italy, 2013
Klein Steenberg, Sauvignon Blanc, South Africa, 2013
Fontana Baudia, Prosecco, Veneto, Italy

COCKTAILS $8

- Mimosa (orange juice, prosecco)
- Bellini (peach puree, prosecco)
- Pear Bellini (pear puree, prosecco)

SNACKS

Deep River Mesquite BBQ $4
Deep River Zesty Jalapeno $4
Deep River Vinegar & Sea Salt $4
Truffle Popcorn & sea salt $5
Cajun Popcorn $5
Cracked pepper & sea salt Popcorn $5
Mixed Nuts $5

FINGER FOOD

Oven Baked Pretzel with Dijon Mustard $5
Sliders (Pulled Pork , Red Cabbage Slaw) $7
Chorizo Sausage $6
Baguette Salmon $8
Baguette Prosciutto $8
Baguette Vegeterian $8

CHARCUTERIE

18 month aged Prosciutto Di Parma
Finocchiona (Similar to Sopressata)
Rabbit Pate
Berkshire Rosemary Lardo
(served with imported olives + baguette) $15

CHEESE

Sottocenere (Firm / Truffle) *Cow
Brebirousse D' Argental (Soft / Creamy) *Sheep
Fourme d' Ambert (Blue / Smooth) *Cow
Petit Billy (Limit / Creamy) *Goat
(served with Fresh Fruit, Nuts and Fruit Compote) ... $15

COMBO (Charcuterie + Cheese) $25

**All boards include our signature butter with garlic, salmon and basil.*

Orchard & Stanton www.facebook.com/whynotorchard tel 646 682 9065

prices do not include sales tax

Proposed Menu **Sushi Wa**

Whynot Orchard LLC / 175 Orchard Street

SUSHI & SASHIMI

Tuna

Blue Fin Tuna	4.50		
Blue Fin Fatty Tuna	5.00		

Yellow Tail

Hamachi	6.50		
Shimaaji	6.00		

White Fish

Fluke	4.50		
Engawa	5.00		
Orato	5.00		
Striped Bass	5.00		

Salmon & Trout

Silver Salmon	4.50		
King Salmon	5.00		
White King Salmon	5.00		
Sockeye Salmon	5.00		
Arctic Char	4.50		
Tazmanian Trout	6.00		

Mackerel & Others

Spanish Macherel	5.00		

Octopus & Squid

Squid	4.50		
Squid Fin	5.00		
Squid Legs	5.00		
Octopus	5.00		

Clam

Giant Clam	4.50		
Orange Clam	5.00		
Cherrystone Clam	5.00		
Oyster	5.00		

Roe & Others

Salmon Roe	6.00		

Eggs

Omelet	4.50		
Custard	5.00		

Eel

Sawani	4.50		
Anago	3.00		
Shirayaki	5.00		

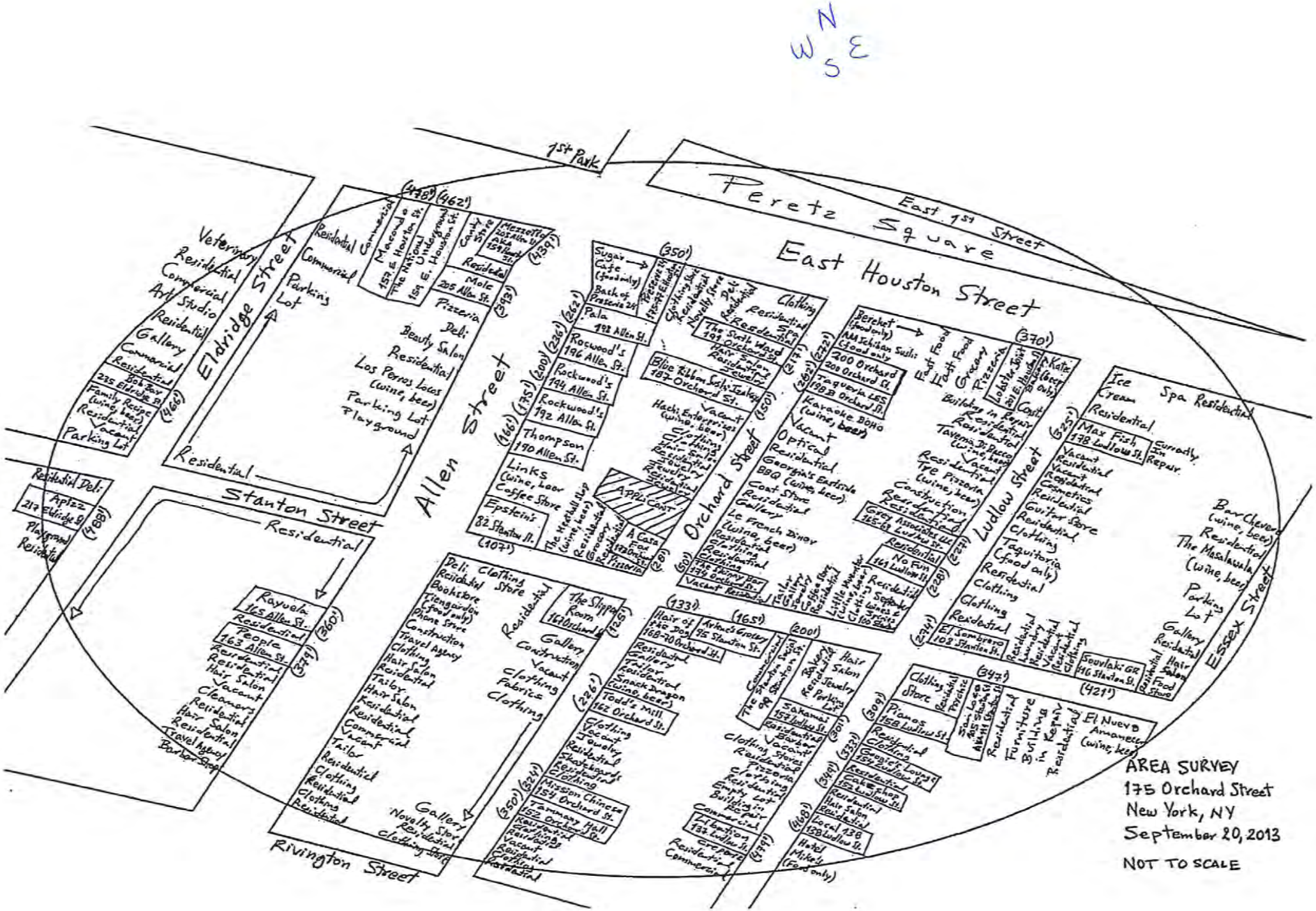
ROLL (MAKI)

Tekka	7.50		
Toro	7.00		
Yellow Tail	6.00		
Salmon	8.00		
King Salmon	5.00		
White King Salmon	8.50		
Tazmanian Trout	9.00		
Arctic Char	9.00		
Spanish Mackerel	8.00		
Pompano	6.00		
Salmon Skin	7.50		
Sawani	6.00		
Anago	7.00		
Shirayaki	6.00		
Unagi Kuro	9.00		

Vegetable

Mitsuba	5.00		
Kaiware	5.00		
Ume	4.50		
Kappa	3.00		
Takuwan	5.00		
Yamagobo	3.00		
Natto	5.00		

(4)
Area Survey with List of Measurements



AREA SURVEY
175 Orchard Street
New York, NY
September 20, 2013

NOT TO SCALE

Re: 175 Orchard Street

1. Max Fish - 178 Ludlow Street - (325') (Currently in Repair)
2. El Sombrero - 108 Stanton Street - (274')
3. Souvlaki GR - 116 Stanton Street - (421')
4. Pianos - 158 Ludlow Street - (309')
5. Googie's Lounge - 154 Ludlow Street - (333')
6. Cakeshop - 152 Ludlow Street - (349')
7. Local 138 - 138 Ludlow Street - (468')
8. Sam Loco - 105 Stanton Street AKA 111 Stanton Street - (347')
9. Hair of the Dog - 168-70 Orchard Street - (133')
10. Todd's Mill - 162 Orchard Street - (226')
11. Mission Chinese - 154 Orchard Street - (324')
12. Tammany Hall - 152 Orchard Street - (350')
13. Arlene's Grocery - 95 Stanton Street - (165')
14. The Stanton Social - 99 Stanton Street - (200')
15. Sakamai - 157 Ludlow Street - (301')
16. Libation - 137 Ludlow Street - (479')
17. The Skinny Bar - 174 Orchard Street - (50') (Currently in Repair)
18. Taqueria Lower East Side - 198B Orchard Street - (262')
19. 200 Orchard - 200 Orchard Street - (272')
20. Lobster Joint - 201 East Houston Street - (370')
21. Grey Associates LLC - 165-167 Ludlow Street - (227')
22. No Fun - 161 Ludlow Street - (228')
23. The Slipper Room - 167 Orchard Street - (125')
24. Epstein's - 82 Stanton Street - (107')
25. Thompson - 190 Allen Street - (166')
26. Rockwood's - 192 Allen Street - (175')
27. Rockwood's - 194 Allen Street - (200')
28. Rockwood's - 196 Allen Street - (236')
29. Pala - 198 Allen Street - (262')
30. Preserve 24 - 175-77 East Houston Street - (350')
31. The Sixth Ward - 191 Orchard Street - (217')
32. Blue Ribbon Sushi Izakaya - 187 Orchard Street - (150')
33. A Casa Fox - 173 Orchard Street - (28')
34. People - 163 Allen Street - (379')
35. Rayuela - 165 Allen Street - (360')
36. Mole - 205 Allen Street - (393')
37. Mezzetto - 205 Allen Street AKA 159 Houston Street - (439')
38. The National Underground - 159 East Houston Street - (462')
39. Macondo - 157 East Houston Street - (478')
40. Apizz - 217 Eldridge Street - (488')
41. Bob Bar - 235 Eldridge Street - (466')

Schools & Churches

1. P.S. 20 - 166 Essex Street - (≈540')
2. Lamb's Church of the Nazarene - 61 Rivington Street - (≈635')

(5)
Public Interest Statement

PUBLIC INTEREST STATEMENT / 500' RULE STATEMENT

Whynot Orchard LLC
dba Sushi Wa
175 Orchard Street
New York, NY 10002

Whynot Orchard LLC operates as a full service café with a beer and wine license on 175 Orchard Street between East Houston and Stanton Street on the Lower East Side of Manhattan since February 2014.

The premises are located on the ground floor of a five story residential building. The café features local artists and sells artwork. The café offers customers exceptional coffee, croissants and quiches together with free internet service. There is live music and background music.

The licensee is proposing to a change in method of operating from a café to a full service Japanese Restaurant. The trade name will be changed from *Whynot Coffee, Wine and Art Gallery* to *Sushi Wa.* The food preparation area will be renovated for a full kitchen to be installed. The new décor will be Japanese minimalist in all wood.

There will not be any live music played and background music will be played at a low volume level. Artwork will not be sold at the new restaurant.

Whynot Orchard LLC will apply for a class change from a beer and wine license to an on-premises liquor license.

The current number of tables is 25 and the current seating is 70 which include 49 café seats, 10 bar stools and 11 counter seats. The proposed number of tables for the new restaurant has increased to 28 tables and the proposed number of seats has increased to 73 seats which include 6 bar stools and 10 counter seats.

The proposed restaurant will include a backyard garden with 11 tables and 22 seats. The backyard garden is contained by a 15' brick wall on the west side of the garden. A 10' fence will be installed in the north area of the backyard garden. The backyard garden will install a retractable roof made out of Plexiglas.

The stand-up bar will be reduced in size from 10'-3' x 11'6" to 16' and the bar shape will be changed from circular to a slightly curved shape. The number of bar stools will be reduced from 10 bar stools to 6 bar stools.

The current hours of operation are 7AM to 1AM seven days a week. The proposed interior hours of operation are 12PM to 1AM Sunday to Thursday and 12PM to 2AM Friday to Saturday. The proposed exterior hours of operation are 12PM to 12AM seven days a week.

The applicant's principal owns and operates a similar establishment with a tavern wine license at 14 Christopher Street. The license was issued by the Authority on September 11, 2013 and the café has been operating since May of 2013.

Olio Restaurant - another establishment owned by the principal of the applicant has been operating as an Italian Restaurant with a full On-Premises license since July 2010.

Emil Stefkov, the only member of the applicant arrived in the United States in 2009 after owning and operating a successful hospitality business in Macedonia. Since that time Olio Restaurant and Whynot Coffee café have become popular neighborhood destinations in the West Village of Manhattan. His next venture – the instant applicant will be a successful coffee café on the Lower East side of Manhattan.

The following sub-sections of section 64 of the ABC 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 41 locations within 500 feet of the applicant that hold full liquor licenses. A number of these establishments represent part of the lower East Side gentrification that attracted specialty businesses to the area such as boutique clothing stores, jewelry stores and art galleries. Since gentrification took hold in the area residents now include a mix of young professionals, artists, students and young families.

The majority of establishments with full liquor licenses are small cozy bars and a few venues with live music. For example, Rockwood is a music hall occupying three separate spaces that are next to each other on Allen Street. The restaurants in the area are casual and many of them offer an international menu - A Casa Fox offers a menu based on Nicaraguan cuisine, Souvlaki GR has a Greek Menu and Todd's Mill is an American Bistro serving seasonal fare.

Two of the newer establishments are Sixty LES fka The Thompson Lower East Side Hotel and the hotel's restaurant - Blue Ribbon. Both are upscale establishments operating successfully since March of 2009 and November of 2011.

There are a number of late night bars such as Max Fish on 178 Ludlow Street, Tammany Hall on 152 Orchard Street, The Slipper Room on 167 Orchard Street, Hair of the Dog on 168 170 Orchard Street, The Sixth Ward on 191 Orchard, 200 Orchard Street on 200 Orchard Street, Libation on 137 Ludlow Street, and the National Underground on 159 East Houston Street.

Sushi Wa will be an establishment offering patrons a quiet atmosphere to relax with an exception Japanese meal in an inviting modern atmosphere. The backyard garden will be a charming additional to the restaurant that will have a retractable roof allowing the space to be open year round.

Whynot Orchard has been a neighborhood fixture since February 2014 and the change from a café to a modern eclectic Japanese restaurant with a year round backyard garden will be a welcomed additional for customers and neighbor residents. Further, Sushi Wa will be an alternative destination to the Japanese restaurant Blue Ribbon which is located in the Sixty LES Hotel just a few doors down from Sushi Wa.

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

The premises have a NYC Department of Buildings Certificate of Occupancy which shows Use Group 6. The applicant has all necessary licenses, permits and certifications including but not limited to a Department of Health and Mental Hygiene permit and a Fire Department inspection.

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

The space had been occupied by Daha Vintage Clothing Boutique from 2007 to December of 2012; the space was a pop up clothing for one month in November of 2012. The venue is intended to be a destination for neighborhood residents and not a destination establishment for individuals to travel to for cocktails. Customers of the café will walk to the premises thereby not negatively impacting traffic patterns in and around the cafe.

Sushi Wa plans to close at 1AM during the week and 2AM Friday and Saturday. The backyard garden will close by midnight seven days a week thereby not causing a negative traffic impact in the area. Sushi Wa intends to attract daytime and early evening customers.

Daytime traffic on Orchard Street is not problematic. To the contrary, it has been expressed by the Lower East Side Business Improvement District, as well as Community Board committee members, that the area <u>needs</u> more pedestrians during the daytime to service the retail establishments. In a separate application, (Ludlow House, Inc., 139 Ludlow House, New York, New York 10002, Serial No. 1272412), it was demonstrated that some retail businesses had been leaving the area and that it is important not only for the area's economic development but for the enjoyment of this residence to attract people to remain in the area during the day and patronize local businesses.

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

Since the premises will only have background music played at a low volume level and will not host promotion events approval of the application and issuance of a full liquor license will not cause an unusual increase in noise levels in this area. The ceilings and the walls are made out of Sheetrock adding an extra layer of soundproofing.

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

Upon information and belief; and to the best of our knowledge there are no current SLA violations for this space. To the best of our knowledge there is no known history of criminal activity at the premises.

Issuance of the instant license will promote the public interest in that it will be a positive contribution to the economy by way of the jobs 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 application and issuance of an on-premises liquor license will promote the public interest and convenience. We therefore request that the Community Board approve the application.

(6)
NYC DOB Property Profile Page and Certificate of Occupancy

NYC Buildings

NYC

CLICK HERE TO SIGN UP FOR BUILDINGS NEWS

NYC Department of Buildings

Property Profile Overview

175 ORCHARD STREET
ORCHARD STREET 175 - 175

MANHATTAN 10002

Health Area	: 6600
Census Tract	: 30.01
Community Board	: 103
Buildings on Lot	: 1

BIN# 1005557

Tax Block	: 417
Tax Lot	: 67
Condo	: NO
Vacant	: NO

View DCP Addresses... Browse Block

View Zoning Documents | View Challenge Results | Pre - BIS PA | View Certificates of Occupancy

Cross Street(s):	STANTON STREET, EAST HOUSTON STREET		
DOB Special Place Name:			
DOB Building Remarks:			
Landmark Status:		**Special Status:**	N/A
Local Law:	NO	**Loft Law:**	NO
SRO Restricted:	NO	**TA Restricted:**	NO
UB Restricted:	NO		
Environmental Restrictions:	N/A	**Grandfathered Sign:**	NO
Legal Adult Use:	NO	**City Owned:**	NO
Additional BINs for Building:	NONE		

Special District: UNKNOWN

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, or Coastal Erosion Hazard Area. Click here for more information

Department of Finance Building Classification: C7-WALK-UP APARTMENT

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open
Complaints	4	0
Violations-DOB	12	0
Violations-ECB (DOB)	3	0
Jobs/Filings	14	
ARA / LAA Jobs	0	
Total Jobs	14	
Actions	25	

OR Enter Action Type:

OR Select from List: Select...

AND Show Actions

- Elevator Records
- Electrical Applications
- Permits In-Process / Issued
- Illuminated Signs Annual Permits
- Plumbing Inspections
- Open Plumbing Jobs / Work Types
- Facades
- Marquee Annual Permits
- Boiler Records
- DEP Boiler Information
- Crane Information
- After Hours Variance Permits

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

B Form 1A (Rev. 6/68)

THE CITY OF NEW YORK

DEPARTMENT OF BUILDINGS ALT 845|89

CERTIFICATE OF OCCUPANCY AMENDED

BOROUGH MANHATTAN **DATE:** MAR 26 1993 **NO.** 102309

This certificate ~~supersedes~~ AMENDED C.O. NO 76303 ZONING DISTRICT C6-1

THIS CERTIFIES that the ~~new~~ altered ~~existing~~—building—premises located at

175 ORCHARD STREET W|S 50' NORTH OF STANTON STREET Block 417 Lot 67

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	LIVE LOAD LBS PER SQ FT	MAXIMUM NO OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	OG						ORDINARY STORAGE
1ST FLOOR	100	50			6	COMM	TWO STORES AND VACANT SPACE
2ND FLOOR	100	40			6		STORE AND ACC. TO BE USED IN CONJ. WITH 1ST FLOOR STORE ON THE SOUTH SIDE
3RD TO 5TH FLOORS							TO REMAIN VACANT
			COMMERCIAL				
			OLD CODE				

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1967.

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

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

M-5

BOROUGH SUPERINTENDENT COMMISSIONER

☐ ORIGINAL ☒ OFFICE COPY - DEPARTMENT OF BUILDINGS ☐ COPY

B Form 54 (Back) (Rev 8/82)

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

BEGINNING at a point on the WEST side of ORCHARD STREET distant 41'-0" feet from the corner formed by the intersection of NORTH and STANTON STREET

running thence _____ feet; thence _____ feet;

thence NORTH 26'-0" feet; thence WEST 88'-0" feet;

thence SOUTH 26'-0" feet; thence EAST 88'-0" feet;

thence _____ feet; thence _____ feet;

to the point or place of beginning.

~~NEW~~ ALT. No. 845|89 DATE OF COMPLETION 3|17|92 CONSTRUCTION CLASSIFICATION CLASS 3NON-FIRE-PROOF

BUILDING OCCUPANCY GROUP CLASSIFICATION COMMERCIAL HEIGHT STORIES, 5 FEET 56'-0"

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		
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:

(7)
Photograph of Notice Posting – *to be provided*