

Tobi Bergman, *Chair*  
Terri Cude, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Daniel Miller, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE  
NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

### FULL BOARD MINUTES

**DATE:** July 21, 2016  
**TIME:** 6:30 P.M.  
**PLACE:** Scholastic Building, 557 Broadway, Auditorium

**BOARD MEMBERS PRESENT:** Susanna Aaron, Keen Berger, Tobi Bergman, Chair; Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Ritu Chattree, Erik Coler, Terri Cude, Doris Diether, Robert Ely, Kathleen Faccini, Cormac Flynn, Joseph Gallagher, Susan Kent, Jeannine Kiely, Daniel Miller, Lauren Racusin, Lois Rakoff, Robert Riccobono, Robin Rothstein, Rocio Sanz, Shirley Secunda, Kristin Shea, Federica Sigel, Susan Wittenberg, Robert Woodworth

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** Katy Bordonaro, Don Borelli, Coral Dawson, Cristy Dwyer, Joshua Frost, Edward Ma, Maud Maron, Sandy Russo

**BOARD MEMBERS ABSENT:** Susan Gammie, Alexander Meadows

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Carter Booth, Tom Connor, Jonathan Geballe, Robin Goldberg, Sasha Greene, David Gruber, Shirley Smith, Chenault Spence, Antony Wong, Elaine Young

**BOARD MEMBERS PRESENT/LEFT EARLY:** Billy Freeland

**BOARD STAFF PRESENT:** Bob Gormley, District Manager; Josh Thompson, Assistant District Manager, Florence Arenas, Community Coordinator, and Eva Mai, Community Assistant

**GUESTS:** Jenna Jaffe, Congressman Jerrold Nadler's office; Jared Odessky, Senator Brad Hoylman's office; Eric Mayo, Senator Daniel Squadron's office; Morris Chan, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Dan Campanelli, NYC Comptroller Scott Stringer's office; Adam Chen, Public Advocate Letitia James' office; Patrice Comerfond, Council Member Corey Johnson's office; Aura Olavarria, Council Member Rosie Mendez's office; Vincent Fang, Council Member Margaret Chin's office; Rene Moreno, K. Hulley, Roxanne Donovan, Tom Palmer, Michael Little, Paul Fox, Carin Ehrenberg, Andrew Ehrenberg, Emily Siegel, Carolyn Trufelman, Daniela Gallo, William Rogers, Caroline Radziwill, Dorothy Gingeras, Mark Phillips, Kathy Arntzen, Leif Arntzen, Jose Pena, Carin Barbanel, Mike Young, Judith Powell, Jill Stein, Tom Mullarkey, Michael Anton, Deborah Clearman, Eric Niz, Randall Henriksen, Pauline Augustine, Justin Laratino, Adama Fall, Trevor Stewart, Jason Goldman, Morteza Karimi, Marthe Cataldo, Elizabeth Sabo, Marcy Benstock, Andrew Berman, Katherine Salyr, Paul Caviano, Nicholas Michael, Alessia Lawson, Jill Hanekamp, Isaac-Daniel Astracman, Rob Buchanan, Cindy Sirko, Allison Tupper, M. Stevens, Ellen Eichel, Francisco Perez, Ronna Texidor, Matt Krieg, Mike Schneider, Nicholas Joyce, Terry Brennan, Ashley Thompson, Regine Urbach, Emily Flynn, David Cohen, Hilary Sterne, Tynan Reynolds, Sally Curtis, Mary Johnson, Gregory Boroff, Benjamin Lin, Jeffrey Rowland, Pat Sullivan, Eric Cohn, Bill Bialosky, Janis Getz, Beatriz DeJesus, Pete Davies, Micki McGee, Mori Ninomi,

**GUESTS (continued):** Jean Luc Savignac, Karolina Hall, Timothy Luncford Stevens, John Vanco, Michael Fitzgerald, Rouman Vinoly, Rick Cook, Deborah Clearman, Tony Simone, Mr. Renem

## **MEETING SUMMARY**

Meeting Date – July 21, 2016  
Board Members Present – 38  
Board Members Absent With Notification – 8  
Board Members Absent - 2  
Board Members Present/Arrived Late - 10  
Board Members Present/Left Early – 1

### **I. SUMMARY AND INDEX**

ATTENDANCE	1
MEETING SUMMARY	2
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	3
ADOPTION OF MINUTES	3
EXECUTIVE SESSION	3
STANDING COMMITTEE REPORTS	4
LAND USE & BUSINESS DEVELOPMENT	4
LANDMARKS AND PUBLIC AESTHETICS	8
QUALITY OF LIFE	13
SLA LICENSING	18
ST. JOHN'S TERMINAL/PIER 40 WORKING GROUP	51
TRAFFIC AND TRANSPORTATION	64

### **II. PUBLIC SESSION**

#### **Non-Agenda Items**

##### Elizabeth Street Garden

Kristin Shea spoke regarding the garden.

##### Boat Rowing at Pier 40

Regine Urbach, Paul Caviano, and Mr. Renem, spoke in favor of free public rowing at the pier.

Michael Anton spoke in favor of the public rowing, but with conditions.

#### **Land Use and Business Development Items**

##### 550 Washington Street and Pier 40

Andrew Berman and Timothy Luncford Stevens, spoke regarding the Air Rights transfer and Pier 40.

Judith Powell, Micki McGee, Bill Bialosky, Daniela Gallo, Andrew Ehrenberg, Carolyn Trufelman, Rob Buchanan, Isaac-Daniel Astracman, Randall Henriksen, Michael Little, Michael Fitzgerald, Jill Hanekamp, Tynan Reynolds, Rouman Vinoly, Paul Fox, Rick Cook, Katherine Salyr, Tony Simone,

Gregory Boroff, Emily Flynn, David C. Cohen, Thomas Mullarkey, Charlie Sewell, Cindy Sirko, Carin Ehrenberg, Nicolas Michael, Jill Stein, all spoke in favor of the air rights transfer.

Mary Johnson, Sally Curtis, and Deborah Clearman, spoke in favor of the air rights sale, but with provisos.

Pauline Augustine, Jeffrey Rowland, Allison Tupper, Melvyn T. Stevens, Marcy Benstock, and Trevor Stewart, spoke against the air rights transfer.

323-327 Avenue of the Americas - IFC Center John Vanco, Kathy Arntzen and Leif Arntzen, spoke in favor of the application.

### **III. ADOPTION OF AGENDA**

### **IV. ELECTED OFFICIALS PRESENT AND REPORTING**

Jenna Jaffe, Congressman Jerrold Nadler's office

Jared Odessky, Senator Brad Hoylman's office

Eric Mayo, Senator Daniel Squadron's office;

Dan Campanelli, NYC Comptroller Scott Stringer's office;

Morris Chan, Manhattan Borough President Gale Brewer's office

Charles Anderson, Assembly Member Deborah Glick's office

Patrice Comerfond, Council Member Corey Johnson's office

Vincent Fang, Council Member Margaret Chin's office;

Aura Olavarria, Council Member Rosie Mendez's office,

### **V. ADOPTION OF MINUTES**

Adoption of April and May minutes

### **VI. EXECUTIVE SESSION**

1. **Chair's Report** Tobi Bergman reported.

2. **District Manager's Report** Bob Gormley reported.

## STANDING COMMITTEE REPORTS

### LAND USE AND BUSINESS DEVELOPMENT

**1. 323-327 Avenue of the Americas** (between Carmine Street and Cornelia/West 4th Streets). Final review of BSA Cal. No. 2016-4138-BZ, an application to the Board of Standards and Appeals for a variance pursuant to ZR Section 72-21 to modify certain use and bulk regulations to allow a three-story (plus cellar) enlargement to the IFC Center on the vacant portion of the zoning lot with frontage on Cornelia Street.

**Whereas:**

1. This is an application from IFC to vary use and bulk regulations to allow a three-floor (plus cellar) internal enlargement of the theatre that creates a five-story building on Cornelia St.
2. The premises are composed of three tax lots with frontage on Sixth Avenue and on Cornelia St., the latter an open space currently used for parking, storage and related theatre uses. Two of the three tax lots allow for commercial development and need no variance; the third lot, fronting on Cornelia, does not.
3. The proposed project will increase the number of screens from five to eleven and the number of seats from 480 to 948. Per the zoning resolution, theatres (Use Group 8) are not permitted in R6 and are limited to 500 seats in C1-5. The applicant is also asking for an increase of 30% bulk over what is allowed under the present zoning. The proposed project would encroach on the required rear yard for the interior portion of the zoning lot and on the required rear yard equivalent for the through-lot portion of the zoning lot.
4. On September 24, 2015, CB2, Man. voted unanimously to deny many details of the Cornelia St. facade as being "an alien presence on a remarkably preserved Village street."
5. On April 13, 2016, the applicant appeared before CB2's Land Use committee with the same design. At this meeting, IFC customers and supporters spoke about the importance of the theater, but all statements from local neighborhood associations and residential neighbors were in opposition to the commercial theatre façade on Cornelia St., challenging the neighborhood context and minimum variance findings.
6. The proposed building would be the only commercial building on Cornelia Street and would negatively alter the character of the neighborhood. CB2, Man. has expressed a willingness to support full use of the commercial lots, provided that the project incorporate a residential building fronting on Cornelia Street, thereby buffering this street from a massive commercial presence.
7. The property is not owned by the applicant but by Friedland Property, a large commercial property owner, and CB2 is aware that any variances granted to the applicant will attach to the property and owner of the building, regardless of whether or not the IFC remains. CB2, Man. is concerned that all the building and zoning changes and approvals requested, if approved, will belong to current and future owners in perpetuity. This is a serious concern for CB2.
8. Since April 13, a group of CB2 Land Use committee members have met several times with the IFC team to work out a compromise that would support the theatre expansion without sacrificing

the residential character of Cornelia St. To date, IFC has rejected every scenario other than their original plan, including plans for a 4327sf townhouse along Cornelia St. that would have allowed IFC to expand to 702 seats, 75% of their requested amount.

9. CB2 Land Use committee members were in support of this townhouse plan when it was presented at the July 13 meeting.
10. In an effort to support the "Lesser Variance" scenario in the Economic Analysis Report that showed annual revenues of \$342,000 from five residential apartments, the Land Use committee researched a realistic, alternate set of comps, which generated potential revenues of approximately \$600,000. That information is available for review.

**Therefore, be it resolved that CB2, Man. recommends denial of the application unless:**

1. The submission is revised to reflect and respect the neighborhood context finding and does not seek to build a commercial building on a residential street, especially a quaint, cohesive and historic street like Cornelia that is dominated by residential with small-scale, ground floor commercial uses.
2. The final plan incorporates, as suggested by the IFC, an interior staircase above the second floor of the main building, thereby maintaining light and air for more of the neighboring residents.
3. The evaluation of the minimum variance needs to be made with respect to the land without favoring a specific use preferred by the lease holder. CB2 does not think the minimum variance needed for a reasonable return on the full property can be pursued by a self-interested tenant without the participation of the property owner, on whose land the residential portion would be built.

Vote: Passed, with 35 Board members in favor, and 1 in opposition (T. Connor).

**2. M 840260(E) ZMM - 95 Horatio Street (north side between 10th Avenue and Washington Street): application for a request for Modification of Restrictive Declaration D-93. Request is to remove use restrictions on a 4,700sf portion of the ground floor space of the existing building. The restrictive declaration was approved as part of zoning map amendment in 1984.**

**Whereas:**

1. When former owner Rockrose Development Corporation obtained the 1984 rezoning to allow the conversion of the old Manhattan Refrigeration building complex into the West Coast Apartments (an entire block bordered by Horatio, West, Gansevoort and Washington Streets) along with the residential conversion of nearly all of the block immediately to the south, the community negotiated four restrictive declarations intended to mitigate the potential adverse impacts of residential development on industrial meatpacking businesses and the cumulative impacts on residents of rezoning both blocks.
2. One of these restrictive declarations (D-93) mandated that 4700sf of ground floor space at the northwest corner of the building at West and Gansevoort Sts. (now across from the Whitney) be reserved for meat-related and light industrial uses only. D-93 also states that "best efforts" must be made to rent the space for meat-related conforming uses. Other permitted uses included custom manufacturing (11), semi-industrial (16), light industrial (17), and heavy industrial (18).
3. The proposed development site is actually 11,650sf (an 8105sf ground floor space, 4700sf of which is currently restricted, plus 3550sf in the basement).

4. The space was occupied by Weischel Beef until 2012 when it moved to the NYC meatpacking cooperative at 826 Washington St., which is currently fully occupied and has been for three years. When Weischel moved out, applicant made no “best effort” to find conforming tenants and advertised the space only as retail without obtaining the necessary modifications to the restrictive declaration. Applicant also ripped out all the freezers, the rails and other related infrastructure needed for a meatpacking operation, creating a prohibitive capital investment for anyone considering moving a conforming business into this space. In July, 2015, applicant attempted to rent to an illegal use, a restaurateur who was scheduled to appear before CB2’s SLA committee in an effort to obtain a liquor license.
5. TF Cornerstone wants to hold open the option of renting the two ground floor spaces (one of which is the part currently under the existing restriction) to a single tenant and is unwilling to rule out renting to a restaurant, although it is willing to prohibit nightclubs and limit the hours of operation and create a binding prohibition on late-night hours (midnight Sundays through Tuesdays, and 1 am Wednesdays through Saturdays). However even with restricted hours, a restaurant potentially exceeding 5,000 square feet at this location will extend the noise and traffic of Meatpacking District nightlife onto a block that has hitherto been quiet and residential.
6. Neighbors fear that quality of life is at risk from noise and traffic in this increasingly popular neighborhood and expressed a strong preference that the restrictive declaration be retained but conceded that if conforming uses are no longer appropriate, any changes to D-93 should benefit the community as well as the property owner. Acceptable modifications to the restrictive declaration include arts, cultural, educational or community uses by non-profit organizations.
7. In consideration for the lifting of D-93 and the residents' request, TFC would provide a benefit to the community by leasing in perpetuity an approximately 5000sf (2800sf ground floor, 2200sf basement) space known by the street address of 91 Horatio St., to only not-for-profit cultural, educational, and/or arts tenants.
8. CB2, Man. appreciates the offer of the applicant to provide valuable space for non-profit uses beneficial to the community.
9. TFC would be willing to include the commitment to the community benefit in perpetuity, the above hours of operation, and cabaret license prohibition in a restrictive declaration. If the Department of City Planning is not willing to incorporate all or some of these commitments into the City's restrictive declaration, a separate restrictive declaration reflecting these commitments would be recorded against the property.
10. While grateful for this concession, neighbors continue to be concerned about the increasingly residential nature of the area and the oversaturation by eating establishments (including 6+ million visitors to The High Line, Santana Restaurant, Bubby's Restaurant, The Whitney Museum and its two restaurants and numerous events, and the many other restaurants within a three-block radius).
11. No members of the community appeared or sent testimony in favor of an eating and drinking establishment.

**Therefore bet it resolved that** CB2, Man. recommends approval of the application to remove certain restrictions on the use of 95 Horatio Street created under D-93, with the following conditions:

1. D-93 is amended to allow commercial and/or retail uses but no nightclubs and/or eating or drinking establishments.
2. A new restrictive declaration is recorded pertaining to 91 Horatio Street, limiting its use to educational, cultural and arts non-profit organizations and/or those that provide non-profit services of benefit to the local community and assuring that all future leases will be at preferential rent.

Vote: Unanimous, with 36 Board members in favor.

**3. 119 Christopher Street** (north side of the street between Hudson and Bleecker Streets) BSA CAL. No. 818-85-BZ application is to modify a condition to a previously granted variance pursuant 72-21. Variance to permit Use Group 6 retail in a portion of the ground floor of a multiple dwelling in R6 zoning district

**Whereas:**

1. The applicant seeks to correct the condition of an expired variance term.
2. The east portion of the ground floor space is approximately 371 square feet, is not physically connected to the western commercial space, and has been used continuously for commercial until 2015 when vacated.

**Therefore be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

**4. 104 Charlton Street** (between Hudson and Greenwich Streets) BSA Cal. No. 371-01-BZ application is to reopen and amend a previously approved variance (2002). This application seeks approval of the conveyance of unused development rights from 104 Charlton to an adjacent parcel of land

**Whereas:**

1. The application is for a reopening of and amendment to a previously approved variance granted.
2. The application seeks approval of the conveyance of 12,316 sf to transfer to the adjacent development site located at 537 Greenwich Street and 110 Charlton Street pursuant a zoning lot merger.
3. The transfer will be incorporated into a new mixed-use as-of-right development with commercial retail and office uses at the base and residential dwelling units above.

**Therefore be it resolved that CB2, Man. recommends approval of this application.**

Vote: Unanimous, with 38 Board members in favor.

**5. 95 Vandam Street** (between Hudson and Greenwich Streets) BSA Cal No 1151-81-BZ application is to reopen and amend a previously approved variance (1984). This application seeks approval of the conveyance of unused development rights from 95 Vandam to an adjacent parcel of land.

**Whereas:**

1. The application is for a reopening of and amendment to a previously approved variance granted.
2. The application seeks approval of the conveyance of 18,637 sf to transfer to the adjacent development site located at 537 Greenwich Street and 110 Charlton Street pursuant a zoning lot merger.
3. The transfer will be incorporated into a new mixed use as of right development with commercial retail and office uses at the base and residential dwelling units above.

**Therefore be it resolved** that CB2, Man. recommends approval of this application.

Vote: Unanimous, with 38 Board members in favor.

**LANDMARKS AND PUBLIC AESTHETICS**

**FIRST LANDMARKS MEETING**

1. **44-48 W. 12th St.** – Application is to replace existing stucco surface on the street facade and partial reconstruction of underlying (non-visible) deteriorated masonry.

**Whereas:**

- A. The stone wall behind the stucco is in poor repair, especially around the windows and the offset between the two buildings; and
- B. No original materials in the facade, some of which will be replaced, are visible; and
- C. The stucco will be replaced in texture and color matching the neighboring building at 42 West 12th which has lately been resurfaced with Landmarks Commission approval; now

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends approval of this application

Vote: Unanimous, with 38 Board members in favor.

2. **241 W. 11th St.** – Application is to amend original LPC approved application for renovation work at the rear façade in order to remove violations for work in progress or completed which does not conform to the certificate of appropriateness undertaken without approval.

**Whereas:**

- A. A certificate of appropriateness was issued to a prior owner for modifications to the building and the applicant has carried out construction which does not conform to the approved plans; and
- B. A “greenhouse” with glass walls and glass roof at the basement level, previously approved, has been modified with a solid roof and terrace; and
- C. The extension has been increased by one story, clad in brick with historically proportioned and



spaced windows; and

- D. A skylight has been added on the fourth floor, rear that is not in keeping with the house nor with artist studio style skylights prevalent in the district; and
- E. Decorative Tudor style battening has been incorporated into the facade of the penthouse; and
- F. The applicant has declined a request by the residents of the neighboring build to the east to paint the east wall (visible only to the neighboring building) white to increase light into windows that are now being blocked by the proposed increase in height of the extension, now

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends:

- A. Denial of the request for removal of the violations for the greenhouse, skylight, and modified design of the penthouse and recommends that they be modified to conform to the existing certificate of appropriateness or that a modified design, along the lines of the recommendations above, be submitted to CB2 Manhattan for consideration prior to a hearing by the Commission and
- B. Approval of the brick cladding and windows of the addition for the second and third floors only; and
- C. Suggest that the east wall, visible only from the adjacent building to the east, be painted white.

Vote: Unanimous, with 38 Board members in favor.

- 3. **139 Charles St.-** Application is to install new storefront behind existing roll down gates, new signage and exterior architectural lighting, install new lot line door, rooftop HVAC equipment and repair/re-pointing of existing brick façade; in conjunction with the installation of new food market and dining venue.

**Whereas:**

- A. The neighborhood has undergone a transformation from a warehouse/industrial area to an exclusively residential district; and
- B. An infill behind existing roll down garage doors is in steel and glass appropriate to the garage building with 8' high full width operable doors and similar pivot windows above; and
- C. The brickwork is to be repaired, repointed, and painted uniformly in white, matching the existing white portions on the Charles Street facade; and
- D. Painted signs and logos, disproportionately large for the building and out of keeping with the district; and
- E. The logos and portions of signs are proposed in neon, out of keeping with the building and the district and with no precedent in the neighborhood; and
- F. A total of 18 gooseneck lights are proposed for the two facades; and

- G. A new lot line door in the style of the building on the west facade leading to an adjoining open area; and
- H. HVAC equipment on the roof has been placed in the extreme north east corner to minimize visibility from the street; and
- I. Members of the public voiced objection to the proposal as an intrusion into the residential neighborhood; now

**THEREFORE BE IT RESOLVED** That CB2, Man. recommends:

- A. Denial of the painted signs in their proposed size, all proposed neon lighting, and the number of gooseneck lights; and
- B. That the signs be reduced to approximately half the proposed size and that there be a maximum of three gooseneck lights on each facade; and
- C. Approval of the infill, facade repair, lot line door, HVAC equipment placement

Vote: Unanimous, with 38 Board members in favor.

- 4. **685 Washington St.** - Application is to replace existing concrete slab with concrete pavers, regrade site and install new site drainage, and install new temporary tables and vendor stalls in conjunction with a new seasonal outdoor food/dining venue.

**Whereas:**

- A. A general concept of design was presented without details of the structures, finishes, furnishings, fence and other aspects of the proposal; and
- B. The matter of whether the installation will be temporary or permanent, which will very much affect the design, has not been settled; and
- C. The applicant was unable to accurately respond to questions and suggestions owing to the vagueness of the design; and
- D. The applicant was receptive to suggestions from the Committee about modifications, especially openness to the street and articulation of the fence; and
- E. The applicant expressed a willingness to lay over the hearing with the Landmarks Commission and to come before the CB2 Landmarks Committee after the matter of the temporary or permanent permit is decided with a detailed proposal; now

**Therefore be it resolved** that CB2, Man. recommends: Denial of the application

Vote: Unanimous, with 38 Board members in favor.

- 5. **55 Gansevoort St.** - The application to construct a rooftop addition, replace storefront infill, facade alterations, and sidewalk replacement, and other details.

**Whereas:**

- A. The proposal is to repair and replace non-historic elements in the facade and infill with appropriate details matching existing historic fabric, and
- B. Install non-obtrusive signage on selected columns and above selected doorways,
- C. Rebuild the awning structure in kind and replace the tin roof with glass (similar to examples in the district), install non-obtrusive strip lights above the canopy to wash the walls, non-obtrusive spotlights under the canopy to light the entryways, and non-historic, inappropriate globe lights hanging from the underside of the canopy; and
- D. Paint the windows and door in light gray, remove the fire escape, preserve ghost signs; and
- E. Reconstruct the original parapet design in fiberglass; and
- F. Remove pipes on the north facade and install screened air conditioner condensers on small balconies and
- G. Raise the parapet to required code height, while preserving the irregular line of the present condition; and
- H. Install a penthouse - 9' high with screened mechanicals on top which is visible from a number of sites in the district; and
- I. Replace the sidewalk, presently in a variety of materials, with granite pavers matching the existing historical examples; and
- J. There was testimony from the public opposing the penthouse; now

**Therefore be it resolved** that CB2, Man. recommends:

Approval of the application with the exceptions that the penthouse and the installation of any hanging lamps under the canopy be denied.

Vote: Passed, with 30 Board members in favor, and 6 in opposition (S. Aaron, A. Brandt, S. Greene, R. Sanz, C. Spence, R. Woodworth).

- 6. **210 W. 11 St.** – Application for a cellar extension below the backyard. (STAFF APPROVAL)
- 7. **210 W. 11 St.** – Application is to excavate the rear yard. (STAFF APPROVAL)
- 8. **\*165 Mercer St.** – Application is to add a one-story addition on top, replace the ground floor storefronts and remove the fire escapes on the front and the rear. (LAID OVER)
- 9. **145 Spring St.** – Application is to establish a Master Plan to install a painted wall sign on the secondary east façade of the building.

**Whereas:**

- A. The proposed sign area of 10' X 14' is within the parameters for painted signs according to the street width of the building and the parameters for the art work are in accord with zoning regulations and criteria for similar locations; and
- B. The Commission staff will review each change in design to ensure that it conforms to the agreed parameters; and
- C. The sign is so low as to be objectionably close to the one story historic building adjacent to the property; now

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends:

Approval of the application provided that the sign is raised well above the roof line of the adjacent building.

Vote: Unanimous, with 38 Board members in favor.

- 10. 140 Perry St. – Application is to replace windows and enlarge window openings on the western facade. (STAFF APPROVAL)

**SECOND LANDMARKS MEETING**

- 11. \*14 St. Luke's Pl. – Application is to construct a penthouse addition, Place an HVAC unit on the roof, and replace front facade windows

**Whereas:**

- A. The penthouse proposal was presented without pictures and visibility analysis of a mockup in a location where visibility is a very special concern; and
- B. There were vague representations by the applicant about visibility without substantiation; and
- C. There was not an adequate picture of the row to make it possible to see the addition in context; and
- D. Inadequate plans, sections, and elevations (including the neighboring buildings) and without dimensions were presented; and
- E. The visibility of the HVAC unit could not be determined; and
- F. The casement windows, though it was represented that they were specified for the worthy reason of energy efficiency, have an unacceptable ratio of frame to glass. The heaviness is inappropriate for the building and are not in context with the ensemble of the block; and

There are windows on the block that have lately been replaced which have the delicate frames that replicate the original windows of buildings of this era and style; now

**Therefore be it resolved** that CB2, Man. recommends:

- A. Denial of the penthouse and HVAC unless an adequate presentation of the penthouse and HVAC is made to CB2 and the Board then makes recommendations to the Commission; and

B. That the proposed windows be denied and that a design for windows more in keeping with the house and the row be reviewed by CB2 prior to a hearing at the Commission.

Vote: Unanimous, with 38 Board members in favor.

## QUALITY OF LIFE

### New Applications for revocable consent to operate an unenclosed sidewalk café for:

1. **BLL Restaurant Corp., d/b/a Porto Bello Restaurant, 208 Thompson St.,** with 2 tables and 5 chairs (0924708-DCA)

**Whereas**, no member of the public appeared to speak about the application; and

**Whereas**, the application is necessitated because of the death of the proprietor of the café; and

**Whereas**, the applicant is continuing the existing business and is requesting no change to the previously approved layout of the existing sidewalk café; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **BLL Restaurant Corp., d/b/a Porto Bello Restaurant, 208 Thompson St.,** with 2 tables and 5 chairs

VOTE: Unanimous, with 38 board members in favor.

2. **Supernatural Wine, Inc., d/b/a La Compagnies Des Vins Surnaturels, 247 Centre St.,** with 6 tables and 12 chairs (7793-2016-ASWC)

**Whereas**, no member of the public appeared to speak about the application; and

**Whereas**, the proposed layout is simple and meets all clearance requirements; and

**Whereas**, an existing tree planter must be relocated as shown on the plan and moving the planter must be accomplished before the café begins operation; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of a sidewalk café for **Supernatural Wine, Inc., d/b/a La Compagnies Des Vins Surnaturels, 247 Centre St.,** with 6 tables and 12 chairs, provided that the tree planter that must be moved in order to comply with clearance regulations is in fact moved before the café opens for business.

VOTE: Unanimous, with 38 board members in favor.

3. **Nicky Cast Pizza, Inc., d/b/a Denino's Pizzeria & Tavern, 93 MacDougal St.,** with 5 tables and 10 chairs (7495-2016-ASWC)

**Whereas**, no members of the public were present to speak about the application; and

**Whereas**, the application is in fact a request to assign a previously approved café to a new operator; and

**Whereas**, the applicant (new operator) is asking to maintain the previously approved layout; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **Nicky Cast Pizza, Inc., d/b/a Denino's Pizzeria & Tavern, 93 MacDougal St.**, with 5 tables and 10 chairs.

VOTE: Unanimous, with 38 board members in favor.

**4. Bill's 22 Ninth Avenue LLC, d/b/a Bill's Bar & Burger, 22 9<sup>th</sup> Ave.**, with 14 tables and 44 chairs (7931-2016-ASWC)

**Whereas**, no members of the public were present to speak about the application; and

**Whereas**, the restaurant has frontages on 9<sup>th</sup> Avenue and Hudson Street and proposes to establish sidewalk café seating at both frontages; and

**Whereas**, in response to concerns by the committee about potential impacts on residences along Hudson Street, the applicant agreed to remove the outside row of tables on the Hudson Street frontage consisting of 4 tables and 8 seats and to close the sidewalk café fronting on Hudson Street at 11:00 p.m. every day; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **Bill's 22 Ninth Avenue LLC, d/b/a Bill's Bar & Burger, 22 9<sup>th</sup> Ave.**, with 10 tables and 36 chairs, provided that the layout on the Hudson Street frontage is changed as noted above and a new layout drawing reflecting that change is submitted, and provided that the portion of the café fronting on Hudson Street closes at 11:00 p.m. every day.

VOTE: Unanimous, with 38 board members in favor.

**5. Box Hill LLC, d/b/a NA, 18 King St.**, with 10 tables and 24 chairs (8570-2016-ASWC)

**Whereas**, no members of the public were present to speak about the application and the CB2 office received one email in support of the application; and

**Whereas**, the applicant is a new owner of premises that previously had an unenclosed sidewalk café; and

**Whereas**, the layout of the proposed café complies with regulations regarding sidewalk width and clearances and so forth; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the sidewalk café for **Box Hill LLC, d/b/a NA, 18 King St.**, with 10 tables and 24 chairs, with the condition, agreed to by the applicant, that the sidewalk café will close at 11:00 p.m.

VOTE: Unanimous, with 38 board members in favor.

**FYI/Renewal for Sidewalk Cafés for:**

**6. 1 Malatesta Trattoria, Inc., d/b/a Malatesta Trattoria, 649 Washington St.**, with 18 tables and 35 chairs (1076713-DCA)

**Whereas**, no one from the public appeared to speak about the renewal; and

**Whereas**, the committee is aware of no problems associated with the operation of the café; now

**Therefore Be It Resolved** that CB2, Man. recommends that the sidewalk café renewal be approved for **1 Malatesta Trattoria, Inc., d/b/a Malatesta Trattoria, 649 Washington St.**, with 18 tables and 35 chairs.

VOTE: Unanimous, with 38 board members in favor.

**Street Activity Applications**

**7. 8/10/16 – 8/14/16** – Clear Eyes Pure Relief Activation Special Event; Astor Place between Lafayette St. and 4th Ave.

**Whereas**, the applicant did not appear at the meeting; now

**Therefore Be It Resolved** that CB2, Man. recommends disapproval of the **Clear Eyes Pure Relief Activation Special Event on 8/10/16 – 8/14/16.**

Vote: Unanimous, with 38 Board members in favor.

**8. 8/23/16 – Greenwich House Block Party**, Barrow St. between Bleecker St. and West 4<sup>th</sup> St.

**Whereas**, the applicant did not appear at the meeting; now

**Therefore Be It Resolved** that CB2, Man. recommends denial of the **Greenwich House Block Party on 8/23/16.**

Vote: Unanimous, with 38 Board members in favor.

**9. 9/15/16 – NYU Opportunity Program Welcome Back Event Block Party**; 18 Washington Place between Washington Square East and Greene St.

**The application was withdrawn; no action required.**

**10. 10/1/16 – OCM Church Grand Reopening Celebration**; 59 Elizabeth St. between Hester St. and Canal St.

**Whereas**, the applicant explained that the purpose of the event is a ribbon cutting for a major renovation of the church; and

**Whereas**, the street will be closed for no more than three hours; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the **OCM Church Grand Reopening Celebration**; 59 Elizabeth St. between Hester St. and Canal St. on 10/1/16.

Vote: Unanimous, with 38 Board members in favor.

**11. 10/5/16 – Slice Out Hunger Single Block Festival;** 155 Sullivan St. between West Houston St. and Prince St.

**Whereas**, the event is run entirely by volunteers and 100% of the proceeds go to hunger-relief charities that serve NYC; and

**Whereas**, the event has been held inside St. Anthony’s Church for the past 4 years and has included pizza purveyors inside the church and food trucks at the curb in front of the church; and

**Whereas**, several members of the committee and of the public attested to how well the organizers managed pedestrian traffic in previous years; and

**Whereas**, the organizers hope to raise more money by creating an outdoor seating area and providing mobile pizza ovens on the street; and

**Whereas**, the street closing is planned from Noon until 10:00 p.m. and the event will run from 6:00 p.m. to 10:00 p.m., which raises concerns about vehicles that may be needed by businesses on the block; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the **Slice Out Hunger Single Block Festival;** 155 Sullivan St. between West Houston St. and Prince St. on 10/5/16, with the strong recommendation that accommodations be made for vehicles needed by merchants on the block until 6:30 p.m.

Vote: Unanimous, with 38 Board members in favor.

**12. 10/8/16 – Women’s Democratic Club PopUp Consolidation Street Festival;** University Place between East 14<sup>th</sup> St. and Waverly Place.

With the agreement of the applicants’ representative, the application is held over until the next committee meeting so that the three applicant organizations can appear themselves.

**13. 10/15/16 – 20<sup>th</sup> Annual Tavern on Jane Block Party; Jane St. between 8<sup>th</sup> Ave. and Hudson St.**

**Whereas**, the event has been held for years and would normally be considered an FYI Renewal but was placed on the agenda because of a telephone complaint that had been made to the CB2, Man. office; and

**Whereas**, the CB2, Man. office received at least 16 emails from local residents and the Jane Street Block association, all strongly supporting the event, and one resident appeared to speak in favor of the renewal; now

**Therefore Be It Resolved** that CB2, Man. recommends approval of the **20<sup>th</sup> Annual Tavern on Jane Block Party; Jane St. between 8<sup>th</sup> Ave. and Hudson St. on 10/15/16.**

Vote: Unanimous, with 38 Board members in favor.

**14. FYI/Renewal Street Activities:**

**8/27/17 – Ninth Precinct Community Council Astor Place Festival Co-Sponsored Event,** Astor Place between Broadway and Lafayette St.



**9/4/16 – Avenues for Justice Inc. (f/k/a Andrew Glover Youth Program)** 4<sup>th</sup> Avenue Festival co-sponsored event, 4<sup>th</sup> Ave. between East 9<sup>th</sup> St. and East 14<sup>th</sup> St.

**9/17/16 – Annual Cornelia Street Block Concert**, 17 Cornelia St. between Bleecker St. and West 4<sup>th</sup> St.

**9/18/16 – Palio on Minetta Block Party**, Minetta Street between Bleecker St. and Minetta Lane.

**9/18/16 – Cycle for the Cause – Northeast AIDS Ride**, West 13<sup>th</sup> St. between 7<sup>th</sup> Ave. and Greenwich Ave.

**9/20/16 – NYU Wellness Expo Block Party**, West 3<sup>rd</sup> St. between LaGuardia Pl. and Mercer St.

**10/15/16 – Bedford Downing Block Association Sidewalk Sale**, Downing St. between 6th Ave. and Bedford St.

**10/22/16 – West Village Eats 2016 Special Event**, Grove St. between Bedford St. and Hudson St.

**Therefore Be It Resolved** that CB2, Man. recommends approval of the foregoing street activity renewal applications.

Vote: Unanimous, with 38 Board members in favor.

**15. Support for NYC Health + Hospitals’ World Trade Center Environmental Health Center’s application to continue to administer the World Trade Center Health Program’s Survivor Program**

**Whereas**, CB2, Man. has been a long-time supporter of the WTC Environmental Health Center program which provides care to ‘WTC Survivors’ – residents, area workers and students with health problems related to 9/11; and

**Whereas**, NYC Health + Hospitals is preparing a response to a contract solicitation by the National Institute for Occupational Safety and Health, a division of the U.S. Centers for Disease Control and Prevention, that would extend a contractual relationship with the World Trade Center Environmental Health Center for another five years; and

**Whereas**, the World Trade Center Environmental Health Center program is well positioned to continue to care for the physical and mental health needs of the current population of WTC Survivors; and

**Whereas**, under the extension, World Trade Center Environmental Health Center’s goals will be to continue to:

- Operate a Clinical Center of Excellence that assesses and treats WTC-related physical and mental health conditions of residents, students, workers, or passersby who may still be sick from 9/11;
- Assess and treat children and adolescents who have 9/11-related health or behavior problems; and
- Work in partnership with community and labor organizations and residents affected by 9/11; and
- Provide these services at no out-of-pocket expense for its recipients; and

**Whereas**, CB2, Man. commends the WTC Environmental Health Center for its important work to address the health problems resulting from the attacks of September 11, 2001; now

**Therefore Be It Resolved** that CB2, Man. strongly supports the contract extension for the WTC Environmental Health Center for another five years.

VOTE: Unanimous, with 38 board members in favor.

## **SLA LICENSING**

**1. Supernatural Wine, Inc. & Supernatural Wines NY, LLC d/b/a La Compagnies de Vin Surnaturels, 247-249 Centre St. 10013** (alteration application to add sidewalk café to existing Tavern Wine lic. #1276029, exp. 5/31/2018).

**A. Whereas**, the applicant appeared before CB2, Manhattan’s SLA Licensing Committee seeking an alteration to its existing Tavern Wine license to add service to a sidewalk café while continuing to operate a wine bar and lounge with small plates and a Tapas style menu within a ground floor storefront of a seven story mixed use building (Circa 1900) on Centre Street between Grand and Broome Streets; and,

**B. Whereas**, there was never previously a sidewalk café at the licensed premises and the existing premises has only been operating as a wine bar and lounge since 2013 with hours of operation between 10 AM and 1 AM Sunday through Wednesday and from 10 AM to 2 AM Thursday through Saturday, previous to 2013 the premises being occupied and operated as a graphic design company but never for eating and drinking; and

**C. Whereas**, when the applicant sought to upgrade its class of license to full on premise license in July/2015 CB2 Man. recommended denial of the license upgrade as there was no recognizable or valid public interest in adding another bar to an already saturated area with an existing 27 on premise licenses (not including beer and wine or other pending license applications) within 500 ft.; and

**D. Whereas**, only small sidewalk cafes are permitted at this location, the sidewalk café being proposed is for three tables and 12 chairs, there being questions as to whether four top tables would be permitted for a “small” café but where the applicant agreed to close the café every night by 11 PM; and

**E. Whereas**, the interior premises will continue to operate as a wine bar and lounge in a 2335 SF space (1453 SF ground floor and 882 SF basement), with 2 tables with 10 seats, couches and lounge seating for an additional 33 seats, 1 large Bar with 15 bar stools for a total seating occupancy of 58, there are hotplates and small electric oven but there is no full service kitchen, two bathrooms and one entrance/exit for patrons; and,

**F. Whereas**, the premises will continue to operate from 10 AM to 1 AM on Sundays, from 11 AM to 1 AM Monday through Wednesday, from 11 AM to 2 AM Thursdays and Fridays and from 10 AM to 2 AM on Saturdays, there are no TVs and music is background consisting of music from ipod/cd’s; and

**G. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their OP license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service Wine Bar serving Tapas style small plates of food from 10 AM to 1 AM on Sundays, from 11 AM to 1 AM Monday through Wednesday, from 11 AM to 2 AM Thursdays and Fridays and from 10 AM to 2 AM on Saturdays.
2. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.

3. The sidewalk café will close at 11 PM every night.
4. Music will be quiet, background level only and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
5. There will no TVs.
6. The premises will not permit dancing even in the event a Cabaret License is applied for and issued.
7. Will not install operable windows that open out to sidewalk and will close its door by 10 PM every night.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to **Supernatural Wine, Inc. & Supernatural Wines NY, LLC d/b/a La Compagnies de Vin Surnaturels, 247-249 Centre St. 10013** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Tavern Wine License.

Vote: Unanimous, with 36 Board members in favor.

**2. West 4th Street Rest. Corp., d/b/a Washington Square Diner, 150 W. 4th St. 10012**  
(Corporate Change RW lic. # SN827603 – with stipulations)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a Corporate Change to an existing Restaurant Wine License SN827603 to remove one shareholder (Isidoros Tsikis) and add three shareholders (George/Elias and Angela Tsikis) to the underlying corporate entity, all within the same family; and

**B. Whereas**, the restaurant has operated for many years as a Diner/Coffee Shop and will continue to operate as Diner/Coffee Shop, there being no change in the existing method of operation within a storefront premises located in a two-story commercial use building (Circa 1900) located on West 4<sup>th</sup> Street between Sixth Avenue and MacDougal Street; and

**C. Whereas**, the interior storefront premises is approximately 1600 SF, a full service kitchen, two bathrooms, there is no sidewalk café, with hours of operation from 12 PM to 12 AM Sunday through Saturday, with 22 tables and 67 interior seats, 1 stand up counter with 7 seats for a total patron seating capacity of 74; and

**D. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on and as a part of their restaurant wine license and the stipulations are as follows:

1. The premises will be advertised and operated as a full service Diner and Coffee Shop with a full service kitchen.
2. The premises will operate with hours of operation from 12 PM to 12 AM Sunday through Saturday.
3. The premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not install operable windows that open out to sidewalk and will close its door by 10 PM every night.
5. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.

6. There will be no TVs.
7. The premises will not permit dancing.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application to **West 4th Street Rest. Corp., d/b/a Washington Square Diner, 150 W. 4th St. 10012** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

**3. C. Ho on Behalf of an entity to be determined, 121 W. 3<sup>rd</sup> St. 10001** (New Beer and Wine – Previously licensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to represent an application for a new Beer and Wine license to operate a restaurant with take-out serving Hawaiian style Poke Bowls in a mixed-use building, located on West 3rd Street between MacDougal and 6th Avenue for a 700 sq. ft. storefront premise with one entrance/exit, a full service kitchen, one bathroom, there are 4 tables with 21 seats, 4 seats at a front window counter and no bar, for an occupancy of 25; there is no sidewalk café and no backyard use; and,

**B. Whereas**, the premises was previously operated for years as the Mayabi Sushi Japanese Restaurant; and

**C. Whereas**, the hours of operation are Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m. but all alcohol service will be stopped by 12:00 a.m. seven nights a week; this is a full service restaurant with take out delivery services; music will be background only, there will be no d.j. or live music, there will be no scheduled performances or events with a cover charge; and,

**D. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their Beer Wine license and the stipulations are as follows:

1. Premises will be advertised and operated as a full service restaurant specializing in Hawaiian Poke Bowls.
2. Will operate with hours of operation Sunday to Wednesday from 11:00 a.m. to 12:00 a.m. and Thursday through Saturday from 11:00 a.m. to 2:00 a.m.
3. There will be no TVs and no bars.
4. Music will be quiet, background level only and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
5. Will stop the service of all alcoholic beverages at 12:00 a.m. every night, seven days a week.
6. Will not install French doors or windows that open out to sidewalk or otherwise.
7. Will close all doors and windows at all times.
8. There will be no exterior premises for the services of alcohol.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a Beer/Wine license to **C. Ho On Behalf of an entity to be determined, d/b/a TBD, 121 West 3rd St.** **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” for a BW License.

Vote: Unanimous, with 36 Board members in favor.

**4. Jomelo, LLC, d/b/a Socarrat Nolita, 284 Mulberry St. 10012 (New OP – Upgrade to full OP)**

**A. Whereas**, the applicant and applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority to upgrade to a full on premise liquor license from an existing restaurant wine license to continue to operate a Spanish restaurant specializing in Spanish Tapas and Paellas serving lunch and dinner; and

**B. Whereas**, the restaurant has been operated by the current operator with a Restaurant Wine license since 2011 but there has never been an on premise license issued to these premises at any point in the past; and

**C. Whereas**, the applicant submits he will continue to operate the premises as a Restaurant with a full service kitchen, with the same method of operation, same menu, existing staff to remain and with the same closing hours; and

**D. Whereas**, this application is for an on premise liquor license on the ground floor storefront located in a mixed-use 7-story mixed use building (Circa 1910) on Mulberry St. between East Houston and Jersey Sts., with 13 tables and 53 seats, one food counter with 11 seats, no standup bar, one bathroom, a full service kitchen, this application does not include a sidewalk café, there are no other outdoor areas for patrons and no doors or windows or doors that open out to the public sidewalk from the interior of the establishment; and,

**E. Whereas**, the hours of operation will continue to be Sunday through Thursday from 8 am to 11 pm and from 8 am to 11:30 pm on Saturdays and Sundays, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there will be no TVs, all doors and windows will be closed by 9 PM except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

**F. Whereas**, the applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation as a part of the restaurant on premise license stating that:

1. The premises will be advertised and operated as a full service Spanish restaurant specializing in Spanish Tapas and Paellas serving lunch and dinner with a full service kitchen and will operate at all times as a full service restaurant.
2. The hours of operation from Sunday through Thursday from 8 am to 11 pm and from 8 am to 11:30 pm on Saturdays and Sundays.
3. There will be no televisions but the premises will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. There will be no French doors or windows installed at the premises and all doors and windows will be close by 9 PM every night.
5. There will be no outdoor service and no sidewalk café.
6. Music will be quiet, background level inside the restaurant and bar and there will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
7. The premises will not permit dancing.
8. There will never be any after-hour events.

9. There will be no boozy brunch, all you can eat/all you drink specials or pitchers of beer.

**G. Whereas**, there are 22 existing licensed premises within 750 feet of the proposed premises, with 1 additional pending license, 14 existing liquor licenses within 500 feet of the proposed premises and an additional 4 beer and wine licenses within 500 ft. of the premises; and

**H. Whereas**, the applicant concedes that there is a church (St. Michael's Chapel) located within 200 feet of the existing premises but states that the Church is currently not being used exclusively for this purpose, establishing an exception to the 200-foot rule prohibiting a liquor license within 200 feet of such institution;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant On Premises Liquor License for **Jomelo, LLC, d/b/a Socarrat Nolita, 284 Mulberry St. 10012** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant above are incorporated into the "Method of Operation" on the SLA On Premise License; and

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. requests that the NYS State Liquor Authority review the application to determine if the subject premises and application to upgrade the license is prohibited by the 200-foot rule.

Vote: Unanimous, with 36 Board members in favor.

**5. Maman Tribeca, LLC, d/b/a Maman at ICP, 250 Bowery St. 10012** (New OP – previously unlicensed location)

**A. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on premise liquor license to operate a Café ancillary and adjacent to the International Center of Photography ("ICP"), a Museum for Photography exhibits in a recently built nine-story mixed use building (Circa 2010) on the Bowery between East Houston and Stanton Streets; and

**B. Whereas**, the ancillary café will have its own entrance for patrons from the public sidewalk as well as interior access from ICP and will operate within an approximately 800 SF ground floor space, the space never previously occupied and used for eating or drinking nor licensed for the service of alcohol; and

**C. Whereas**, the ICP is also on the ground floor and basement of the new nine story building, encompassing a space of 6,620 SF, the applicant presenting a temporary certificate of occupancy for the new building, which permits a commercial art gallery and accessory café; and

**D. Whereas**, the café will be operate separately from the ICP with separate ownership with no one appearing from the ICP in conjunction with the application, the café will have 16 tables and 30 patron seats, one bathroom, one food counter where patrons can order food and beverages but there will be no table service, there will be no kitchen and the French inspired baked goods for sale will be supplied by the applicants other food operations in Greenpoint, Brooklyn; and

**E. Whereas**, the ICP will be closed on Mondays and is open to the public from 10 AM to 6 PM Tuesday through Sunday, with extended hours on Thursdays to 9 PM, while the regular hours for the Café will be from 10 AM to 9 PM daily Sunday through Saturday; and

**F. Whereas**, despite the above-stated hours for the café, the applicant seeks to operate until 1 AM for the service of alcohol to support corporate events, private parties, cocktail parties, special celebrations and Weddings, all such events and parties will be catered with food and beverages being supplied to the premises for this purpose; and

**G. Whereas**, the music during the café hours will be background levels, but at the special events and private parties music may be live at entertainment levels depending on the type of event or party scheduled but all the private parties and events will end by 1:00 AM, the applicant indicating that sound proofing measures were undertaken to reduce impact on the residents living above the Museum and Café, there being no outdoor spaces or sidewalk café being proposed at this time; and

**H. Whereas**, the Bowery Block Association appeared and although happy to welcome the ICP Museum and Café to their neighborhood, voiced their objection to yet another on-premise license being issued in their neighborhood, the license being requested for the operation of such a small café, citing concerns regarding a recent over-saturation of liquor licenses in the neighborhood and suggesting that the café can and should alternatively operate with a beer and wine license instead of a full on-premise license; and

**I. Whereas**, there are 42 existing on premise licenses within 750 feet of the proposed premises, with 2 additional pending licenses, 16 existing liquor licenses within 500 feet of the proposed premises and unknown number of beer and wine licenses; and

**J. Whereas**, concerns were raised as to the appropriateness of an on-premise license being issued to the small café which operates independently from the Museum for the purpose of holding catered corporate events and private parties, unrelated to the operation of the Museum when such events and parties can be licensed through the use of temporary permits for Special Events typically associated with catered events at Museums or Art Galleries and that no public interest was established for the issuance of permanent license for this limited purpose, the applicant's stated purpose being inconsistent with the operation of a Museum open to the public and operating only during the day; and

**K. Whereas**, the applicant's proposed method of operation for its on premise license will be as follows:

1. The premises will be advertised as a French style Café during the day and a Special Event space for private parties at night until 1 AM.
2. There will be no televisions and the premises will not operate as a Sport Bar.
3. There will be no French doors or windows installed at the premises and all doors and windows will be close by 9 PM every night.
4. There will be no outdoor service and no sidewalk café.
5. Music will background levels during the day inside the café but at night there may be catered events where live music and dj's may be used to provide entertainment level music but there will be no scheduled performances or any events for which a cover fee is charged.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **Maman Tribeca, LLC, d/b/a Maman at ICP, 250 Bowery St. 10012** on its application seeking a new OP license; and,

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the basement premises has never been licensed for the service of alcohol at any point in the past.

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that the Commissioners may review the recommendation of CB#2 Man.

**Vote: Sent back to committee.**

**6. MHJ Management, LLC, d/b/a TBD, 428 Lafayette Street, 10003 (New OP license)**

**A. Whereas**, the applicant and applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for an on premise liquor license to operate a full service restaurant on the first and a theater and live music venue in the cellar level of a 5-story commercial/mixed-use building (Circa 1831) building located on Lafayette Street between E. 4<sup>th</sup> Street and Astor Place in the NoHo historic district section of Manhattan; and

**B. Whereas**, the premises was previously operated as the Tango House and Colonnades Restaurant and was previously licensed for the service of alcohol, but is now vacant; and

**C. Whereas**, the certificate of occupancy permits a theater in the cellar and a letter of no objection was presented from the NYC Dept. of Buildings which permit an eating and drinking establishment on the first floor, neither the first floor and cellar are designated or permitted to operate together and in combination with each other but this is what the applicant seeks to do; and

**D. Whereas**, this application is for a 5,600 sq. ft. premises, with 2,800 sq. ft. on the first floor offering a full service restaurant and 3,300 sq. ft. on the cellar level offering a theater and live music venue, that has a total of 17 tables with 80 seats, and two bars with 20 seats, and this application does not include a sidewalk café, there are no other outdoor areas for patrons and no doors or windows or doors that open out to the public sidewalk from the interior of the establishment; and,

**E. Whereas**, the applicant seeks hours of operation on Sunday from 11am to 2am, Monday and Tuesday from 8am to 2am, Wednesday through Friday from 8 am to 4 am, and on Saturday from 11am to 4 am, music in the first floor restaurant will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), and music in the cellar theater / music venue will be live music and live DJ entertainment level, amplified sound, and there will be no TVs and all doors and windows will be closed at all times except for patron ingress and egress;

**F. Whereas**, the applicant submitted with the application and intends to execute a security plan that includes 1 guard in the first floor Private Lounge area and three guards in the Cellar Theater area and an extensive soundproofing plan to minimize transmission of noise to neighbors;

**G. Whereas**, even though its predecessor in the space Tango House, Inc. d/b/a Malbec Bar & Rest. Aka Tango Theater closed by 2 AM Sunday through Thursday and by 2:30 AM on Fridays and Saturdays, when asked if the applicant could operate the cellar theater space with those same hours, the applicant insisted that 4 AM was necessary at the location and without any coherent reasons, would not agree to close by 2 AM; and

**H. Whereas**, representations were made to CB2, Man at the time of the presentation that all the local businesses in the general vicinity operate until 4AM on the pretext that 4AM is an appropriate closing



time for the Theater despite the fact that this was misinformation as none of the surrounding eating and drinking business operate until 4 AM and the only one business in the area actually does, that being Joes Pub located across the street, until 12 AM during the week and 2 AM on the weekends; and

**I. Whereas**, CB2, Man. feels strongly that 4AM is inappropriate for a theater at this location, especially for a business that has not even established itself as a good operator or demonstrated a valid public interest in doing so at this time; and

**J. Whereas**, on the other hand CB2, Man. suggests that a more reasonable approach is for the operator to close by 2 AM every night and that the following stipulations be enforced at the SLA:

1. The premises will be advertised and operated as a full service restaurant on the first floor and as a theater and live music venue in the cellar.
2. The premises will operate with hours of operation on Sunday from 8 am to 2am Monday through Friday and from 10 am to 2 am, and on Saturdays and Sundays.
3. The first floor restaurant will never operate as a Night Club, Lounge, Tavern or Sports Bar or allow any portion of the first floor space to be operated in that manner, and the cellar will not operate as a night club or sports bar, but may operate as a theater and music venue.
4. There will be no dancing and no cabaret application or license for the premsies.
5. There will no TVs.
6. There will be no outdoor service and no sidewalk café.
7. Music will be quiet, background level inside the restaurant and bar on the first floor, and the cellar area that contains the theater and live music venue will be properly soundproofed and operated as to minimize noise to neighbors.
8. All doors and windows will be closed at all times except for patron egress.

**F. Whereas**, there are 16 existing licensed premises within 750 feet of the proposed premises, with 2 additional pending licenses, 10 existing liquor licenses within 500 feet of the proposed premises and unknown number of beer and wine licenses; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial for **MHJ Management, LLC, d/b/a TBD, 428 Lafayette Street, 10003** on its application seeking a new OP license; and,

**THEREFORE BE IT FURTHER RESOLVED** that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2 requests that the SLA conduct a 500 foot hearing because the basement premises has never been licensed for the service of alcohol at any point in the past; and

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that Liquor Authority place this matter before the Full Board of the New York State Liquor Authority for consideration at a regularly scheduled meeting should this application be presented to the Liquor Authority so that the Commissioners may review the recommendation of CB#2 Man.

Vote: Passed, with 31 Board members in favor, and 5 in opposition (S. Aaron, T. Connor, R. Goldberg, R. Sanz, K. Shea).

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**7. 5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10012** (License Renewal of existing license-layover requested to September/2016)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant and its Attorney appeared and then requested **to layover** its application so that it can meet with the Community to resolve significant complaints regarding its operations and use/occupancy of the exterior rear yard space, agreeing to reappear before CB2 Man. in September/2016 for this purpose;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **5 Spring Street Corp. d/b/a Sweet & Vicious Bar, 5 Spring St. 10012** **until** the Applicant has properly presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**8. New York Chapter of the American Institute of Architects, d/b/a N/A, 536 LaGuardia Pl. 10012** (Alteration requested – Applicant did not appear)

**Whereas**, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant **did not show and failed to appear** with regard to its alteration application for its existing on-premise liquor license;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **New York Chapter of the American Institute of Architects, d/b/a N/A, 536 LaGuardia Pl. 10012 (RW)** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**9. Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 10013** (BW - lay over at request of applicant and did not appear)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant requested **to lay over** its application for a beer and wine license and did not appear; and

**THEREFORE BE IT RESOLVED** that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Pi Odyssey Corporation d/b/a Pi Bakerie, 512 Broome St. 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**10. Vishnu Food, Inc., d/b/a OM, 204 Spring St. 10012 (RW - Applicant did not appear )**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant and his attorney requested to lay over this application for a beer and wine license and did not appear before Cb2 Man.;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Vishnu Food, Inc., d/b/a OM, 204 Spring St. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**11. LPQ 205 Bleecker, Inc., d/b/a Le Pain Quotidien, 205 Bleecker St. 10012 (RW - layover requested by applicant's attorney and applicant did not appear)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant requested to lay over this application for a Beer and Wine license and did not appear; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **LPQ 205 Bleecker, Inc., d/b/a Le Pain Quotidien, 205 Bleecker St. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**12. Restaurant Associates, Inc. d/b/a t/b/a, 557 Broadway, 11 Floor 10012 (OP- laid over to next month at request of applicant and applicant did not appear)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant requested to lay over this application for a new on-premise liquor and did not appear; and

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Restaurant Associates, Inc. d/b/a t/b/a, 557 Broadway, 11 Floor 10012** until the Applicant

has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**13. Café Valdino, Inc. d/b/a V Bar, 225 Sullivan Street, 10012** (Upgrade to OP- withdrawn and will resubmit)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 12, 2016, the Applicant requested **to withdraw** this application for an upgrade of an existing beer and wine license and did not appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed tavern wine license, restaurant wine license, any other beer and wine license, on premise liquor license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Café Valdino, Inc. d/b/a V Bar, 225 Sullivan Street, 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**14. Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. 10011 (SN#1280297 - Class Change – Downgrade OP to RW)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a "downgrade" from an existing On Premise Liquor License (SN#1280297) to a Restaurant Wine License for a "small, quiet cozy raw bar with seafood"; and,

**ii. Whereas**, the applicant 1<sup>st</sup> appeared before CB2, Man. in March 2013 to present an application for a Restaurant Wine License and was subsequently issued license SN#1270294, the applicant appeared a 2<sup>nd</sup> time before CB2 in July 2014 requesting to upgrade their existing Restaurant Wine License to a full Restaurant On Premise Liquor License and was subsequently issued license SN#1280297, they appeared again this month, July 2016 to present an application to downgrade their license back to a Restaurant Wine License; and

**iii. Whereas**, this application is for an "downgrade" as described above for an existing "raw bar with seafood" in a mixed use building located on Greenwich Avenue between West 10th Street and Charles Street in a currently licensed location, for a 354 sq. ft. premise on one floor with 6 tables with 12 table seats, there are no stand up bars but there will be a small service bar in the kitchen, for a total of 12 seats and the maximum occupancy is 15 people as stated on the existing Certificate of Occupancy, there is no sidewalk café and no backyard use; and,

**iv. Whereas**, the hours of operation will continue to be Sunday to Thursday from 8 a.m. to 12 a.m. and Friday and Saturday from 8:00 a.m. to 1 a.m., music will continue to be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) from 2 small speakers, the applicant has not installed additional soundproofing, there will be no d.j., no promoted

events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and,

**v. Whereas**, the applicant again reached out to the community and agreed that they would continue to adhere to all stipulations previously agreed to with their current on-premises liquor license and agreed to executed a new updated stipulations agreement with CB2 reflecting the application to downgrade their existing restaurant on-premise liquor license to a restaurant wine license; and,

**vi. Whereas**, local residents stated in correspondence that the Licensee has adhered to his current stipulations and has had a positive and proactive relationship with the community; and,

**vii. Whereas**, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the “new” method of operation for the downgraded Restaurant Wine License stating that:

1. These stipulations are for a class change application for a downgrade from On-Premise Liquor to Restaurant Wine presented to CB2 in July 2016.
2. The premises will be advertised as a full service restaurant with raw bar.
3. The hours of operation will be from Sunday to Thursday from 8 am to 12 am and Friday to Saturday form 8 am to 1am. All patrons will be cleared and no patrons will remain after stated closing times.
4. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
5. The premises will not have televisions.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. The premises will not have DJ’s, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. All doors and windows will be closed by 9 pm every night and anytime there is amplified music.
11. There will be no stand up bar.
12. There will be no unlimited drink or all you can eat and drink specials.
13. There will be no sale of beer by the pitcher.
14. There is no sidewalk café included in this application.
15. There will be no change to the existing method of operation as it currently exists with this downgrade to a restaurant wine license.
16. All existing stipulations for the current on-premise liquor license will remain in effect with this downgrade to a restaurant wine license.
17. All stipulations agreed to with the Mid West 10<sup>th</sup> Street Block Association dated 6/25/2014 are annexed and incorporated into this stipulation agreement with CB2, Man. and will continue to be adhered to.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an “downgrade” from the existing Restaurant On Premise Liquor License (SN#**1280297**) to a Restaurant Wine License for **Virgola, LLC, d/b/a Virgola, 28 Greenwich Ave. Store #2, 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

**15. Josan & Josan, Inc. d/b/a Taco Mahal, 73 7<sup>th</sup> Ave. South 10014 (New RW)**

**i. Whereas,** the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a new restaurant wine license for a “family owned restaurant with a new concept in fusion tacos”; and,

**ii. Whereas,** this application is for a new restaurant wine license at a previously unlicensed location which was a newsstand shop in a commercial 2-story building located on 7<sup>th</sup> Ave South Ave. between Bleecker St. and Barrow St. for a roughly 200 sq. ft. premise with 1 stand up bar and food counter and 2 counter tops one with 7 stools and the other with 4 stools for a total of 11 interior seats, there will also be a sidewalk café with no more than 10 tables and 30 seats; there is an existing Certificate of Occupancy; and

**iii. Whereas,** the hours of operation will be from 7 AM to 12 AM 7 days a week, music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10PM except for patron ingress and egress, there will be no d.j., no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a family owned restaurant focused on fusion Tacos.
2. The hours of operation will be Sunday from 7AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ’s, live music, or promoted events.
9. The premises will close all door and windows at 10PM every night and anytime there is amplified music.
10. There will be no unlimited drink or all you can eat and drink specials.
11. There will be no sale of beer by the pitcher.
12. Sidewalk café will conform to approved plans at all times.
13. All alcohol service in sidewalk café will be by waiter service only.
14. Sidewalk Café will be closed at 11PM 7 days a week. No Patrons will remain in the sidewalk café after 11PM and all chairs and tables will be stored accordingly.
15. Will make all efforts to join the adopt a trashcan program run by the New York City Department of Sanitation for the trash can at Barrow St. & 7<sup>th</sup> Ave South.
16. Will actively manage the sidewalk café at all times and keep the area clear of trash.

**v. Whereas,** a local resident appeared in opposition citing oversaturation of licenses, inappropriateness of a sidewalk café because of pedestrian congestion, generation of trash from the fast casual concept and

opposition to the large number of outdoor seats in comparison to the interior seats among other issues; and

**vi. Whereas**, there are currently approximately 33 On Premise Liquor Licenses within 500 ft of the premises and an unknown number of beer and wine licenses;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License for **Josan & Josan, Inc. d/b/a Taco Mahal, 73 7<sup>th</sup> Ave. South 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

**16. 117 Pinto, Inc. d/b/a TBD, 117 West 10<sup>th</sup> St. 10011 (New RW)**

**i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a tavern wine license for “a family style restaurant serving Thai food at reasonable prices and normal restaurant hours”; and,

**ii. Whereas**, this application is for a new restaurant wine license at a previously licensed location which is located in a grandfathered commercial space located in a residentially zoned area in a mixed-use 3-story building located on West 10<sup>th</sup> Street between Greenwich Avenue and 6<sup>th</sup> Avenue for a roughly 800 sq. ft. premise (400 ft. ground floor and 400 ft. basement – no patrons in basement) with 11 tables and 22 table seats inside, no stand up bar for a total of 22 interior seats, there is an outdoor rear yard garden of approximately 300 sq. feet with an additional 11 outdoor tables and 22 outdoor tables seats; a recently issued letter of no objection was presented in conjunction with the application which indicates no objection to this use; and,

**iii. Whereas**, the hours of operation for the interior will be Sunday to Thursday from 10AM to 12AM and Friday to Saturday from 10AM to 1AM, the Hours of operation for the rear yard garden will be 10AM to 10PM 7 days a week., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music) in the interior, no music in the exterior, all doors and windows will be closed at all times except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and

**iv. Whereas**, the applicant met with local surrounding residents including representatives of the Patchin Place Neighborhood Block Association; the primary area of concern was the operation of the rear yard garden which is surrounded by a large number of residential windows given that restaurant is located in a grandfathered residential building; local residents and the block association have had discussions with previous applicants and were familiar with the many issues of operating this rear yard garden as a result of its previous operation as part of a licensed restaurant; as such, the local residents and restaurant operator were able to memorialize the agreements the operator was willing to make in order to gain the support of local residents; a stipulations agreement was executed by 117 Pinto, Inc. and a representative of local residents; in particular heavy weight was given by CB2, Man. to the express representations made by the applicant in regards to the operation of the rear yard garden and any deviation from these representations would result in CB2, Man. no longer supporting this application and

**v. Whereas,** the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the restaurant wine license stating that:

1. Premise will be advertised and operated as a family style full service Thai restaurant serving lunch and dinner as described.
2. This application is for a Restaurant Wine License.
3. Will operate a full service restaurant with the kitchen open and full menu items available until closing hour every night.
4. Hours of operation for the interior will be (open no earlier than and close no later than) Sunday to Thursday from 10AM to 12AM and Friday to Saturday from 10AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing time.
5. Hours of operation for the rear yard garden will be (open no earlier than and close no later than) 10AM to 10PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing time in rear yard garden.
6. Will not operate as sports bar, tavern, bar or cocktail lounge and will not have TVs or any type of projectors.
7. Will not permit dancing anywhere in the premises at any time and will not seek a NYC DCA Cabaret License.
8. Will not have DJs, live music, promoted events, any event where cover fee is charged, or scheduled performances.
9. The premises will not have velvet ropes, barricades or planters or allow any sidewalk obstructions. There will be no A-frames, sandwich boards or other sidewalk obstructions utilized by the premises.
10. Will play quiet ambient-recorded background music only in the interior. No music will be audible in any adjacent residences anytime. There will be no music in the backyard dining area.
11. Will keep all doors including the front door and windows closed at all times except for patron ingress and egress. If the current bay windows are replaced with windows that have the capability of being opened and closed and/or French doors are installed, then the windows and/or doors will be closed by 9:00PM each day of the week.
12. There will be no private parties or private events booked in the backyard dining area.
13. There will not be a sidewalk café and no application for a sidewalk café will be submitted.
14. Operator will ensure there is minimal noise in front and rear of building during staff operations including trash removal and equipment movement.
15. Operator will make a good faith effort to install an enclosure or sound-abating canopy in the backyard dining area to mitigate noise from patrons dining outside. In advance of using the backyard dining area, the Operator will obtain all the necessary permissions from the applicable New York City agencies so that an enclosure or a canopy can be installed.
16. The premises will obtain all required certificates, permits and related documents and will keep current all certificates, permits and related documents.
17. Installation of any new mechanicals in the rear yard or on the roof including any new HVAC or other equipment will be “state-of-the art” technology such that there is minimal noise produced. Additional soundproofing may be needed if the noise is audible to the residents in adjacent apartments or buildings.

**vi. Whereas,** letters in support and a stipulations agreement were presented and no one appeared in opposition;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new Restaurant Wine License for **117 Pinto, Inc. d/b/a TBD, 117 West 10<sup>th</sup> St. 10011** **unless** the statements the Applicant has



presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 36 Board members in favor.

**17. TMSI, Inc. and Hudson Yards Catering, LLC or Subsidiary, 412 W. 14th St. 10014 (New OP)**

**i. Whereas**, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new on-premise liquor license for a “boutique gallery” that is a “space where people can experience the Lexus brand without getting behind the steering wheel of a Lexus vehicle”; the space consists of “a vehicle display area, modest exhibition and event space complimented by a contemporary restaurant, sitting area and café”; “The venue will be a place where people can be entertained, educated and interact with each other and interact with each other and engage with the latest movements of the Lexus brand”; and,

**ii. Whereas**, this application was previously presented to CB2, Man. in February 2014; as a result of the time period to construct and build out the premises and the selection of a new partner to manage the food and beverage component of the operation, the applicant re-presented their concept and application to CB2, Man. despite no substantive changes to the application; and,

**iii. Whereas**, this application is for a new on premise liquor license in a previously unlicensed location; the premises is located in commercial area located across three floors on 14<sup>th</sup> Street between Ninth Avenue and Washington St. for a roughly 16,500 sq. ft. premise of which approximately 6,700 sq. ft. is public space; there will be a total of 36 tables and 108 seats and 1 bar with 10 seats for a total of 118 seats, there may be additional seating and service bars as needed in the event space located on the third floor, there is no outdoor space in the area to be licensed and the rooftop is specifically excluded from the licensed premise, the expired temporary Certificate of Occupancy will be amended to reflect the proposed use, the premises is located within a landmark district and all exterior changes will be submitted for approval to the Landmarks Preservation Commission; and,

**iv. Whereas**, the hours of operation will be from 9 am to 12 am seven days a week, for day to day operation of the public space, music will be quiet background only, for events there may be a d.j. with music volumes at entertainment levels and live music, there will be private events and there may be scheduled performances, there will be no “promoted” events, additional soundproofing will be installed by adding an additional layer of glass to existing windows and additional sheet rocking where approved; and

**v. Whereas**, the interior of the location will consist on the first floor of a café, garage (gallery) and retail space which is 1,707 sq. ft. and will have 5 tables and 25 seats, there will be room for 82 people standing for events, the hours of operation will be from 7 am to 12 am; the second floor will consist of a sitting area and restaurant, the sitting area will be 907 sq. ft. and will have 31 seats and 14 tables with room for 44 people standing, the restaurant will be 1,179 sq. ft. and will have 17 tables, 1 standup bar and 62 seats, the hours of operation of the second floor will be from 11 am to 12 am; the third floor will consist an event space, flexible community space and office space, the event space is roughly 1,236 sq. ft. and there will be room for 103 people standing for events and the hours of operation will be as needed with all events ending by 11 pm; All of the above square footages represent areas usable by guests and do not include service areas, restrooms, stairways, offices, kitchens or storage areas, the closing time will be 11 pm for any events that are held anywhere in the premises; the maximum estimated occupancy will be 363 persons, 107 on the 1<sup>st</sup> floor, 153 on the 2<sup>nd</sup> floor and 103 on the 3<sup>rd</sup> floor; and,

**vi. Whereas,** the food and beverage aspect of the premises and restaurant will be overseen and operated by Hudson Yards Catering, LLC, or a subsidiary which is affiliated with Union Square Events and renowned Chef Danny Meyers; and,

**vii. Whereas,** this premises is subject to the “500 ft. rule” and there are 22 on-premise liquor licenses within 500 ft.; the applicant provided CB2, Man. with a detailed 500’ Public Benefit Statement; and

**viii. Whereas,** the applicant presented a detailed updated security report, a detailed updated traffic study and an acoustic report; and

**ix. Whereas,** in February 2014 the applicant performed extensive community outreach and met with local residents over the course of 5 meetings to discuss their proposal and modified the operation of the premises extensively as a result of those discussions to minimize the impact on the local residential community; prior to the July 2016 CB2 SLA Committee Meeting the Applicants representatives again reached out to stakeholders and interested parties and in addition to the previous letters of support and a previous petition in support, updated letters of support were presented; and

**x. Whereas,** in February 2014 5 members of the community appeared and spoke in support of the proposed premise, one member of the community spoke in opposition citing saturation of licenses, lack of public benefit and traffic impacts; and

**xi. Whereas,** in July 2016 no one appeared in support or opposition; and

**xii. Whereas,** as a result of the extensive community outreach from 2014 and 2016, the applicant provided CB2, Man. with a list of updated stipulations which they had discussed with members of the community and which they will adhere to; and,

**xiii. Whereas,** the applicant also executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license and the applicant understands that any variation to these stipulations will require re-application and full Community Board and SLA review; the stipulations are as follows:

1. It is understood that any variation to these stipulations will require re-application and full Community Board and State Liquor Authority review.
2. The areas where food and beverages will be served are divided into 3 distinct spaces. No alcohol will be served before 10 am in any area. Food and beverage service will be provided according to the following:
  - a. 1st floor Café and Garage Gallery: 7am – 12am. The café accommodates 25 seated guests with room for 82 standing patrons between the Café and the Garage Gallery. There will be no alcohol sales or service to the public on the first floor. Alcohol may be served at private/invitation only events.
  - b. 2nd Floor Sitting Area & Bar: 11am-12am. The sitting area will accommodate 31 seated guests and 44 standing patrons.
  - c. 2nd Floor Eatery: 11am-12am. The restaurant will accommodate 62 seated guests which includes 12 private dining seats. The last reservation will be at 10pm.
  - d. 3rd Floor Event Space will accommodate a maximum of 103 guests. All events will end by 11pm
  - e. When used for/in conjunction with events, the 1st floor and/or 2nd floors will close at 11pm rather than 12am.
3. There will be no guest entry after 11pm.

4. All guests will leave all areas by 12am.
5. There will be no more than 350 guests at any one time between all 3 floors.
6. All food and beverage service/catering will be provided by Union Square Events.
7. All 3rd Floor events will be programmed/booked by Lexus/Toyota directly– when not programmed the 3rd floor Event Space will be closed
8. 3rd Floor office space will be used by the applicant and Lexus/Toyota-based associates. The flexible community space will be made available to community-based organizations.
9. There will be no 3rd party promoters
10. There will be no bottle service
11. There will be no queuing on the sidewalk
12. There will be no use of ropes or barricades
13. There will be no application for a cabaret license
14. There will be no application for a sidewalk café
15. There will be no application for alcohol service on the roof
16. There will be no transfer of the license; the on-premise license will be surrendered upon leaving the space.
17. Should there be a change in the food service operator, Toyota Motor Sales, USA will select an operator of commensurate quality and reputation and notify the Community Board
18. Proper Security will be employed for events and to address potential noise and traffic concerns
19. Lexus/Toyota (TMSI /HYC) will work with neighboring garages to encourage use of valet service away from 14th Street proper and investigate providing shuttle bus service
20. Lexus/Toyota (TMSI /HYC) will continue to investigate ways to alleviate traffic congestion, both in relationship to its site and for the broader community
21. Appropriate sound proofing measures will be taken as recommended by the contracted sound consultant
22. Signs will be posted adjacent to the main entrance advising patrons to "Please respect our neighbors by lowering your voice", or similar language. (If possible with respect to NYCLPC)
23. There will be a refrigerated garbage room and all waste will be stored in an interior space before it is brought out for removal (exact time of removal will be coordinated with existing carting companies in conjunction with existing pick up routes).
24. Lexus/Toyota and Union Square Events (TMSI /HYC) will clean 18” into the street
25. Lexus/Toyota and Union Square Events (TMSI /HYC) shall provide neighbors and the Community Board with working telephone numbers and the names of designated persons that may be contacted for questions or complaints.
26. Lexus/Toyota and Union Square Events (TMSI /HYC) are committed to meeting regularly with the Community Board and members of the Community to provide updates and address any open questions.
27. There will be no unlimited drink or food and drink specials.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of a new on-premise liquor license for **TMSI, Inc. and Hudson Yards Catering, LLC or Subsidiary, 412 W. 14th St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On Premise Liquor License.

Vote: Unanimous, with 36 Board members in favor.

**18. Whynot My Way, LLC, d/b/a Dominique Bistro & Akashi, 14 Christopher St. 10014 (Existing TW - Alteration, Method of Operation Change and Upgrade SN#1272603 to OP)**

**i. Whereas**, the Licensee and his attorney appeared before CB2's SLA Licensing committee once again on July 14<sup>th</sup>, 2016 to present three separate applications to the New York State Liquor Authority as one co-mingled presentation to CB2, Man. **(1)** an upgrade application of the current Tavern Wine License to a Full Restaurant On-Premise Liquor License, **(2)** an alteration application and **(3)** a change in method of operation application; the Licensee summarized the change as "Dominique Bistro has been operating since May 2013. The venue continues to offer customers exceptional coffee together with an expanded menu featuring classic French dishes and authentic countryside dishes prepared by Chef Dominick Pepe. The jazz room in the basement will be converted into a Japanese dining area to be known as an Omakase Room. The chef in the Omakase Room will offer to customers specialty selections of raw fish consisting of sushi and sashimi."; CB2, Man. was asked by the applicant to have two separate votes on the application, one vote for the request to upgrade application and one vote on the alteration and change in method of operation application; and

**ii. Whereas**, CB2, Man. recently heard a very similar application by this Licensee in December 2015 for the same three combined applications with a different operating method in the basement, a 500 ft. hearing was conducted to address the upgrade component and the matter was scheduled to be heard before the Members of the Authority (under SN#1291495 - inactive); CB2, Man. recommended denying all three applications; the 500 ft. Hearing Report also recommended that the Upgrade component of that application not be approved; after the matter was scheduled to appear before the Members of the Authority, the applicant chose to discontinue that application; in less than 2 months after making the decision to discontinue that application, the applicant once again provided notice to CB2, Man. of three new applications; and,

**iii. Whereas**, much of this resolution covers similar items covered in past resolutions and the resolution presented in December 2015; and,

**iv. Whereas**, in July 2013, **when this Licensee first appeared before CB2, Man. with an application for a Restaurant Wine License for a Coffee Shop, CB2 recommended denial of application for the detailed reasons set forth in the July 2013 CB2 Resolution;** [in July 2013 the proposed operation was only for a coffee shop located on the ground floor with 36 seats (and a sidewalk café with 8 seats which was not permitted because of the residential zoning of the area) with hours of operation from 6 AM to 1 AM 7 days a week, background music from vinyl records and live light jazz and classical trios (un amplified) once or twice a week]; reasons for denial were specific and for cause and there was a recommendation that the applicant return to CB2; July 2013 – Original TW application resolution - Page 40: [http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2013/07july2013\\_fullboard.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2013/07july2013_fullboard.pdf); and,

**v. Whereas**, after appearing before CB2, Man. in July 2013 and having received notice of CB2's recommendation to deny the application, the Licensee mailed, after the fact, 2 additional alterations and completed CB2 Questionnaires in late July and in August to CB2, but did not return to present those changes to CB2 or request to return – the amendments were to remove the sidewalk café from the application and to add another floor, the basement space, to the premises with an additional 10 tables, 10 couches and 2 chairs for a total of 26 seats in the basement and two additional bathrooms in the basement; This almost doubled the patron capacity of the premises while adding live music in the evening hours and creating a much more significant impact on the surrounding area which is zoned for residential uses only and has very narrow streets; and,

**vi. Whereas**, the Liquor Authority subsequently approved the RW application; and,

**vii. Whereas**, in November 2014, **the Licensee appeared before CB2, Man. to present an alteration application and an upgrade application to full on premise liquor for which CB2 recommended denial of both applications for the detailed reasons set forth in the November 2014 CB2 Resolutions**, the Licensee stated at the time that the premises operated as a bistro over the two floors with two separate entrances and two different operations, with hours of operation from 6 AM to 12 AM Sunday to Wednesday and 6 AM to 1 AM Friday and Saturday; reasons for denial were specific and for cause; November 2014 – Alteration Application & Upgrade from TW to OP - Page 27 & Page 32 [http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard\\_2014/11%20November%202014.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/fullboard_2014/11%20November%202014.pdf); and

**viii. Whereas**, at that time in November 2014, the upstairs and downstairs of the premises were operated under different names, the upstairs, Whynot Bistro had quiet mellow music from a vinyl record player and as of January 2014, the basement operated as Whynot Jazz Room, a live music venue with amplified live music and regular live performances; the last questionnaire mailed to CB2, Man. indicates that there would only be small jazz trios once or twice a week without amplification but there was in fact amplified music beyond the scope of the description; and,

**ix. Whereas**, in July 2015, **the Licensee appeared at CB2’s request to present their renewal application for their existing Tavern Wine License for which CB2, Man. recommended denial for the detailed reasons set forth in the July 2015 CB2 Resolution**, a large number of community complaints were outlined in the resolution and *CB2 refers the members of the Authority directly to the July 2015 resolution for a detailed overview of those complaints from members of the community*, July 2015 – TW License Renewal Application – Page 39: <http://www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/07%20July%202015.pdf>; and

**x. Whereas**, as previously described the Licensee again appeared before CB2 in December 2015 to present (1) an upgrade application of the current Tavern Wine License to a Full Restaurant On-Premise Liquor License, (2) an alteration application and (3) a change in method of operation application; the Licensee summarized at that time that “Dominique Bistro opened as Whynot Coffee in May of 2013 and operates as a charming cafe bistro offering customers exceptional coffee with an expanded bistro menu. The cafe plans to be a full service restaurant that will keep a casual atmosphere. The Jazz Room will become a dining room with a pianist playing most nights and on occasion a guitar and/or vocalist will join the pianist and on some nights a jazz trio.”; CB2 recommended denying all three applications; CB2’s December 2015 resolution can be found on Page 27: [www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/12%20December%202015.pdf](http://www.nyc.gov/html/mancb2/downloads/pdf/full%20board%202015/12%20December%202015.pdf) ; and,

**xi. Whereas**, as of December 2015 the Licensee has received five (5) ECB Violations from the New York City Department of Sanitation in 2015 for obstructing the sidewalk with illegal benches; 6 Benches have been regularly placed on the sidewalk over two years bordering the entire Gay St. Façade with seating for up to 17 people – 2 benches with 4 seats, 2 benches with three seats, 1 bench with 2 seats and 1 bench with 1 seat; and,

**xii. Whereas**, as of December 2015 the Licensee has received five (5) New York City Landmarks Preservation Commission Violations, 3 in 2014 and 2 in 2015 for violating “Replacement of storefront at Gay Street facade without permit(s).”, “Installation of awnings at Gay Street facade without permit(s).”, “Alterations of 1st floor windows at Gay Street facade without permit(s).”, “Installation of neon signage (“Jazz Club”) and signage at entrance Jazz Room without permit(s).” and “Installation of menu box without permit(s).”

**xiii. Whereas**, as of December 2015 there are records of at least 52 311 calls regarding commercial establishment loud noise/party/loud talking at 14 Christopher St., many of which are noted that the NYPD

took action to correct the situation; 11 of those complaints are from after the July 2015 CB2 committee hearing were these issues were raised in detail with the Licensee; and,

**xiv. Whereas,** prior to receiving a restaurant wine license from the Liquor Authority in 2013, this location was **previously unlicensed**, most recently operating as a clothing store for more than 20 years or even longer; the premises is located in a grandfathered commercial space in a residential building located in an **R6 Residential Zoning District** on the charming corner of Christopher St and Gay Street (southern corner); and,

**xv. Whereas,** it continues to be unknown to CB2, Man. exactly what applications that have been filed with the Liquor Authority to date have been approved and what the actual approved method of operation and other relevant factors are; and

**xvi. Whereas,** at the meeting in December 2015 the proposed changes in the alteration application, method of operation change application and upgrade application include **(1)** full open kitchen will be installed and a full menu will offer French classics and authentic countryside dishes, the trade name will change from Whynot Bistro to Dominique Bistro, **(2)** The basement space Jazz Room will be converted into a dining area, **(3)** The wooden benches will be replaced with leather banquetts, **(4)** A baby grand piano will be placed in the basement space with a pianist playing most nights and on occasion a guitar and/or a vocalist will join the pianist and on some nights a jazz trio, **(5)** The proposed ground floor seating will increase from 40 seats to 44 seats which include 4 chef's counter seats and 10 bar stools. The number of tables will decrease from 16 to 15 tables. The ground floor stand-up bar will increase in size from 14' to 16.' The number of ground floor bar stools will increase from 2 bar stools to 10 bar stools, **(6)** the front entrance from the street to the downstairs will be closed most nights and will only be opened when there are private events, **(7)** a ground floor restroom will be built, **(9)** the proposed basement seating will be reconfigured and will remain at 26 seats which include 6 bar stools. The number of tables will increase from 10 to 15 tables. An additional 6" x 8' stand-up bar will be installed in the basement with 6 bar stools, **(9)** One of the two basement restrooms will be removed; and

**xvii. Whereas,** at the meeting in July 2016 the proposed additional changes in the alteration application, method of operation change application and upgrade application include **(1)** now converting the basement into a Japanese Sushi Restaurant focusing on very high end Omakase service with no more than two seating's per day, **(2)** keeping the trade name for the ground floor as Dominique Bistro, **(3)** changing the trade name for the basement to Akashi **(4)** installing a sushi counter in the basement with 12 seats and adding 4 tables and 11 table seats **(5)** reopening the front entrance from the street to the downstairs, **(6)** a ground floor restroom will be built, **(7)** removal of any proposed standup bars or service bars in the basement **(8)** discontinuing regular patron access during day to day operations from using the interior staircase which will now be for service use by employees only; and

**xviii. Whereas,** in July 2016 the proposal stated that the entire premises is roughly 1,500 sq. ft. on two floors (1,000 sq. ft. ground floor, 500 sq. ft. cellar); the ground floor French bistro restaurant will have 15 tables and 44 seats (one stand up bar with 10 seats, one eating counter with 4 seats, and 30 table seats), the basement Sushi Restaurant will have 4 tables and 23 seats (12 sushi counter seats and has 11 table seats), there will be a grand total of 67, there is an existing Certificate of Occupancy, which indicates maximum occupancy in the basement of 27 seats and on the ground floor of 47; should the premises ever operate with more than 74 persons across the two floors, a Place of Assembly would be required as these two spaces are presented as being operated as one unit; and

**xix. Whereas,** the applicant again in July 2016 presented a petition in support in conjunction with the proposed changes with local signatures of business owners and residents with a brief overview of what

the applicant is presenting; letters in support were presented and 11 speakers spoke in support including the current Chef and another employee; those who spoke in support spoke of the charm, the ambiance, the ability to sit inside but because of the large windows be connected to the street and city, a speaker referenced those in opposition and stated that those residents who had concerns were reticent about potential future issues that do not exist, that the premises made the immediate surrounding area more vibrant, that the premises promoted a convivial atmosphere, that living in the neighborhood was an inseparable experience from patronizing this business, that it is an oasis, that the flowers outside are pretty and that the benches were nice to sit on and didn't seem to cause much impact and that they had not noticed any noise issues; and,

**xx. Whereas,** CB2, Man. again respectfully requests that the Authority consider these concerns as it evaluates these 3 applications:

1. The premise has never been licensed for the service of full alcohol (at least for the past 20+ years).
2. As of December 2015, there are approximately 20 On-Premise Liquor Licenses within 500 feet of this location. In contrast, this is a quiet residential side street. Gay Street is a gem world renowned for its character and ambiance. It is one of a handful of narrow one-block streets in NYC. The Greenwich Village Society for Historic Preservation calls Gay St "one of the quaintest and most intriguing streets in the West Village" and "one of the Village's most charming and literary streets." It is lined with ground floor residential units.
3. This is a grandfathered commercial space in a residential building located in an R6 Residential Zoning District.
4. There are plenty of coffee shops, bistro style restaurants, French restaurants and high end Japanese sushi restaurants in the area and numerous places with full liquor licenses all offering varying combinations of what this Licensee presents as unique, and in fact licensing this location for Full Liquor would offer nothing unique, and in fact would be detrimental. There are plenty of all of the above in properly zoned areas, some also located in basements.
5. There's no need for a French bistro restaurant or a high-end sushi restaurant to have a full on premise liquor license.
6. Having a separately named restaurant with a different d/b/a in the basement with no access by patrons from the upstairs venue, meaning there are two business entrances where there should only be one, is wholly inappropriate in a residential neighborhood with R6 zoning and all the characteristics of a residential neighborhood including narrow streets and ground floor apartments in adjoining buildings. The grandfathered space is a space for one business.
7. The existing premise has had sound problems and music leakage and has regularly been heard as several residents have testified with their current method of operation. The previous changes the applicant sought and made only expanded this problem and no significant ongoing steps were made to reduce these issues.
8. While the current changes as of July 2016 mitigate some of the current issues with noise from music leakage, they add another dimension, which is two separate businesses in a space in which there should only be one business with separate clientele, separate operations and separate entrances.
9. The Chef presented as the chef for the basement sushi restaurant has extensive experience working in high end sushi restaurants and most recently worked at another high end sushi restaurant also located with CB2, Man., that Sushi restaurant, which is also located on a predominately residential street in a landmarked and cherished neighborhood, routinely suffers from traffic issues as for hire vehicles wait, idle and stop blocking the street and patrons congregate and smoke outside, the complexities for for hire vehicles cannot be understated because they are unfamiliar with the named streets in Greenwich Village that do not run on a Cardinal axis; and,

10. There is no guarantee that the issuance of this license would result in the applicants claim that he will forever remove the illegal sidewalk benches that he has in past adamantly refused to remove in the past even though this is now his claim, he has argued vociferously in the past that he should be allowed to have a few and those benches adversely affect pedestrian traffic. In place of the illegal benches at the moment, the Licensee has placed planters on the sidewalk which also block the free flow of pedestrians.; and,
11. Because the Licensee seems to have trouble adhering to many regulations at this location, upgrading to a full on-premise license that carries more responsibility is inappropriate.
12. It is wholly inappropriate to operate these premises with separate outdoor entrances to both the ground floor and the basement creating two focal points for congregating and noise.
13. Prior to opening, the applicant improperly/illegally and knowingly altered two very large plate glass non operable windows facing Gay Street to convert them from non-operable plate glass windows to huge operable windows – the Licensee stated he chose the windows himself - the Licensee was aware that this was a landmark district prior to this change – they were issued a violation by the NYC Landmarks Commission on 12/31/2013 for "Alterations of 1st floor windows at Gay Street facade without permit(s)." The applicant also did not file any Department of Building applications to change the windows or other changes. Additionally these illegal installed windows which are not supposed to open are kept open any time the weather is agreeable at all hours creating quality of life issues. The applicant has subsequently presented an approval letter from the NYC Landmarks Commission which states they would approve legalizing certain aspects of the issues for which they were issued violations if they were properly included in NYC Department of Buildings filings, but no evidence was presented that these filings were ever made with the NYC DOB.
14. CB2, Man. takes violations of Landmarks regulations seriously as these designations help protect the historical character of our community, embody what our community looks like and are the root of why the residential portions of our community such as this area are highly sought after areas to live, because the unique historical character here is recognized and protected. The intersection of Gay Street and Christopher Street is the embodiment of why this historic area is world-renowned. For someone to knowingly make such drastic changes while trying to do so undetected is an affront to our Community in CB2, which is home to a significant portion of the landmarked districts in New York City.
15. The original application for the RW included a sidewalk café. It was pointed out to the Applicant that this location is not eligible to have a sidewalk café because it is located within an R6 residential zoning in which sidewalk cafes are not allowed. The applicant went ahead at that time and instead of a sidewalk café which he could not have, he illegally placed 6 benches along the Gay Street Façade that include 17 seats, (this is twice the number of seats he originally applied for in a sidewalk cafe. He does not have a revocable consent from the Department of Transportation to have any sidewalk benches. This is a residentially zoned area with ground floor apartments and these Benches are highly inappropriate even to the casual observer. These benches have occupied the entire Gay street façade. Behind the benches are the large illegally opening windows, which are always open when the weather is nice. If the façade were longer, there would undoubtedly be even more benches. In July 2015, the applicant was request to appear before CB2 for the renewal of his TW License. After that meeting and after receiving 5 ECB violations, the applicant removed 4 of the benches leaving two benches with 8 seats. Immediately prior to applying for these changes in December 2016, the applicant removed all benches, but there are no guarantees that he would not return them to the exterior and his past actions certainly provide no guarantees.
16. The operator originally stated in July 2013 that he would close his illegal windows at the very late hour of midnight even though he would have scheduled live music in the establishment several days a week. According to residents, up until just recently in 2015 an electronic piano has remained through late 2015. It is inappropriate to have live music in an open-air environment with



large windows in a Residential District. It is also inappropriate to have any recorded music audible outside the premises through open windows. It is inappropriate in a residential district to keep any illegally converted windows open. At the time, the operator stated he could not close his illegal windows before midnight because in order to close the windows he would need to move tables and chairs where customers would be sitting.

17. During the original application in 2013 - community outreach was limited and occurred during the July 4<sup>th</sup> Holiday Week when many residents were out of town or on vacation.
18. The current hours of operation for this coffee shop and restaurant bistro are beyond what most coffee shops/bistros operate in the West Village who also only have beer and wine licenses, which would beg the question as to how the "late-night operation" with open windows would operate and the quality of life impact this would have with a full liquor license bar located just behind the open windows. In fact several residents who live across the street have testified to this very problem.
19. While the operator has provided pictures to accompany his applications, no pictures were offered in December 2015 with views of the huge open windows and the 6, 4 or 2 illegal benches depending on the date and in fact, great lengths were gone to capture angles that did not show the operable windows or the illegal benches.
20. This application is a classic example of a bait and switch application. It was originally presented to CB2 as a 1-story coffee shop closing at 1 AM latest with occasional light unamplified live jazz music. It is now operating as a bistro aiming to be open until 1AM/2AM, depending on the presentation of the application and the basement is now part of the premises and it is now being operated as a live music venue (including late night). Now in July 2016 the Licensee is again requesting yet another change in a totally different direction for the premises; CB2 and the Community have been told by the Principal that he is essentially doing it his way and that's the way it is going to be by the Licensee, and at every turn this premises has morphed in an unprofessional manner for a supposed neighborhood establishment extracting as much as possible and going far beyond until cited by enforcement agencies even though certain actions are blatantly illegal and each turn appears to reflect poor character of the operator to the point the authority should consider taking character into consideration in issuing this license or approving any changes.

**xxi. Whereas,** it is hard to understand how the Licensee has again morphed his operation to Dominique Bistro to suit his needs prior to presenting before the Liquor Authority or CB2, Man. in December 2015 given his history with many neighbors, CB2 and the Liquor Authority including other premises beyond CB2, Man. which have had similar issues and this appears to be a continuing disturbing pattern of conduct which engenders no confidence in any proposed changes and it is also disturbing in that these patterns of repeat conduct are repeatedly dismissed as one time only issues by the Licensee even though they occur regularly; attempts to address any issues are confined to the time period immediately prior to any hearings and show no interest in sustained improvement in quality of life improvements; and,

**xxii. Whereas,** just days prior to appearing before CB2, Man. in July 2016 the Licensee was issued a Stop Work Order by the NYC Department of Buildings for "WORK WITH OUT PERMIT/ERECTED FULL HEIGHT PARTITION. AND SOFFIT IN BASEMENT WORK APPROX 50% COMPLETED"; the Applicant explained his Carpenter jumped the gun before being issued a permit; it is precisely this behavior which has been repeatedly shown over and over that give these applications and hollow promises no credit; and

**xxiii. Whereas,** the proposed changes once again supposedly correct past issues, but it was unclear how any of these changes ameliorate any of the ongoing issues in a meaningful manner that they would justify the addition of a separate business operating under a separate d/b/a in the basement or expansion of the ground floor bar or support an upgrade to a full liquor license or any other changes; and

**xxiv. Whereas,** since the inception of Whynot My Way, LLC not a single permit has been applied for with the New York City Department of Buildings for any work until after the previously referred to Stop Work order was issued on 7/11/2016 and an application for general renovation in the basement was filed on 7/12/2016, even though this premise was previously a retail clothing store for at least 20+ years; it is hard to understand how the premises has been constructed to date without any electrical, plumbing or other permits even as the Licensee claims to have already moved bathrooms, built bars, installed a kitchen and fixtures in spaces which were previously empty while used as a retail store and he has said – well everything was just there; and,

**xxv. Whereas,** a number of local residents who live immediately next door and across the street have testified in the past and several appeared again and written correspondence from neighbors who live next door and across the street was again received; the correspondence and testimony states that the residential character of the neighborhood is inappropriate for what is now a continually morphing coffee shop that was first a coffee shop, then a bistro, then a French restaurant, then a live music jazz club and then a piano bar in the basement and now proposed today a French Bistro Restaurant on the Ground Floor and a separate High end Sushi restaurant in the basement; that another licensed establishment that the Licensee owns and operates around the corner, Olio (SN1239338), has flagrantly violated New York City Sidewalk Café Laws in the past until they received violations by both operating their sidewalk café well beyond the hours mandated by law and by having many more tables and chairs than allowed on their sidewalk café license and for placing tables and chairs in front of other establishments beyond their licensed area after those establishments have closed, namely the flower shop next door; it was noted by personal observation by a member of CB2's SLA Licensing Committee that at Olio, tables still remained out well past the allowable hour after the establishment had closed when the tables are supposed to be stacked against the building in the last week of June and the first week of July in 2016; that it was also pointed out that at this establishment, the subject of this application on Gay Street, the Licensee has in the past done the same thing with 4 illegal benches and 19 seats creating an open air patio on the public sidewalk illegally; that the premises has increased the noise and traffic in the area and in particular the illegal operable windows which are open late into the evening and this forces people who live in the immediate area to essentially have this operator and their patrons in their living rooms and bedrooms; that sound leakage from the basement travels directly into the apartments across the street, that the illegal benches have been essentially a breach of the trust of the public space known as the sidewalk and street and that while this may be a legal use for the interior of this commercial space this is still first and foremost a residential neighborhood that is mostly quiet and free from the hustle and bustle of the nearby avenues and upgrading would certainly add to the foot traffic and noise and is counter productive to the character of the neighborhood; residents have repeatedly tried to approach staff and the owner about closing the windows or attenuating sound issues from the basement but the only response were immediately prior to presentations at CB2, Man. and there was no follow up or response, requests directly to staff in person to close windows fell on deaf ears, several people were asked about changes since August 2015 and the response was that rat issues had been mitigated, that some of the benches were removed but two benches with seating for a total of 8 people remained until late 2015, that windows were still open as late as customers were in the premises on most nights in until late 2015 and that in 2016 they were often opened past 10PM – the Licensee had stated in December 2015 that no matter what he would start closing the windows by 10PM of his own volition, one resident sated that they had been in the premises and had counted seating for well beyond 74 persons in the premises in December 2015, another resident testified that there continued to be a flouting of the laws by the principal and the inconsistent operation of the premises with windows open late often and music and noise until recently was wholly unpredictable and a terrific burden on quality of life and that the relationships with the owner were so poor and unprofessional that it was difficult to continue to articulate at this point as there seemed to be no point in trying; at this point it was felt by many neighbors who are having issues that the ongoing saga of applying for changes,

withdrawing changes pursuing new changes, all while making promises that are never kept is akin to bullying which necessitates appearances and testimony which is simply repetitive with new examples and no concrete changes; and

**xxvi. Whereas**, CB2, Man. had originally requested that the applicant in July 2013 re-envision his plan for the business in terms of operating within a residentially zoned community and requested that they return to CB2, Man. at a later date with an accurate completed CB2 Questionnaire and a copy of their application to the Liquor Authority reflecting that information, but instead the Licensee chose to avoid the community board, simply mail updated materials reflecting changes they had made that they were aware only exacerbated the situation and went directly to the Liquor Authority; and,

**xxvii. Whereas**, this business already creates a significant noise disturbance and other quality of life issues for some residents who live immediately across the street and in the area and these complaints would be exacerbated and expanded, not mitigated, by upgrading the existing license to a full liquor license; those residents with issues have tried to communicate with the Licensee and his staff but have been rebuffed, attempts to communicate have been in person directly to staff and by telephone and directly with the owner who has no recollection of those complaints and also at previous CB2 committee meetings; the premises previously has advertised live music extensively including on social media, on the radio and draws a crowd from beyond this neighborhood for music events; there is now a plan to operate a high end sushi restaurant which will again become a separate destination location in the basement; there is limited parking in the area and limited areas for car to stop or stand and expanding the basement use to include a high end sushi restaurant will most likely result in additional evening and 2<sup>nd</sup> seating business which will have an impact on parking and vehicular traffic in the area as it does at the similar establishment where the proposed sushi chef currently works; Greenwich Village and the West Village have plenty of coffee shops and bistros and restaurants and high end sushi restaurants and piano bars and jazz venues and live music and the proposed operation is not unique, the premises has been cited for breaking regulations over a long period of time; and

**xxviii. Whereas**, despite the Licensee's ongoing claims that he is "giving up things" in exchange for approval of a restaurant on-premise liquor license, there continue to be ongoing complaints which are not addressed until just prior to presentations and applications and collection of signatures in support does not address those ongoing issues which the Licensee has chosen to allow to linger and perpetuate by not taking full corrective actions immediately; and,

**xxix. Whereas**, CB2 Man. has devoted at least 7 Committee hours over the last few years to presentations by this Licensee with little corrective action, residents have continually appeared and stated their concerns with little attention or corrective action and no improvement in communications or a desire to fix ongoing issues; and

**xxx. Whereas**, in relation to the upgrade to full restaurant on premise license, there are approximately 21 On-Premise Liquor Licenses within 500 feet of this location, this location is subject to the "500 Ft. Rule" and no exceptions appear to apply and therefore CB2, Man. respectfully requests that a "500 ft." hearing be conducted and that this resolution be entered into the record; and

**xxxi. Whereas**, the 500 Foot Hearing Report from January 28<sup>th</sup>, 2016 which covers the majority of materials presented with this application most of which was presented in December 2015 with the exception of the change in method of operation to the basement as a high end sushi restaurant clearly states and CB2, Man. concurs that "There clearly is an oversaturation of licensed premises within 500 feet of this Establishment. The Applicant has failed to meet its burden of establishing public interest in the issuance of this license. There is nothing left to say"; and,

**xxxii. Whereas,** the 500 Foot Hearing Report from the January 28<sup>th</sup>, 2016 further refers to “the cancellation of a license issued to a company in which the Applicant is a principal. (Authority Exhibit No.6) Three of the sustained charges relate directly to the statements of misconduct raised at this hearing. (Authority Exhibit No.6) It is the opinion of this tribunal that this misconduct, if nothing else, corroborates the statements against the Applicant presented at this hearing and clearly indicates that this principal's qualifications, including his integrity, to be a responsible licensee are nonexistent.”; While the Members of the Authority have since voted to reinstate that License, it is noted that the ongoing issues surrounding the operation at Whynot My Way, LLC were not addressed and it was presented at that time that because of an absence of any SLA violations the Christopher St. operation was in good standing; and

**xxxiii. Whereas,** the changes presented with these applications do not change CB2’s previous position with respect to the upgrade to a full on premise liquor license and CB2, Man. recommends that the same finding would be appropriate for this application that the “Applicant has **NOT** met the statutory burden of demonstrating that public convenience and advantage and the public interest will be served by the granting of this application”; and,

**xxxiv. Whereas,** in relation to the applications to make alterations and changes to the method of operation, the Applicant and his Attorney stated that they would be willing to agree to stipulations including closing the windows early and other reasonable stipulations; and,

**xxxv. Whereas,** it was recognized that what appears to be the current approved or allowable method of operation provides for significant latitude to infringe upon local residents quality of life and that some of the changes as presented while not necessarily agreeable and on their own would not rise to receiving CB2’s endorsement given the past operating history, but with the addition of stipulations along with the changes would ameliorate some existing issues and potentially mitigate future quality of life issues; and,

**xxxvi. Whereas,** CB2, Man. has in the past asked for conditions to be imposed on the Licensee to correct issues but is willing to discontinue those requests if the Licensee agrees to stipulations as outlined below as they pertain only to the Change in Method of Operation and Alterations; and,

**xxxvii. Whereas,** these stipulations are in respect to alterations and changes in the method of operation at the premises currently operating at 14 Christopher St.; CB2, Man. has previously consistently not supported the issuance of any license at this location and does not support an upgrade to an on-premise liquor license at this location; CB2’s support of the changes as described in materials and at the CB2 hearing is because the changes will mitigate current and past operating conditions which have generated complaints which have been detailed extensively in past CB2 Resolutions; and

**xxxviii. Whereas,** provided the applicant executes a stipulations agreement with the stipulations listed below by July 22<sup>nd</sup>, 2016 with CB2, Man. that they agree will be attached and incorporated in to their method of operation on their SLA license with CB2 and if the applicant agrees to follow those stipulations at all times, CB2, Man. will not recommend denying the alteration application and will not recommend denying the change in method of operation application, but will continue to recommend denying the request to upgrade to a full restaurant on-premise liquor license; the stipulations are as follows:

1. Operator acknowledges that CB2, Man. does not support an upgrade to an on-premise liquor license at this location.
2. Premise will be advertised and operated on the ground floor as Dominique Bistro, a full service French restaurant and the basement room will be a Japanese dining area known as Akashi that will serve sushi in Omakase style.

3. The hours of operation will be Sunday to Thursday from 8AM to 12AM and Friday to Saturday from 8AM to 1AM. All patrons will be cleared and no patrons will remain after stated closing times.
4. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
5. The premises will not have televisions.
6. The premises will not permit dancing.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating.
8. There will be never be outdoor benches.
9. The sidewalk on both Gay Street and Christopher Street will be passable at all times and will at all times comply with all ADA requirements, in particular as it relates to the width of the open passable area (i.e. not obstructed by placement of outdoor items, flower boxes or other furniture which reduces clearances to less than ADA requirements). There will be no A-frame signage of any type in the exterior.
10. The premises will play quiet ambient-recorded background music only. The premises will at all times comply with all NYC Noise Codes.
11. If any doors or windows remain in a fixed open position, no music will be played on the interior that will violate NYC noise codes; practically speaking, music will not be audible 15 ft. from the windows or doors.
12. The premises will not have DJ’s, any live music, or promoted events.
13. The premises will not prop open any doors or open any windows in the premises prior to 10AM or after 8PM. All windows and doors will be closed at 8PM except for the two entry doors for patron ingress and egress. All doors and windows will be closed if there is amplified music of any type in excess of NYC Noise code or if it audible more than 15 ft. from the doors and windows. To be clear, windows will only be open between 10AM and 8PM without any exception.
14. The kitchen service door will remain closed at all times except for deliveries.
15. There will be no unlimited drink or all you can eat and drink specials.
16. There will be no sale of beer by the pitcher.
17. There will be no storage of any of the restaurants cleaning tools, supplies or other items in the trash area at the rear of the premises on Gay St. That area is for trash only.
18. The door to the basement will be maintained with operable dampeners or other types of systems that will prevent the door from opening or closing loudly or slamming.
19. Any changes to any existing signage or addition of new signage will comply with all Landmarks Regulations.
20. There will be only 1 standup bar on the ground floor and no service bar. All service to the basement will be by waiter from the ground floor service bar.
21. Patrons will access the ground floor and basement through separate exterior entrances. In the course of day-to-day operations, the operator will not allow patrons to use the interior staircase to travel between floors.
22. A procedure will be put in place so that any complaints received regarding any operational matters are promptly brought to the attention of all managers, principals and owners.
23. The Ground floor will have no more than 47 People total occupancy at any time and no more than 44 seats and the basement will have no more than 27 people total occupancy at any time and 23 seats. Occupancy includes staff. It is acknowledge by the operator that both floors are operated as one premises even if more than one d/b/a name is used to identify each floor to patrons and that the total occupancy of the combined floors will continue to be less than 75 Patrons.
24. The operator will obtain all required certificates, permits, and related documents and will keep current all certificates, permits and related documents. The operator will immediately file to

correct any work done without permits or permission of governing agencies. The applicant will obtain all such permits, certificates and related documents prior to any future work on the premises and changes to any existing conditions. All permits, certificates, letter grades and related documents if required by law will always be conspicuously posted in a highly visible manner easily visible at all times from the exterior of the premises with no obstructions placed in front. Should any inspectors attempt to visit the premises at any time the operator will make best efforts to meet with those inspectors and respond immediately to any notices left to arrange access.

25. The operator will always comply with Landmark regulations and will do no further exterior work unless it is fully compliant and pre-approved by LPC through the available permitting process if required by law.
26. There will never be any type of building or construction or cosmetic repairs, use of tools (especially power tools), plumbing work etc. other than routine cleaning or emergency repairs or work for which an after hours permit was obtained that will occur outside of the hours of operation of the premises. There will never be any type of work done on the premises at night or outside of any allowable hours under regular NYC DOB guidelines unless the NYC DOB expressly permits the work through some sort of after-hours variance/permit.
27. If any application for an on-premise liquor license is denied or discontinued at the New York State Liquor Authority as presented in conjunction with this alteration and change in method of operation or should the Operator chose to not seek to upgrade the existing tavern wine license, or should the operator wait more than 4 months after filing the alteration and change in method of operation to make a determination to file an upgrade application to full liquor, the applicant will submit a class change application to the Liquor Authority for a Restaurant Wine License.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an upgrade from the existing tavern wine license to an on-premises liquor license, for **Whynot My Way, LLC d/b/a Whynot Coffee, 14 Christopher St. 10014**; and

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the alteration application and change in method of operation application for the existing Tavern Wine License for **Whynot My Way, LLC, d/b/a Dominique Bistro & Akashi, 14 Christopher St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations listed above are agreed to by the Applicant and are incorporated into the “Method of Operation” on the SLA On Premise Liquor License; and,

**THEREFORE BE IT FURTHER RESOLVED** that CB2, Man. respectfully requests that another 500 ft. hearing be conducted if it is concluded that the 500 ft. hearing conducted on January 28<sup>th</sup>, 2016 is insufficient, and that the upgrade application be placed before the Members of the Authority for determination; should the Applicant not choose to agree to the listed stipulations above resulting in a recommendation from CB2, Man. to deny the alteration application and to deny the change in method of operation application, CB2, Man. requests that those two matters also be placed before the Members of the Authority for determination.

Vote: Unanimous, with 36 Board members in favor.

**THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:**

**19. KGM Partners, LLC, d/b/a Rebel Coffee, 19 8th Ave. 10014 (New RW)**

**Whereas**, after this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **layover** this application for a new tavern wine license because of illness, this was previously laid over in June 2016 in order to meet with residents who the applicant stated he would meet with prior to the meeting but never did, the applicant did meet with residents between the June and July meetings, the applicant has resubmitted the application for consideration at the August CB2 SLA Licensing Committee meeting;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **KGM Partners, LLC, d/b/a Rebel Coffee, 19 8th Ave. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**20. HSNYC, LLC d/b/a High Street on Hudson, 637 Hudson St. Condo #1 Ground Fl & Basement 10014** (add sidewalk café to existing OP License)

**Whereas**, the applicant filed a 30 day notice with CB2, Man. for an alteration application prior to the July 2016 CB2 SLA Licensing Committee meeting in order to add a sidewalk café to the existing On Premise Liquor License; and

**Whereas**, when the applicant originally filed for this liquor license, the applicant agreed to a set of stipulations that would be incorporated into the method of operation, which covered the operation of any future sidewalk café;

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an alteration application to add a DCA licensed sidewalk café to the existing restaurant on-premise liquor license for **HSNYC, LLC d/b/a High Street on Hudson, 637 Hudson St. Condo #1 Ground Fl & Basement 10014** **unless** the statements the Applicant has submitted by letter are accurate and complete, and that those conditions and stipulations agreed to by the Applicant at the initial hearing for the issuance of the existing on-premise liquor license continue to govern the "Method of Operation" on the SLA On Premise Liquor License with this inclusion of the DCA licensed sidewalk café.

Vote: Unanimous, with 36 Board members in favor.

**21. Rehandari, LLC, d/b/a Kobrick Coffee Co., 24 Ninth Ave. 10014** (withdrawn-will resubmit)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **again layover** this application for an alteration application for an existing on-premise restaurant liquor license to add a licensed sidewalk café in order to resolve discrepancies presented regarding the interior method of operation from those on file with CB2, Man. and in order to perform additional community outreach and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed and prior to filing any application with the SLA; and,

**Whereas**, at the meeting on May 12<sup>th</sup>, 2016, CB2 Manhattan's SLA Licensing Committee #2 had voted to recommend denial of the application, but due to the various issues unique to this particular application, the Committee voiced that should the applicant choose request to Layover the application, the Committee would rehear the application with the additional information the following month with no guarantees that the position of the Committee would change; the applicant subsequently chose to request to layover the application again and will re-appear;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license alteration application to any existing license for **Rehandari, LLC, d/b/a Kobrick Coffee Co., 24 Ninth Ave. 10014** **until** the Applicant has re-presented their application in front of CB2's SLA Licensing Committee with full and accurate information and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**22. Ancolie NYC, LLC d/b/a Ancolie, 58 W. 8<sup>th</sup> St. 1011** (New RW - withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Ancolie NYC, LLC d/b/a Ancolie, 58 W. 8<sup>th</sup> St. 1011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**23. Dumpling 516 Hudson NY, Inc., d/b/a TBD, 516 Hudson St. 10014** (New RW - withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **withdraw** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Dumpling 516 Hudson NY, Inc., d/b/a TBD, 516 Hudson St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.



Vote: Unanimous, with 36 Board members in favor.

**24. Gift New York, Inc. d/b/a N/A, 469 Sixth Ave. 10011** (New RW - layover)

**Whereas**, prior to this months CB2, Manhattan’s SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **layover** this application for a new restaurant wine license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Gift New York, Inc. d/b/a N/A, 469 Sixth Ave. 10011** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**25. BKUK 10 Corp., d/b/a TBD, 89 7th Ave. S. 10014** (New OP - Layover)

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **BKUK 10 Corp., d/b/a TBD, 89 7th Ave. S. 10022** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**26. 62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** (New OP - Layover)

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **layover** this application again for a new restaurant on-premise restaurant liquor license in order to continue to meet with residents who would be immediately impacted by the issuance of a license at this location in order to continue ongoing discussions and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing

license for **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**27. Butobar, LLC. d/b/a BarButo NYC, 775 Washington St. 10014** (New OP - withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **withdraw** this application for a new on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Butobar, LLC. d/b/a BarButo NYC, 775 Washington St. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**28. Entity to be formed by Reed Adelson, d/b/a N/A, 328 W. 12<sup>th</sup> St. 10014** (New OP - Layover)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on July 14th, 2016, the Applicant requested to **layover** this application for a new restaurant on-premise liquor license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

**THEREFORE BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Entity to be formed by Reed Adelson, d/b/a N/A, 328 W. 12<sup>th</sup> St. 10012** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 36 Board members in favor.

**ST. JOHN'S TERMINAL/PIER 40 WORKING GROUP**

**550 Washington Street (Manhattan Block 596, Lot 1) and Pier 40 (Manhattan Block 656, Lot 1) N160309ZMM, 160310ZSM, 160311ZSM, 160312ZSM, 160313ZSM, N160314ZAM, N160315ZAM, N160316ZAM, N160317ZCM**

This is a ULURP action including two land use applications to the City Planning Commission as follows:

- (1) a zoning map amendment (a) to rezone a property at 550 Washington Street consisting of a single zoning lot from an M1-5 and M2-4 district to a C6-4, C6-3, and M1-5 district, and (b) to map the property and Pier 40, located at West Houston Street in Hudson River Park, as part of the proposed Special Hudson River Park District, which Special District is proposed to be created by an application for a Zoning Text Amendment (N 160308 ZRM) filed separately by the Department of City Planning;
- (2) a special permit pursuant to proposed Zoning Resolution Section 89-21 to allow the transfer of floor area from Pier 40 to 550 Washington Street, and to allow certain bulk waivers for the proposed development at 550 Washington Street;
- (3) three special permits pursuant to Zoning Resolution Section 13-45 and 13-451 for accessory parking garages;
- (4) three authorizations pursuant to Zoning Resolution Section 13-441 for curb cuts on a wide street; and
- (5) a Chairperson's certification pursuant to proposed Zoning Resolution Section 89- 21(d).

**Resolved that CB2, Man. hereby approves the following report with recommendations regarding the ULURP for 550 Washington Street and Pier 40 described above.**

### **ZONING MAP CHANGES**

The aggregate FAR of 8.7 for the proposed project, including zoning changes and development rights transfers, supports over 1.711 million zoning square feet of development plus additional use of exempt below grade space. This is by far the largest development in the history of the district, although the average density is less than the allowed density in the Hudson Square Special District.

**→ If the project plan is improved so that the area can be reintegrated into the neighborhood fabric, and if actions are taken to protect nearby areas from development pressures as stated herein, Community Board 2 does not object to rezoning the North, Center, and South sites as proposed, except as follows:**

**North Site:** The C6-4 zone is acceptable but CB2 does not agree with statements in the application that the north end of the site is appropriate for the tallest buildings. In fact, the built scale and the zoning north of the project area is less dense than the built scale and zoning in Hudson Square Special District to the east. The application also seeks to justify the tall buildings in the North Site with the irrelevant statement that an even taller as-of-right hotel could be built in the North Site under current zoning.

The excessive North Site heights are produced by denser zoning in combination with locating a disproportionate amount of the total transferred development rights there. The result yields a plan that violates the requirement that transfer of development rights yields structures that relate well to the surrounding streets and open areas. Locating the tallest buildings in the North Site creates an abrupt wall with extreme height disparity with the neighborhood north of Clarkson Street. At 430 feet, the tallest building here is the same height as the tallest building allowed in the Hudson Square Special District, but that building was justified by the inclusion of a school and because it will stand free facing three wide streets. While CB2 appreciates the architectural value of varying building sizes, the impact of locating the tallest buildings at the North Site is if anything exacerbated by the gradual height reductions proposed for the Center and South sites.

**→ CB2 favors a shift of height and density from the North Site to the Center Site and favors a maximum building height of 405 feet, but the site plan issues discussed herein are more significant than building height and distribution.**

**North, Center, and South Sites:** CB2 opposes location of destination retail, including “Big Box” and other large footprint stores, anywhere within the Hudson River Park Special District. Because of the lack of nearby subways, destination retail stores will be accessed primarily by means of private cars and taxis, leading to increased congestion in an area already burdened by traffic conditions detrimental to public

safety and health and to a pleasant residential and business environment. Given the large below grade areas available on all three sites, restrictions on retail sizes need to include all indoor area, not just zoning floor area. In addition, including destination retail on the site will lessen the value of the rezoning to neighboring residential and business areas because smaller stores help knit the fabric of the a new development to surrounding areas.

**→ For all three sites, CB2 opposes including retail stores in any use group, except the proposed supermarket, with selling floors exceeding 10,000 square feet, including any below grade areas.**

Even with the above restrictions, the major retail presence of the site will have a significant impact, negative and positive, on the surrounding areas. Restaurants and cafes may bring desirable foot traffic to the area, but restricting their size is essential.

**→ The maximum size of any eating and drinking establishment, including below grade areas, should not exceed 5,000 square feet.**

## **OFF-STREET PARKING SPECIAL PERMITS**

The requested Special Permits for off-street parking on all three sites totals 772 spaces. This will create the potential for underutilized residential parking which will in turn encourage destination retail. Although residential tenants of the project ostensibly have first rights to parking, the residential growth analysis supporting the special permit applications is not limited to project residents, and building operators would be able adjust pricing of monthly parking to create availability of spaces to attract destination retail.

As stated in the 2013 DCP report on parking in the Manhattan Core, “the development of auto-oriented shopping destinations are generally inappropriate for the Manhattan Core built environment.” Even 10,000 square foot stores are likely to focus on destination shopping if off-street parking is available. The 2013 amendment to the Manhattan Core off-street parking regulations reduced the site maximum for the as-of-right retail parking to ten spaces, “in order to discourage auto-oriented retail development in the Manhattan Core.” However, the same amendment removed restrictions on the use of residential accessory parking, allowing excess spaces to be available for “public parking”, enabling building operators to reserve spaces for retail use.

The 2013 amendment to Manhattan Core parking regulations sought to balance more relaxed use regulations by expanding the range of land use considerations considered for special permits to exceed as-of-right parking ratios. The applications for three special permits offer only cursory findings regarding impacts on traffic congestion and pedestrian flow. The application includes an alternative proposing to replace 372 spaces in the Center Site cellar with 100,000 square feet of large format retail. *This is an admission by the applicant that there can be no finding, as required, that “any exempted floor area used for parking is needed in order to prevent excessive on-street parking demand and relieve traffic congestion”.*

In general, the application findings take a narrow approach focused on the immediate access routes to the proposed garage entrances. They fail to adequately consider the impact of encouraging vehicle access to the site on the increasingly untenable traffic baseline conditions related to the Holland Tunnel and lower Manhattan growth. For example, while West Street does have high capacity, many of the cars will also need to use Clarkson, Washington, and Houston Streets, all of which are regularly congested, harming air quality and quality of residential life in the area.

The project as proposed would require approval of three special permits increasing the total allowed parking spaces from 225 to 772, an increase of 343% to a total equaling almost one space for every two

residential units. As stated in the application:

“The Proposed Project overall will thus contain 1,586 residential units, which would be permitted 317 parking spaces on an as-of-right basis, based on 20% of the dwelling units, limited to 200 spaces in one parking facility. The South Site building would be permitted 52 spaces as-of-right for a hotel use or 55 spaces as-of-right for an office use. The retail uses would generate 10 additional spaces as-of-right. The program therefore generates 265 parking spaces when considered on an aggregate basis; however, as a single zoning lot with a mix of uses, the total number of spaces permitted is 225. The three parking facilities in the Proposed Project will exceed this as-of-right amount, and so will require special permits.”

The request for 772 spaces is excessive and harmful. In combination with the 160,000 square feet of retail space, any excess spaces will encourage inappropriate destination retail, especially at the North Site where it would increase congestion in the Holland Tunnel Impact Area. Also, because of the proximity of the Holland Tunnel, excess spaces are likely to result in an increase of detrimental commuter use. The DEIS and the special permit application fail to consider the impact of the proposed parking garages based on these unintended but likely uses. Finally, the excess parking availability will create competitive pressure reducing income from parking at Pier 40 to the Hudson River Park Trust. The community has generally favored the relatively low impact parking uses at Pier 40 and loss of income from parking might encourage less compatible commercial uses at the pier.

The 2013 amendment to the Manhattan Core parking regulations were based on a finding that since 1982 commuter use of parking facilities in Manhattan had declined while car ownership among affluent residents had increased. But 25% of the units in this project are specifically intended only for non-affluent residents, and a similar proportion is likely to apply for residential growth in the nearby Hudson Square Special District. The need for parking for the senior affordable housing will be negligible.

Nevertheless, the project will generate a need for residential parking, and the large mixed use site results in potentially problematic reductions in the number of spaces allowed.

**→ Community Board 2 opposes the proposed permits for off-street parking modifications. The number of spaces allowed should not exceed the total of 381 spaces, based on 317 residential spaces (20% of 1586 units), 52 spaces for a hotel (or 54 spaces for office use), and 10 spaces for retail.**

There are potential uses of the below grade spaces that would contribute substantially to the value of the project to the community and its integration into the neighborhood such as rehearsal space, indoor recreation, and bicycle parking exceeding required amounts. While indoor recreation developed to mitigate adverse impacts of the project cannot be an income source for the project, there is substantial demand for commercial recreation facilities as well.

## **SITE PLAN AND PROJECT DESIGN**

In the words of the New York City Department of City Planning, “Zoning is the language of the physical city. It aims to promote an orderly pattern of development and to separate incompatible land uses, such as industrial uses and homes, and to ensure a pleasant environment.” Rezoning is therefore justified when allowed uses are antiquated and not compatible with uses in the area, but new uses and increased density are not justified unless they contribute to the successful use and development of the surrounding area.

550 Washington Street, a former freight train terminal with a huge footprint, is a challenging site for residential development. Manufacturing in the broader area has been largely replaced by residential and commercial office uses, but the project shares a super block with a municipal sanitation garage to the

south with another superblock to the east solely occupied by a United Parcel Service distribution facility. To the west is West Street, functionally more like an arterial highway than a New York City street. *It will be difficult to successfully integrate the site with nearby residential and office uses, but if the challenges cannot be met, the rezoning is not justified.*

The proposed site-plan and project design run away from the challenges. Most of the proposed site is isolated and non-contributing with respect to surrounding areas. It remains inaccessible to pedestrians, offering no reason for non-residents to enter or pass through.

Significantly, the site plan exposes the essential UPS facility to pressures created by new uses. The proposal to narrow the street bed of Washington Street will increase the traffic disruptions that occur when trucks are entering and leaving the UPS site. Widening the sidewalks to the east will move them into an unpleasant and unsafe conflict zone with the trucking facility, rendering the trucking use disruptive to the proposed residential uses on the site. While the sidewalk needs to be widened, this can and must be accomplished by moving the street wall of the new buildings west, which will also allow the addition of an important planted buffer to create a pleasant and protected pedestrian environment in the context of a preexisting and still essential industrial use.

The project design misses the one-time opportunity to reestablish a human scale street grid that was eliminated by necessity when the terminal building was constructed. It is true that King Street and Charlton Streets cannot be reestablished as true through streets as long as the UPS building stands, but with the mixed use development trend in the area likely to continue, this is a one-time opportunity that must not be missed to create a chance in the future to truly reintegrate the two superblocks into the fabric of the neighborhood. An opening at King Street, in particular, combined with widening Washington Street, to create a pleasant urban retail environment with building transparency at grade, will allow for an inviting and convenient route for pedestrians and vehicles into and through the site.

The project proposal includes 160,000 square feet of retail, but it is located so it fails to contribute to a lively urban streetscape. Houston Street remains largely covered by bridges connecting the North and Center Sites, creating second level open areas. These areas are unlikely to attract public use but they are created at the expense of the possibility of opening the street below to light and air as should be required for compliance with the Hudson River Park Special District.

The result is the sense of a monolithic and forbidding inward facing structure with 800-foot long street walls broken only by the marginally enhanced Houston Street “tunnel” and a private driveway serving as a primary site access that is a 345-foot walk away along a choice of two unwelcoming streets.

A large internal space between the east and west buildings on the Center Site is walled off from the public to provide “silence” for the apartments above, wasting an important opportunity to create public open space and site access at grade level.

**→ The following changes to the site plan will create accessible structures and pleasant streets and will integrate the project with the adjacent community as required to justify the rezoning:**

- 1. Reopening King Street**
- 2. If possible, reopening Charlton Street**
- 3. Opening Houston Street to the sky by removing all structure above except one platform.**
- 4. Widening Washington Street by moving the east street wall of the North and Center Site structures 12 feet to the west and adding an attractive green buffer.**
- 5. Welcoming public use of the open area between east and west buildings in the Center Site.**

*Note: The applicant provided a large format 80-page book in response to criticisms of the proposed site plan and project design discussed at public hearings. The presentation is not convincing and confirms the need for major revisions to the proposal.*

*First, the presentation seeks to make the case that the plan is consistent with mixed-use, high density, and large scale development in the area. But these were not the characteristics of the plan that are criticized herein. Three buildings are referenced as examples of nearby structures with high street walls and full lot coverage, but all have transparency at grade and face a wide street with short blocks and a strong mix of retail activity and pedestrian destinations in all directions, nothing like the narrow Washington Street where a special effort will be needed to attract foot traffic. The presentation also looks to West Street for “immediate urban context”, but backing up to West Street only amplifies the need to transform Washington Street. Finally, the presentation points to the context of long buildings at Pier 40, the Sanitation garage, UPS, and other nearby buildings. But Pier 40 is in a park and not experienced as neighborhood context, and the sizes of the garage and UPS are appropriate to their uses, not for a new residential project in the Manhattan Core. The other buildings noted all have shorter street walls facing attractive wide streets in the center of successful mixed-use areas.*

*Second, the presentation seeks to reestablish the false first impression that the project design effectively breaks up the superblock. In fact, this is precisely where the design fails. The opportunity to break off the North Site is missed because Houston Street remains substantially covered. The High Line reference makes a pretty picture, but the space above has none of the special charms of the long and narrow High Line, and none of its sincere historic reference and repurposing. Instead, it creates a secondary public area of dubious value at the expense of an opportunity to create a real break in the street wall that invites passage into and through the site on Houston Street. Forgetting there is nothing pleasant about the underside of the High Line, it dominates the Houston Street environment with not one, but three old train track beds. The location chosen for a driveway is 346 feet south of Houston Street, ignoring the pre-super block grid that is the best opportunity to recreate an accessible urban scale. Pedestrians seeking to enter the site at the driveway will have two long and unpleasant choices: the arterial highway environment on West Street or the narrow one-sided route dominated by UPS. Again, the slides create false impressions. For example, Washington Street is made to look like a normal street showing parked cars blocking the UPS truck bays, a buffer that would not exist, and showing no parked cars in the parking lane on the west side creating a false impression of a second travel lane. The driveway looks quaint and calm with people strolling on impractical Belgian block paving.*

*In fact, it will be the primary entrance to large vehicle-accessed residential and commercial buildings, frequently dominated by cars and taxis. The curb cut style entrances reinforce the unwelcoming private way appearance, a look and feel of being someplace other than New York City.*

*Finally, numerous slides are presented as “view studies” of alternative alignments for a break in the long street wall. The King Street alignment is clearly the best, providing the most pedestrian-friendly approach to the project structures. The challenges do not go away, but they become manageable, even if a second break at Charlton Street turns out to be impossible. The map provided to illustrate the pedestrian experience of the project as proposed again demonstrates the failure of the plan. Clarkson Street, with no subway access, becomes the prominent east-west corridor, taking people as far from the site as possible, with no pleasant north-south corridors provided. Even on paper, and even with no cars in sight, Houston Street still looks dark and forbidding. The color diagrams of the ground floor plan offer a friendly feel, but only by making the Houston Street coverage invisible, and showing the “landscaped roof/courtyard as though it would be experienced that way by the public*

*The table of contents of the presentation references “several urban design challenges” of opening King Street, but these are not addressed in any of the 80 slides. The challenges are in fact made simpler by the recognition in the site plan as proposed of the desirability of opening a King Street view corridor. A real*

*discussion of ideas presented in criticisms of the plan would be welcomed, but the presentation is unpersuasive and non-responsive. It ignores ideas about how to open the site to respond to the needs of the surrounding neighborhood, needs that must be supported to justify proposed zoning changes.*

## **HUDSON RIVER PARK SPECIAL DISTRICT**

The Hudson River Park Act was amended in 2013 to generate income for the park by allowing the transfer of development rights from the Hudson River Park to receiving sites within one block east of West Street. The amendment provides an opportunity for the park to benefit from development rights without burdening the park with development that is harmful to the adjacent community and incompatible with park uses.

The proposed Hudson River Park Special District would amend the Zoning Resolution and map and regulate transfers of 200,000 square feet of rights from Pier 40 to the 550 Washington Street site. The related \$100 million income to Hudson River Park would fund the restoration of the deteriorating piles and thereby sustain the viability of Pier 40 as a local and regional recreation resource and as an essential source of income for the entire park.

However, based on prior reports from Hudson River Park Trust, there is reason for concern that to remain open until a redevelopment plan is in place, Pier 40 may urgently require substantial additional repair work. Because the emergency conditions at Pier 40 were the impetus for legislation allowing transfer of development rights, assurance of funding to the short term needs of the pier to keep it open for current uses is essential as part of any agreement to transfer air rights. There is no justification for the transfer unless the future of Pier 40 is secured.

Neighbors, and representatives of the Greenwich Village Society for Historic Preservation, spoke at CB2 public hearings and submitted written testimony to express credible concern about increasing development pressures in the South Village and the potential harmful impacts of future transfers of development rights from Hudson River Park sites to receiving sites between Houston Street and 14<sup>th</sup> Street. The community expressed concerns about a wide variety of negative impacts from the development of the St. John's site: The mammoth scale of the proposal in relation to the neighborhood, the enormous value of the development rights that the developer is receiving, the degradation of per capita active space available in the community with the addition of so many new residents, the potential loss of affordable parking on Pier 40, the long distance of the project from the nearest subway, and the fear that the development will produce pressure to curtail access to free boating from Pier 40. Moreover, the need to provide ongoing, predictable financial support for Pier 40 is clear. Community members commented on their desire to have the park supported by taxpayer funds. The Central Park Conservancy receives a sizeable percentage of its funds from the city according to the terms of an agreement which covers a 10-year term. Moving towards a similar agreement for the Hudson River Park would address this community concern and would provide predictable funding for the park and reduce the need for incompatible commercial development within the park.

CB2, Man. urges the City and the applicant to work with our Board to consider ways to apply planning principles such as those suggested to us by Terreform Center for Advanced Urban Research to improve the compatibility of the new uses with the adjacent neighborhoods.

At the same time, CB2, Man. recognizes that the viability of Hudson River Park, as provided for in the Hudson River Park Act, depends on income generated within the park, and specifically within CB2 from commercial development at Pier 40. CB2 strongly opposed past proposals for developments at Pier 40 that would have harmed the Park and the adjacent neighborhoods.



There is an opportunity in connection with the current ULURP to assure the availability of some of the remaining development rights to assure essential long term income for the park while also protecting the park and the community from undesirable development at Pier 40 and at nearby sites within CB2.

**→ CB2, Man. supports the transfer of 200,000 square feet of development rights from Pier 40 for the purpose of repairing the Pier 40 piles if \$50 million of City and State funding is committed over a five-year period to complete other urgent repairs at the pier and assure the pier remains open for its current uses. CB2 supports the transfer exclusively to 550 Washington Street and also supports future redevelopment of Pier 40 if the development pressures on nearby neighborhoods are mitigated as follows:**

- 1. The final phase of South Village Historic District is implemented concurrently during the ULURP process;**
- 2. No additional development rights will be transferred from the Park to any area in CB2, whether from Pier 40 or from any other potential granting site at any time in the future.**

**To help facilitate an agreement whereby Hudson River Park Trust will agree to permanently restrict development rights transfer to sites in CB2 beyond the 200,000 proposed here, in September, 2016, CB2, Man. will hold a public hearing to consider criteria for redevelopment of Pier 40 based on the following draft framework.**

#### **DRAFT FRAMEWORK FOR PIER 40 REDEVELOPMENT CRITERIA (FOR FUTURE REVIEW)**

1. Future development at the pier may include new structure that includes floor area not exceeding xxx,000 square feet.
2. At grade open space in the park will be considered open space for public recreation only if it is used exclusively for free or nominally free recreational use. Outdoor space used entirely or partially for boarding commercially operated vessels, marinas, cafes, etc will not be considered to be open space for public recreation; and no indoor space will be considered open space.
3. In any redevelopment of Pier 40, there will be no increase in total footprint of the structures on the pier, and if there is a decrease of footprint, at least 50% of new unbuilt area will be public open space for recreation.
4. Uses may include current commercial uses with floor area as currently allocated except as listed below.
5. Uses may include commercial office uses and very low impact small manufacturing uses with combined floor area not exceeding xxx,000 square feet.
6. Uses may include eating and drinking establishments individually not exceeding x,000 sf and in combination not exceeding xx,000 sf.
7. The tonnage of commercially operated boats docking at the pier, including party boats, will not exceed xx% of the current use.
8. At least xx% of commercial development of the pier will be developed and operated based on a model designed to fulfill community needs for such uses as a priority over maximizing revenue to the park, and dedicated to the following park and community enhancing uses: indoor recreation, low cost rehearsal space, art studio and gallery space; performance spaces individually not exceeding xxx seats; and community-based water uses including free access to human-powered boats.
9. The site design for development at the pier will give highest consideration to providing safe access for all to the pier and the park and minimizing conflicts between vehicles and park users, and such access will include pedestrian bridges to the extent needed to assure the safest possible access to and use of the pier and the park. The site design for development at the pier will also give high priority to creating and preserving openness, views, compatibility with park uses, and community access to the water.

10. The development plan will provide for incremental or phased development to assure continuous and substantially undiminished recreational use of the pier during construction.

## **PUBLIC OPEN SPACE**

The residential study area for the DEIS has a total open space ratio of 1.15 acres per 1000 residents. There are only .42 acres of active open space per 1000 residents compared to the goal of 2.0 acres. Because the portions of the community district located in the study area have comparatively more open space than the rest of the district, the condition is much worse for the district as a whole. The DEIS identifies a significant adverse open space impact based on a 5.66% decrease in the total open space ratio including a 6.96% decrease in the active open space ratio. No specific mitigations are proposed as part of the application.

No outdoor space suitable for active recreation will be available on the project site. However, because indoor sports facilities provide year-around opportunities, it is appropriate to provide indoor space to mitigate the adverse impact on open space for active recreation.

**→ CB2 cannot support a project that fails to mitigate a significant adverse impact on active open space. Unless suitable outdoor space within the study area is identified and secured, qualified and adequate indoor space within the study area, such as new gyms and swimming pool within the project sites, will be the only sufficient way to mitigate significant adverse impacts of the project on active open space opportunities in the district.**

There are other opportunities to create new public open space within the district, but these are not suitable for active recreation so they would not mitigate the significant adverse impact of the proposed project. For example, CB2 supports the creation of a permanent park at Elizabeth Street Garden as its highest open space priority. CB2 also continues to support new open space at two sites where DEP has completed construction of water distribution projects on East 4<sup>th</sup> Street and at the corner of Grand and Lafayette Streets. At the large DEP site at 388 Hudson Street CB2 supports building affordable housing, but more than 9000 square feet of the site where DEP retains an easement could still be available for passive open space use.

**→ CB2 opposes the proposal for passive public open space on the old railroad track beds above Houston Street because these should be removed to open Houston Street to the sky. Instead, a much larger public open space should be created with at grade access in the area between the buildings on the Center Site of the project.**

Designed as a garden with plantings and seating, the public use would not conflict with the residential uses, and a broad path from Houston Street would increase pedestrian access through the project.

As part of the ULURP agreement for the St. Vincent's Hospital site, the Greenwich Lane development built the public park across the street and pays for its maintenance in perpetuity through assessments on condominium. This model should be implemented, including charges to all property owners on the site, so this project can provide ongoing support for Hudson River Park.

## **AFFORDABLE HOUSING**

The district has experienced a significant loss of stabilized housing, and remaining stabilized units are at risk. CB2 recognizes the negative impact of loss of diversity on the vitality of the neighborhood, the need to place new affordable housing in high value areas, and the importance of creating "aging in place" opportunities for district seniors. CB2 therefore appreciates and supports the significant number of affordable units that will be provided as part of this project, but requests concurrent development of additional affordable housing in the district.

CB2 is deeply concerned that HPD has failed to respond to our requests to evaluate the nearby opportunity for new affordable housing at the water tunnel shaft construction site at 388 Hudson Street, and instead continues to pursue an unpopular plan at Elizabeth Street Garden, a location that offers minimal housing opportunities at the expense of losing a treasured public open space in the most park-starved part of our district.

**→ CB2 recommends that HPD and DCP begin work, concurrently with the 550 Washington Street application, to expand the Hudson Square Special District to include the 388 Hudson Street site.**

**→ CB2 rejects the idea that housing and open space priorities in the district should be selected on the basis of the council district location and once again requests that HPD work with CB2 to develop a plan for the district that builds as much new affordable housing as possible without undue harm to our neighborhood character and open space.**

The mixed income affordable units at 550 Washington Street are proposed as a combination of 60% AMI and 130% AMI. The single AMI band for the “workforce” housing may make them difficult to market with a potential reduction of participation of district residents in the 50% preference program.

**→ CB2 recommends that 20% of the floor area planned for 130% AMI be set at 100% AMI so that units can be marketed in the wider 100% to 165% AMI range.**

During public hearings, neighbors expressed concern about the small size of the senior affordable housing units. The small size is likely to make the units difficult to market to district seniors, many consisting of healthy couples, and even moving into studios will be very difficult for many seniors. Given the size of the project, increasing the proportion of larger units should be possible without reducing the number of units. There was also concern expressed that the single AMI band of 80% is too narrow, and that a broader range would make the units more marketable, especially to seniors currently living in walk-up units in the district.

**→ Of the 178 units for seniors, CB2 recommends that no more than 70 be studios, and also recommends that up to 50% of the units be offered at 100% AMI.**

## **TRAFFIC & TRANSPORTATION**

The proposed special zoning changes and transfer of air rights to 550 Washington will bring thousands of new residents and workers to the area and will significantly exacerbate traffic and transportation issues in the community. This development would also follow on the heels of a major zoning change at Hudson Square and precede further development at Pier 40, all aggravating already declining conditions. Therefore, the development should not proceed unless a comprehensive approach is taken to improve traffic and transportation conditions in the area.

Baseline traffic in the area has been increasingly untenable because of congestion leading to the Holland Tunnel. Long queues on Varick, Canal, West, and Spring Streets contribute to frequent gridlock conditions causing long delays. This disrupts business and creates unsafe conditions for pedestrians and cyclists. It increases response times of emergency vehicles and causes localized air quality problems. As Hudson Square develops as a commercial office and residential area, large numbers of pedestrians sift through blocked crosswalks and crowd into inadequate public transport. With cars and trucks crossing Manhattan to avoid Verrazano tolls, the flow capacity of the tunnel and the “storage” capacity of the traffic lanes fail on a regular basis. 550 Washington will now add a further burden.

Although the DEIS recognizes adverse impacts at 18 intersections, it says all but two can be “fully mitigated with standard mitigation methods” such as restriping, signal timing, and “daylighting”. Some of the proposed mitigations consist of changing signal times by as little as one second. By looking exclusively at the incremental changes created by the proposed project versus as-of-right development at the site, the DEIS misses the already unsustainable baseline conditions in the area, and fails to recognize

the harm that will be caused if the development proceeds without a commitment to extensive improvement by the city administration.

While NYC DOT recognizes the problems, it has applied piecemeal remedies at individual intersections that don't function together holistically. However, given the severity of the current conditions and the impact on safety, health, and quality of work and residential life, the omission of a coordinated plan to mitigate adverse impacts at all intersections of concern is unacceptable. Recent experience with localized improvements focusing on pedestrian safety at a number of complex intersections shows that meaningful change is possible. The current ULURP represents a unique opportunity to develop a comprehensive response to the area's ever-increasing growth.

**→ For this project to proceed responsibly, NYC DOT needs to complete, concurrently with this ULURP, a comprehensive study providing recommendations for improving baseline conditions prior to the start of work on the proposed project. The City administration needs to commit to improving through traffic and pedestrian safety conditions by drawing upon a full toolkit of improvements including permanent lane separations, neck downs and other curb extensions, medians, turning changes, parking changes, and special signage. Particular attention should focus on Varick Street below Bleecker Street, Houston Street, and Spring Street.**

**Varick Street** is the major Holland Tunnel access route through the community district. Designated tunnel access lanes fail during the evening rush hour because vehicles enter these lanes from multiple side streets, often blocking intersections and impeding local and through traffic. Hudson Square Connection has suggested a redesign for Varick Street including a permanent median divider and more restricted access to the tunnel lanes.

**Houston Street** is an important westbound connector to West Street, north and south. When the intersection at Varick Street is blocked, westbound traffic on Houston Street impacts a wide residential and commercial area. Improving this intersection is a high priority, but cannot be accomplished without looking at the full length of Varick Street. Also, to relieve congestion at West Street and improve safety at the pedestrian crossing there, consideration should be given to moving northbound West Street traffic onto Leroy Street.

**Spring Street**, at the south end of the two super blocks, is an important pedestrian connector. During water main replacement work, tunnel traffic from downtown was diverted onto Spring Street, harming the character of the street and further slowing tunnel lanes on Varick Street. The water main work is complete and the use of Spring Street for Holland Tunnel traffic should be curtailed.

In all of these efforts, the Hudson Square Connection should be engaged as an important resource.

### **Bus and Subway Transportation**

CB2 welcomes the proposal to provide affordable housing units for seniors, but the current public transit system does not support this use with the nearest wheelchair access to subways more than a half-mile away. Currently, there is no viable connection to the #1 subway, and the trip from Washington Street to the subway on Sixth Avenue takes passengers through the heart of Holland Tunnel traffic on Spring Street. Without improvements to bus routes and service, the location will isolate seniors and other residents from other residential and commercial areas.

The M21 route should be reevaluated to provide better service to the new development area and its frequency increased. The M8 route must continue to operate as well and at frequent intervals to keep providing the important access that its many users depend upon, while serving seniors and other residents. At least one of these routes should be extended to cross West Street and provide safe and convenient access to Pier 40 and increase ridership.

→ In general, mass transit needs to be improved so that the proposed project is less car-dependent and more appropriate for the Manhattan Core. Dependency on vehicular access will be detrimental to the project and to the neighborhood.

### **Pedestrian Safety and Access to Hudson River Park**

The largest contributor to public open space in the community district is Hudson River Park, but access across West Street is dangerous and isolates the park from the community. The crossing at Houston Street, the main area access point for pedestrians and cyclists has become increasingly hazardous as park use grows. Many vehicles turn north onto West Street from Houston Street and from Pier 40, creating a confusing and dangerous 8-lane crossing terminating on the west side at a busy bike lane.

As pedestrian traffic in the area grows, it is essential that safe at-grade passage is provided across West Street. A pedestrian bridge would be the only *completely* safe crossing, and has been considered to connect the second level at the 550 Washington Street site to Pier 40. But it would be costly to build, and the grade crossing would remain the more-used route for most pedestrians and cyclists, especially those without a second level destination at Pier 40. Bridges also may encourage faster traffic on the street and for that reason were discouraged as part of the Route 9A plan. If office uses are developed at Pier 40 in the future, such a bridge might be essential and therefore this project should include a second level connection point for such bridge and a commitment to provide and maintain public access including elevators, as promised by the applicant.

→ The following measures can provide safer access across West Street and thereby substantially improve access to active and passive open space resources:

1. Add a West Street crossing at King Street where there would be no conflict with turning vehicles.
2. Add a West Street crossing at Spring Street serving residents in the southern portion of the district.
3. Use signs at various locations to eroute traffic turning northbound onto West Street from Houston Street to Leroy Street to reduce the number of vehicles turning through the Houston Street crosswalk.
4. Adjust signal time and phasing to maximize pedestrian crossing times and safety at Houston Street, Clarkson Street, and other West Street crossings.
5. Remove ramps where the crosswalks pass through the West Street medians.
6. Widen West Street crosswalks, install stop line signs at curbs where buildings extend past stop lines, and where possible install bulb outs to shorten crossings.
7. Redesign the Pier 40 driveway with an additional entry to distribute vehicle access away from Houston Street.

### **Bicycle Transportation**

Given the access challenges of the site, the failure to welcome bike transportation is a missed opportunity. While mandatory bike parking would be included in the indoor car parking lots, these primarily serve project residents and do not provide the convenience of at-grade free bike stands. The developer has committed to providing more bike parking than required, but should provide NYC DOT CityRacks at several convenient locations and designate a location for CitiBikes centrally in the project.

### **FLOOD PROTECTION**

More planning is needed in the area to protect vulnerable areas as the climate changes. While waterfront development proceeds apace, actual infrastructure to protect west side areas has stalled.

### **Resiliency**

The Greenwich Village Waterfront is highly vulnerable to storm surges as experienced during Superstorm Sandy in 2012. In response, New York City has committed to protecting the built environment with the Big U project. As part of the redevelopment of the St. John's Terminal, CB#2 must receive time certain assurances of the extension of the Big U from Canal Street to West 14<sup>th</sup> Street. This system will provide long-term protections for existing residences between Washington and West Streets in our community. The Big U is a protective system around Manhattan, driven by the needs and concerns of its communities. Stretching from West 57th street south to The Battery and up to East 42th street, the Big U protects 10 continuous miles of low-lying geography that comprise an incredibly dense, vibrant, and vulnerable urban area. The proposed system not only shields the city against floods and storm water; it provides social and environmental benefits to the community, and an improved public realm.

### **Sewers and Storm Drains**

While the St. John's redevelopment project has considerable on-site retention and detention measures to protect their property during heavy rainstorms, the surrounding community struggles with ongoing sewer back-ups and flooding during such storms. The problems are documented as far east as Hudson Street and along the entire waterfront. CB2 appreciates the commitment made by the project architect to work with neighbors to address longstanding failure of the area sewers. Approval of this application should include a commitment by the City to take urgent action to address these longstanding problems, including rerouting sewer lines, enhancements to tidal gates, local actions required to increase sewer capacities of residential buildings in the area, and a community process for monitoring progress.

### **SCHOOLS**

The project will have a significant adverse impact on public elementary school utilization. Given the current crowding in existing schools and expected residential growth in the area, the residential growth proposed in this project is unsustainable unless other active opportunities for new elementary schools are developed prior to opening of the residential buildings.

### **Flawed DEIS Analysis**

The DEIS analysis is flawed because it includes 100% of the PS 340 capacity, even though most of the PS 340 zone is not in Sub-district 2, the study area for schools analysis. Without this flaw, the projected change in utilization would be greater than 5% and the DEIS analysis would demonstrate an adverse impact on elementary school seats.

In the rezoning for Hudson Square, the applicant agreed to fund the core and shell of a 75,000 square foot elementary school as a result of a 5% change in elementary school utilization.<sup>1</sup>

Furthermore, a very small change in other assumptions also would result in a significant adverse impact to both elementary school and intermediate school seats while the impact on intermediate school seats likely will be greater than the forecast.

Planning for area school utilization in connection with this project is complicated by the following considerations:

### **Additional Considerations**

The formula for calculating the change in utilization is:  $\text{Students Introduced by the Proposed Project} / \text{Capacity in the Study Area} = \text{Change in Utilization}$ .<sup>2</sup>

---

<sup>1</sup> Hudson Square Final Environmental Impact Statement, Chapter 4, Community Facilities and Services, Table 4-6, page 4-11, [http://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/hudson\\_square/04\\_feis.pdf](http://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/hudson_square/04_feis.pdf).

<sup>2</sup> Formula Simplified

Utilization with Action – Utilization No Action = % Change in Utilization

As the population in the study area expands and more school capacity is built, the threshold for any residential project to impact utilization increases. Meanwhile, the cost to build new school seats continues to rise.

Based on the NYC Department of Education’s FY 2015-2019 Proposed Five Year Capital Plan, new school construction in District 2 for schools fully funded by the DOE ranges from \$120,000 to \$174,000 per seat.<sup>3</sup> As a result, it will cost NYC taxpayers \$20 to \$29 million to build new school capacity for the 169 elementary school students that the Project will generate, based on a CEQR multiplier of 0.12. In Greenwich Village, the historical CEQR multiplier is 0.16<sup>4</sup> and as a result, CB 2 projects that the Project will produce 225 additional elementary school students for a cost to taxpayers of \$27 - \$39 million.

**As yet unfulfilled opportunities for new schools were created by agreements in connection with ULURPs for Hudson Square Rezoning and the NYU 2031 Plan. 550 Washington Street and Pier 40 are not ideal locations for a new elementary school, but either could provide a good location to relocate one of the two high schools in the area which could then be reconfigured. Unless commitments are made prior to approval of this application, sufficient space at an appropriate location within the project should be allocated for a new school or funding should be provided to increase capacity at schools in CB2, such as the Bleecker School.**

---

$$\frac{[(\text{Future} + \text{Project}) / \text{Capacity}] - [(\text{Future} / \text{Capacity})]}{[(\text{Future} + \text{Project} - \text{Future}) / \text{Capacity}]} = \% \text{ Change in Utilization}$$
$$\frac{\text{Project}}{\text{Capacity}} = \% \text{ Change in Utilization}$$

Variables

Future = Total Future Enrollment in 2024

Project = Students Introduced by the Proposed Project

Capacity = Public School Capacity in the Study Area

<sup>3</sup> FY 2015-2019 Proposed Five Year Capital Plan, Amendment, NYC Department of Education, January 2016, p. C-7, [http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016\\_15\\_19\\_CapitalPlan.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016_15_19_CapitalPlan.pdf).

<sup>4</sup> In 2014, CB 2 published reports on population projections and demographic analysis for the Bleecker School in Greenwich Village and the actual CEQR multiplier was 0.16 from 2002 through 2013, based on actual change in enrollment divided by the actual change in residential units. The change in enrollment was from the *DOE Utilization Profiles: Enrollment, Capacity and Utilization* and the change in residential units from PLUTO. For the Bleecker School analysis, the study area was the elementary school zones for PS 3, PS 41, PS 11, PS 130 and PS 340. Visit <http://www.nyc.gov/html/mancb2/html/newpublicschools/bleeckerschool.shtml>.

**550 WASHINGTON STREET PROJECT: DEIS vs. CB 2 ANALYSIS OF IMPACT ON PUBLIC SCHOOL SEATS**

**Flawed Assumptions Create Significant Adverse Impact on Elementary School Seats**

**ELEMENTARY SCHOOL ANALYSIS**

DEIS ANALYSIS (1)				CB 2 ANALYSIS		
2014-15 SCHOOLS IN STUDY AREA	ENROLLMENT	DEIS CAPACITY	UTILIZATION	% AGE 5-10 POP IN SUB-DISTR. 2 (2)	REVISED CAPACITY	REVISED UTILIZATION
PS 3 (2)	809	712	113.6%	91%	648	113.6%
PS 41 (2)	757	645	117.4%	91%	587	117.4%
PS 89	442	340	130.0%	100%	340	130.0%
PS 234	581	490	118.6%	100%	490	118.6%
PS 234	148	87	170.1%	100%	87	170.1%
BPC	612	526	116.3%	100%	526	116.3%
PS 150	184	124	148.4%	100%	124	148.4%
PS 340 (2)	81	551	14.7%	30%	165	14.7%
Total '14-15	3,614	3,475	104.0%		2,967	115.1%

CHANGE IN ELEMENTARY SCHOOL UTILIZATION	NO ACTION	ACTION	REVISED
Capacity	3,475	3,475	2,967
Students from Project with CEQR of 0.12		169	169
Change in Utilization		4.86%	5.69%
Students from Project with CEQR of 0.16		225	225
Change in Utilization		6.48%	7.59%

BREAKEYEN ANALYSIS FOR 5% CHANGE IN ELEM. SCHOOL UTILIZATION	
Additional CEQR Multiplier	0.0034 (3)
Additional Students	4.79 (4)
Additional Units	39.92 (5)
% of PS 340 Students in Sub-District	83% (6)
Decline in Elementary School Capacity	95.80 (7)

*Notes*  
 (1) DOE Utilization Profiles: Enrollment/Capacity/Utilization, 2014-2015 and 2010 Census Data by block and age.  
 (2) PS 340 is located in Sub-District 3, but serves some students in Sub-District 2. Using 2014-15 elementary school zones and 2010 census block data for the population age 5 to 10, only 30% of the PS 340 population resides in the Sub-district 2. However, the DEIS analysis uses 100% of the PS 340 capacity. Similarly, 91% of the PS 3 / 41 zone is inside Sub-district 2.  
 (3) Change in CEQR =  $[(5\% * \text{DEIS Capacity}) / (\text{Total Residential Units for School Analysis})] - (\text{Elem. CEQR})$   
 (4) Change in Students =  $[5\% * (\text{DEIS Capacity})] - [(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis})]$   
 (5) Change in Resid. Units =  $[5\% * (\text{DEIS Capacity}) / (\text{Elem. CEQR})] - [(\text{Total Residential Units for School Analysis})]$   
 (6) % of PS 340 Students in Sub-District =  $[(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}) - (\text{DEIS Capacity Excluding PS 340})] / (\text{PS 340 Capacity})$   
 (7) Decline in Elementary School Capacity =  $(\text{DEIS Capacity}) - [(\text{Elem. CEQR}) * (\text{Total Residential Units for School Analysis}) / 5\%]$   
 (8) Cost per school seat for new District 2 schools fully funded by DOE, FY 2015-2019 Proposed Five Year Capital Plan, Amendment, NYC Department of Education, January 2016, p. C-7, [http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016\\_15\\_19\\_CapitalPlan.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016_15_19_CapitalPlan.pdf).

**ASSUMPTIONS**

HOUSING	DEIS ANALYSIS (1)	CB 2 ANALYSIS
Total Residential Units	1,586	
Less: Senior Units	178	
Units for School Analysis	1,408	
ELEMENTARY SCHOOL SEATS		
Elem. School CEQR Multiplier	0.12	0.16
Elementary School Seats	169	225
Cost Per Seat (8)	\$120,000	\$20.28 mm
	\$174,000	\$29.40 mm
		\$27.03 mm
		\$39.20 mm
% of PS 340 Zone in Sub-district 2 (2)		30%
% of PS 3/41 Zone in Sub-district 2 (2)		91%
INTERMEDIATE SCHOOL SEATS		
Inter. School CEQR Multiplier	0.04	n/a
Inter. School Seats	56	n/a
Cost Per Seat (8)	\$120,000	\$6.76 mm
	\$174,000	\$9.80 mm
		n/a
		n/a
PROJECTED ENROLLMENT CHANGES '14-'24 ARE HIGHER FOR ELEMENTARY		
Elementary School	6.83%	n/a
Middle School	(16.28%)	n/a

**SUMMARY**

- CB2, Man. recommends approval of the zoning map amendment, the text amendment and the transfer of Pier 40 development rights with the conditions listed herein pertaining to site plan, project design, the South Village historic district, restrictions on future development rights transfers, retail store size, full mitigation of adverse open space impacts, traffic improvements in the Holland Tunnel impact area, pedestrian safety, provision of needed school seats, and flooding and resiliency.**
- CB2, Man. recommends denial of the applications for special permits for accessory parking garages unless the total number of parking spaces is no more than 387.**
- CB2, Man. recommends approval of the curb cut modifications.**

Vote: Passed, with 36 Board members in favor, and 1 abstention (D. Diether).

**TRAFFIC AND TRANSPORTATION**

**1. Resolution requesting speed humps on Charles St. bet. Washington and West Sts.**

**Whereas** Charles St. bet. Washington and West Sts. has experienced greatly increased vehicular traffic in recent years, with motorists traveling at high speeds, racing to overtake the green light and turn into West St., a situation that endangers the many pedestrians there; and

**Whereas** with the very welcome recent repaving of Charles St. in this location, the situation unfortunately has worsened as the smooth street surface facilitates the speeding; and



**Whereas** this block and its surrounding area are heavily used by pedestrians, including hundreds of children walking to and leaving the Village Community School every day, more children going to the Mandel Pre-School in the Archive Building and to the Morton St. School plus those who will soon be coming to the new school at St. Luke's, many families with children, a large senior population, tourists, and a large residential walking population which is now being heavily increased by the new residential project at 150 Charles St., all greatly endangered by this speeding traffic; and

**Whereas** the Board Secretary for West Village Houses, representing over 2,000 shareholders, has reported that in the last few weeks several close calls have occurred with trucks sideswiping cars, cars almost hitting pedestrians and cars scratching cars, and has asked for a speed hump installation on Charles St. bet. Washington and West Sts., to slow down this racing, out-of-control traffic and make drivers more aware of the street conditions rather than focusing on getting to West St. as soon as possible; and

**Whereas** speed humps have been shown to be effective in slowing down traffic and promoting pedestrian safety where they've been placed in the Community Board 2, Manhattan (CB2) area (for example, on Leroy St. bet. Varick and Hudson Sts.); and

**Whereas** examples in other cities as well as NYC show that installing two speed humps on a block helps sustain a steady slow speed in motor vehicles that otherwise surge full speed ahead after going over a single speed hump;

**Therefore be it resolved** that CB2, Man. requests that two speed humps be installed at appropriate intervals on Charles St. bet. Washington and West Sts.

Vote: Unanimous, with 38 Board Members in favor.

## **2. Resolution requesting speed humps or speed cushions on W. 10th St. bet. Washington and West Sts.**

**Whereas** W. 10<sup>th</sup> St. bet. Washington and West Sts. has experienced greatly increased vehicular traffic in recent years, with motorists traveling at high speeds, racing to reach the green light on Washington St., a situation that endangers the many pedestrians there; and

**Whereas** with the very welcome recent repaving of W. 10<sup>th</sup> St. in this location, the situation unfortunately has worsened as the smooth street surface facilitates the speeding; and

**Whereas** this block and its surrounding area are heavily used by pedestrians, including hundreds of children walking to and leaving the Village Community School every day, more children going to the Mandel Pre-School in the Archive Building and to the Morton St. School plus those who will soon be coming to the new school at St. Luke's, many families with children, a large senior population, tourists, and a large residential walking population which is now being heavily increased by the new residential project at 150 Charles St., all greatly endangered by this speeding traffic; and

**Whereas** the Board Secretary for West Village Houses, representing over 2,000 shareholders, has reported that in the last few weeks several close calls have occurred with trucks sideswiping cars, cars almost hitting pedestrians and cars scratching cars, and has asked for a speed hump installation on W. 10<sup>th</sup> St. bet. Washington and West Sts., to slow down this racing, out-of-control traffic and make drivers more aware of the surrounding street conditions; and

**Whereas** speed humps have been shown to be effective in slowing down traffic and promoting pedestrian safety where they've been placed in the Community Board 2, Manhattan (CB2) area (for example, on Leroy St. bet. Varick and Hudson Sts.); and

**Whereas** examples in other cities as well as NYC show that installing two speed humps on a block helps sustain a steady slow speed in motor vehicles that otherwise surge full speed ahead after going over a single speed hump; and

**Whereas** the M8 bus traverses W. 10<sup>th</sup> St. bet. Washington and West Sts., as it travels eastbound, and speed humps might hinder its movement; and

**Whereas** speed cushions (that are smaller than lane width and rectangular or square in shape) allow for a large vehicle to straddle the cushion while remaining in its respective lane and/or include cutouts to accommodate the larger vehicle's wheels passing through;

**Therefore be it resolved** that CB2, Man. requests that two speed humps be installed at appropriate intervals on W. 10<sup>th</sup> St. bet. Washington and West Sts., or if this will interfere with the M8's passage, that two speed cushions be installed on that block.

Vote: Unanimous, with 38 Board Members in favor.

Respectfully submitted,

Keen Berger

Secretary

Community Board #2, Manhattan