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Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



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COMMUNITY BOARD NO. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: May 24, 2018
TIME: 6:30 P.M.
PLACE: P.S. 130, 143 Baxter Street, Auditorim

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Tobi Bergman, William Bray, Lisa Cannistraci, Erik Coler, Tom Connor, Terri Cude, Chair; Robert Ely, Kathleen Faccini, Stella Fitzgerald, Cormac Flynn, Joseph Gallagher, Susan Gammie, Robin Goldberg, Nicholas Gottlieb, Jeannine Kiely, Patricia Laraia, Janet Liff, Edward Ma, Daniel Miller, Lois Rakoff, Robin Rothstein, Sandy Russo, Scott Sartiano, Georgia Silvera Seamans, Susan Wittenberg, Antony Wong, Adam Zeldin

BOARD MEMBERS ABSENT WITH NOTIFICATION: Katy Bordonaro, Anita Brandt, Amy Brenna, Cristy Dwyer, Robert Riccobono, Shirley Smith, Elaine Young

BOARD MEMBERS ABSENT: Jon Buono

BOARD MEMBERS PRESENT/ARRIVED LATE: Carter Booth, Richard Caccappolo, Ritu Chattree, Coral Dawson, Doris Diether, Jonathan Geballe, David Gruber, Susan Kent, Maud Maron, Rocio Sanz, Shirley Secunda, Kristin Shea, Chenault Spence

BOARD MEMBERS PRESENT/LEFT EARLY: Coral Dawson, Frederica Sigel

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

GUESTS: Jeremy Crimm, Congresswoman Carolyn Maloney's office; Elena Sorisi, Senator Brad Hoylman's office; Fiona Jung, Senator Brian Kavanaugh's office; Andrew Chang, Manhattan Borough President Gale Brewer's office; Irak Cehonski, Council Member Carlina Rivera's office; Marian Guerra, Council Member Margaret Chin's office; Pi Gardner, Nick Nicholson, Sarah Ripple, Laurie Auguste, Douglas Dugro, Simon Hyun, Cate Roepke, Olga Colletti, Ciaran Tully, Sharain Pereira, Lora Tenenbaum, Darlene Lutz, Molly Skardon, Joseph Levey, William McAloon, Susan Vicente, Betti Franceschi, Maria Papasevastos, Tina Walsh, Rachel Ratner, Peter Davies, Jessica Madris, Bill Lynch, Monica L. Martinez, Andrew Zelter, Ruben Ceballos, Alicia Tuckfelt, Jane Cytryn, Mary Clarke, Kim Wurster, Ben Darche, Carmen Brioso, Tom Lindon Marcilio Pediera, Nick Poe, Spencer Taylor, Michele Barshy, Reiner M., Margot Olavarria, Marian Cheng, John Vanco, Michael Hiller, Daniella Topol

MEETING SUMMARY

Meeting Date – May 24, 2018
Board Members Present – 41
Board Members Absent With Notification – 7
Board Members Absent - 1
Board Members Present/Arrived Late - 13
Board Members Present/Left Early – 2

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II. PUBLIC SESSION

Non-Agenda Items

Washington Square Music Festival

Lois Rakoff made an announcement regarding the upcoming free music festival, which will begin on June 5th in the park.

Arts & Institutions

St. Vincent's Theatre Piece

Daniella Topol spoke regarding this upcoming event at the NYC AIDS Memorial Park in St. Vincent's Triangle.

Land Use and Business Development Items

27 E. 4th St. proposed text amendment and 2 special permits to allow modifications of use/bulk for development of an 8-story commercial building

Bill Lynch, the applicant, and Michael Hiller, representing the applicant, both spoke in opposition to the resolution recommending denial of the application.

Landmarks & Public Aesthetics Items

176 Lafayette St.-Application is to establish a Master Plan governing the future installation of painted and/or fabric wall signs.

Spencer Taylor, the architect, spoke in favor of the landmarks application.

IFC Center Applications: 323-25 6th Ave. – App. is to modify storefront infill; 327 6th Ave.-App. is to modify storefront infill & construct a rooftop addition; 14-16 Cornelia St. – App. is to modify previously approved façade design for new building which will connect to rear of existing theater complex.

John Vanco, the applicant, spoke in favor of all the Landmarks applications.

Parks/ Waterfront

Hudson River Park Summer Events

Tom Lindon and Tina Walsh, spoke regarding the park’s upcoming summer events.

Pier 40-Meet the Fishes

Margot Olavarria, spoke regarding the annual “Meet the Fishes” event at Pier 40.

Pier 40

Andrew Zelter spoke regarding the pier.

Quality of Life Items

World Science Festival 2018, W. 3rd St. between LaGuardia Pl. and Thompson St.

Georgia Silvera Seamans spoke regarding the upcoming street festival.

Vap Union Square, LLC, d/b/a Vapiano, 113 University Pl. with 8 tables & 15 chairs (2038465-DCA)

Diana Uhimov, representing the applicant, spoke in favor of the sidewalk café renewal.

Rachel Ratner spoke against the sidewalk café renewal application.

Schools and Education

June CB2 Schools and Education Meeting

Jeanine Kiely, Chair of the Schools & Education Committee,

SLA Licensing Items

Joyful Eats Two, LLC d/b/a Mimi Cheng’s Dumplings, 380 Broome St. 10013 (RW – Restaurant)

Marian Cheng, the applicant, spoke in favor of the proposed beer and wine license.

Grupo Gitano, 76 Varick St.

Darlene Lutz provided an update regarding the outdoor venue, and was in opposition.

Traffic and Transportation Items

L Train Shutdown

Olga Colletti spoke against the proposed Little Italy bus loop.

Pete Davies spoke regarding the proposed Little Italy bus loop.

Lora Tenenbaum spoke regarding the shutdown and other topics.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Jeremy Crimm, Congresswoman Carolyn Maloney's office;

Elena Sorisi, Senator Brad Hoylman's office

Fiona Jung, Senator Brian Kavanagh's office;

Andrew Chang, Manhattan Borough President Gale Brewer's office

Marian Guerra, Council Member Margaret Chin's office

Irak Cehonski, Council Member Carlina Rivera's office

V. ADOPTION OF MINUTES

Adoption of April minutes

VI. BUSINESS SESSION

1. **Chair's Report** Terri Cude reported.

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

STANDING COMMITTEE REPORTS

ARTS & INSTITUTIONS/PARKS & WATERFRONT

1. Resolution in support of a project being developed by Rattlestick Playwrights Theatre in partnership with the Greenwich Village Society of Historic Preservation (GVSHP), New York City AIDS Memorial, St. John's in the Village and The Stonewall Chorale inspired by the history of St. Vincent's that will be performed, in part, at the NYC AIDS Memorial Park in St. Vincent's Triangle

WHEREAS:

1. Rattlestick Playwrights Theatre is a multi-award-winning arts organization that has been based in the West Village since 1994; and
2. Rattlestick Playwrights Theatre is partnering with Greenwich Village Society of Historic Preservation (GVSHP), New York City AIDS Memorial, St. John's in the Village and The Stonewall Chorale to present *St Vincent's Project: Novena for a Lost Hospital*, a new play that explores the 161-year history of St. Vincent's Hospital; and

3. The play, written by Village resident Cusi Cram, will be presented for 5 performances on June 12-15 and June 17 at the Rattlestick Playwrights Theatre’s venue at 224 Waverly Place with the epilogue of the play being performed at the New York City AIDS Memorial Park in St. Vincent’s Triangle; and
4. The epilogue of the play is an integral component of the play; and
5. The epilogue is expected to take place at approximately 9:00PM, last approximately 10-15 minutes and consist of an audience of approximately 80 gathered in a circle listening to The Stonewall Chorale singing Meredith Monk’s “Wedding March” while watching a few dancers move at the center of the circle; and
6. The Stonewall Chorale will not be amplified; and
7. Passersby as well as people who are already at the memorial and who are not ticket holders are invited to stay and enjoy the epilogue; and
8. The intention of the piece is to create a meaningful piece of art by the community and for the community; and
9. St. Vincent’s Hospital was a meaningful part of Village history and a community necessity, providing essential medical care to many, most notably local residents, patients afflicted with HIV/AIDS and victims harmed on 9/11; and
10. The presenters of the project are seeking a permit from the NYC Parks Department in order to be able to perform the epilogue at the New York City AIDS Memorial in St. Vincent’s Triangle.

THEREFORE BE IT RESOLVED that CB2, Man. strongly supports Rattlestick Playwrights Theatre’s June 2018 performances of the epilogue of the play *St Vincent’s Project: Novena for a Lost Hospital* in New York City AIDS Memorial Park in St. Vincent’s Triangle and calls upon the NYC Parks Department to expeditiously approve the necessary permit for these performances.

Vote: Passed, with 40 Board Members in favor, and 1 Board Member in opposition. (C. Flynn).

2. Resolution regarding Community Garden style space at 76 Varick Street

WHEREAS

1. **Whereas**, an organization called Grupo Gitano, d/b/a Gitano, is building a “fully outdoor tropical garden” restaurant in the empty gravel covered lot in Duarte Square bounded by Grand St. to the north, Varick St. to the west, Canal St. to the south and Sullivan St. and Duarte Square Park to the east and our SLA committee and our full board approved their plan in February 2018; and
2. **Whereas**, the plan also includes a separately accessed community garden style area, to be called Gitano Farm, which will grow herbs and vegetables in twenty raised beds, 333 square feet of growing space, spanning 1076 square feet with the capacity to host groups of students and run educational programming for the public; and

3. **Whereas**, the garden planner, Annie Harold, is the current Education Coordinator at the Battery Urban Farm in lower Manhattan and Grupo Gitano will partner with the Grow to Learn NYC citywide school garden initiative, and the garden will be built and maintained in conjunction with City-As-School and a representative came to the meeting and expressed her support and excitement about this opportunity; and
4. **Whereas**, Gitano Farm will be separated from the restaurant and bar area and our committees were adamant that such separation must be sufficiently significant to restrain students from entering the restaurant and restaurant patrons from entering the garden; and
5. **Whereas**, water systems are to be installed in the Square for the restaurant which will feed a drip irrigation system for watering the garden; and
6. **Whereas**, Group Gitano is requesting that an entrance be added to the fence on the eastern side of the project to allow direct access into the garden from the de-mapped block of Sullivan Street to be used by schools groups visiting the farm Monday-Friday from late morning through afternoon hours; and
7. **Whereas**, the developer believes such an entrance will be safer for students than entering through the existing gate on Canal St.; and
8. **Whereas**, there was concern expressed that the large Citibike rack located on the southern side of Duarte Square Park can be very busy at times of the day with Citibike users and so the placement and operation of the gate must take this potential interaction into account;

THEREFORE BE IT RESOLVED that CB2, Man. supports the added entrance within the fence on the eastern section of the project on Sullivan Street

Vote: Unanimous, with 41 Board Members in favor.

EXECUTIVE

Pier 40 Resolution

Whereas:

1. In December, 2017, CB2, Man., approved a report from its Future of Pier 40 Working Groups; and
2. The timing of the resolution was intended to provide ample opportunity for further discussion prior to a possible amendment of the Hudson River Park Act during the 2018 legislative session; and
3. With only one month left in the legislative session, there is no time for open consideration of any proposed amendment;

THEREFORE, IT IS RESOLVED:

1. CB2, Man. does not support any amendment of the Act during the current legislative session; and
2. CB2, Man. recommends as follows only with respect to any amendment that is nevertheless considered during the current session:

A. THE AMENDMENT SHOULD RECOGNIZE CHANGED CONDITIONS AND NEEDS SINCE THE ACT WAS PASSED AND ASSURE THAT IRREPLACEABLE PUBLIC RESOURCES ARE NOT DISPOSED OF UNLESS THERE IS A DIRECT BENEFIT TO PARK USES BEYOND REVENUE GENERATION FOR PARK OPERATIONS.

Any amendment should first of all recognize the highly successful and essential open space resources provided by the completed parts of the park, and the continuing importance of the park as it continues to grow. These uses were not supported on the waterfront when the Act was written. An amendment should also recognize the greatly increased and still increasing need for open space recreation resources based on the major development of the adjacent communities all along the park, the conditions for which development being created by the success of the new park.

B. OFFICE DEVELOPMENT SHOULD BE ALLOWED ONLY AS PART OF A PROJECT THAT OFFERS A BALANCE OF USES INCLUDING DIRECT BENEFITS TO ADJACENT COMMUNITIES.

Any change to the Act expanding the definition of compatible uses should require that a project at Pier 40 include a balance of uses which may include commercial offices but should also include arts, educational, and recreational uses providing benefits to the park and the community as well as limited eating and drinking and entertainment uses contributing to the park environment. Some car parking should be retained for monthly parking as well as to serve the needs of pier visitors, but any space used for parking should be counted as floor area. All these uses should be scaled to assure compatibility with the park consistent with the purposes of the Act and the needs of adjacent communities.

C. LEASES EXCEEDING 30 YEARS SHOULD BE ALLOWED ONLY FOR PROJECTS THAT LIMIT THE SCALE OF COMMERCIAL DEVELOPMENT AND PROVIDE SUBSTANTIAL IMPROVEMENTS TO PARK USES.

Leases should not exceed 30 years except where a longer term is allowed for projects that limit the gross floor area of commercial uses at the pier to an area no larger than the amount of floor area currently built at the pier which amount has been represented by HRPT to be 761,924 square feet. No longer lease should be allowed unless any additional floor area is used exclusively for park administration uses and arts, educational, and recreational uses that provide direct benefits to the park and the community. (See note.)

D. DEVELOPMENT OF THE PIER SHOULD ALLOW CONTINUOUS AND UNDIMINISHED RECREATIONAL USE, INCLUDING DURING CONSTRUCTION, AND BUILDING HEIGHT SHOULD BE RESTRICTED.

Adaptive reuse of the existing structure is preferable, and a development with additional floors should increase the ground level open space for recreation on the pier and improve openness of the park to the river. If the current height is exceeded, the footprint should be reduced to allow a minimum of 50% of the ground floor level of the pier to be used exclusively for open space recreational uses. In any case, the building height should not exceed the height of the tallest existing gantry, and shadows on any open space resources within the park should not be increased.

3. CB2, Man. urges all parties to recognize that 20 years have passed since the Hudson River Park Act was passed and following changes to underlying conditions have occurred:

In 1998, the area now comprising the park was largely a dilapidated and abandoned industrial waterfront, and the value of waterfront recreation to Manhattan and the City and State was not widely recognized or supported. At the same time, parks throughout the City were underfunded and run down, and committing to the costs of maintaining a major new park seemed unsupportable.

As a result, a compromise was created by the Act whereby the City and State would build the park, but with the anticipation that its maintenance and operation would be largely supported by limited park-compatible commercial uses within the park. Since then, the development of the park has been a major contributor to the successful development of inland areas adjacent to the park, with consequent revitalization, substantial increases in real estate tax revenues, and important benefits to tourism and commerce nearby.

With many millions visiting the park each year, the development of open space recreation on the waterfront is now widely supported. Establishing long-term leases for such uses would now appear to squander extraordinary and irreplaceable public resources, permanently degrading opportunities for ongoing contributions of the waterfront to the improvement of our neighborhoods, our Borough, our City, and our State.

It no longer makes sense to assume the necessity of generating the majority of operating funds from commercial uses within the park, and CB2, Man. recommends that before the Act is amended to broaden the allowed uses, the City and State should review the policies that were established under very different conditions 20 years ago.

There have been significant moments when our great city made the right decision to protect our parks from practical proposals, such as the idea to build public housing on the northernmost third of Central Park or the idea to build an expressway through Washington Square. This may be such a moment with respect to the Manhattan shore of the magnificent Hudson.

VOTE: Unanimous, with 40 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. **27 East 4th Street** (between Lafayette Street and the Bowery) CPC has three ULURP #'s for proposed text amendment (N 170115 ZRM) and (170116 ZSM and 170117 ZSM) for two special permits to allow modifications of use and bulk to facilitate the development of an eight-story commercial building located within an M1-5B zoning district, in the NoHo Historic District Extension.

Whereas:

1. This is an application for one text amendment and two special permits under Section 74-712: one for height and setback modifications, the other to permit Use Group 5 (transient hotel and accessory uses) below the second story.
2. Approval will facilitate the construction of 28-room hotel with a 200-seat restaurant (Use Group 6C, not 6A or 12A) and lobby on the ground floor in an eight-story building, located in the NoHo Historic District Extension (M1-5B) that will rise without setback to a height of 90'-10". Request for no setback is one of the special permits sought.
3. As-of-right construction is restricted to a specific set of conforming uses that includes hotels and offices. As-of-right, the applicant could build a six-story hotel with the hotel lobby on the second floor.
4. On April 8, 2014, the LPC voted to approve the demolition of the existing one-story building located at 27 E Fourth St. and the design of the proposed building.
5. The Merchant's House Museum (1832), a New York City, New York State and National Landmark with a rubble foundation, is next door at 29 E Fourth St. It is an entirely unique, enormously treasured, and fragile and irreplaceable landmark and museum.

6. At the April 11th meeting of the CB2, Man. Land Use committee, eight speakers and approximately 200 individuals opposed the application because of the possibility of massive and irreparable harm to the foundation, underpinning, and original plaster on the interior, as a result of the proposed demolition and construction.
7. John Krawchuk, executive director of the Historic House Trust, in his testimony, pointed out the following deficiencies and inaccuracies in the project EAS, which need to be investigated and, if true, rectified:
 - a. Page 6: The EAS application indicates there is no effect on a public resource, but the Merchant's House is, in fact, publicly-owned land under the jurisdiction of NYC Parks. Construction next door will likely require the house to close for an extended period of time and for the collections to be moved out of the house, preventing it from serving its mission as a public museum.
 - b. Page 7: Under Item 5 Shadows, the applicants answered "no" to Question b: Would the proposed project result in any increase in the structure height and be located adjacent or across the street from a sunlight-sensitive resource? In fact, there is a proposed increase in the height of the building to create a "street wall" and a public garden that relies on sunlight is located in the rear yard of the house. A full shadow study should be conducted.
 - c. Page 7: Under Item 6 Historic and Cultural Resources, the impact of construction and in-ground disturbance on the project site is of high concern for CB2. The design details and construction means and methods for the project site should be fully disclosed at this stage to determine the potential impacts to the house. Even significant monitoring, shoring and remedial stabilization work cannot really ensure the protection of the fragile structure and interiors next door.
 - d. Page C-1: Under Attachment C: Shadows, Definition and Methodology, the legend and map for the Shadows section describes the rear yard of the Merchant's House as a vacant lot. It is in fact a public garden on NYC Parks Dept. land. This section must include more details of the Merchant's House so that impacts are understood.
 - e. Attachment D: Under Historic and Cultural Resources, this section completely omits any reference to the landmark Merchant's House as an individual NYC Landmark and Interior Landmark listed on the National Register of Historic Places. This section should be revised and proper analysis conducted for significant and non-significant impacts of the proposed project on the Merchant's House.
8. These deficiencies and inaccuracies adversely affect the credibility of the applicant's other assertions and need to be investigated and rectified before any modifications of use and/or bulk are considered.
9. Credible testimony indicates that the proposed project will adversely affect structures and open space in the vicinity in terms of location and access to light and air, namely the Merchant's House Museum and its garden.
10. The bulk and use modifications are requested under ZR 74-712, but a text amendment would be required because the current text does not apply when existing lot coverage exceeds 40%.
11. The application for a text change does not provide credible land use considerations to explain why the 40% requirement should be changed for this single site. For example, no case is made that the property cannot be well-used as currently developed as a one-story building with full lot coverage, perhaps in conjunction with an adjacent property on Lafayette Street owned by the same party.
12. CB2, Man. has recommended approval of 74-712 text amendments in the past when strong land use arguments were presented and applicants have sought and obtained support from the surrounding community and immediate neighbors.

13. The proposed text change would affect no other sites citywide, and thus represents an effort to alter the zoning resolution to serve the private interests of the applicant exclusively, with no public benefit and with substantial potential harm to the Merchant House, an important public resource.
14. Neighbors spoke against the hotel use, which would be facilitated by the proposed modifications.

Therefore be it resolved, CB2, Man. recommends **denial** of the application for a text change and two special permits to facilitate the application for bulk and use changes under 74-712 unless and until the proposed development is modified so as to avoid all harm to the Merchant's House Museum as evidenced by support of the Museum board and the New York City Parks Department.

Vote: Unanimous, with 41 Board members in favor.

2. 2-4 Spring Street (south side between Bowery and Elizabeth Streets) BSA Cal No 2017-224-BZ is an application for a new special permit for a physical culture establishment for martial arts and exercise training called "Hit House" situated on the lower level floor, pursuant ZR 73-36.

Whereas:

1. This is an application for a new special permit for a physical culture establishment for martial arts and exercise training called "Hit House," situated in the cellar and on the first floor, pursuant ZR 73-36.
2. The premises is located in the Special Little Italy District, a C6-1 zoning district.
3. This use is located as to not impair the essential character or the future use of development of the surrounding area.
4. The PCE contains 3373sf of floor area dedicated to facilities for classes, instruction and programs for physical improvement and martial arts.
5. A term of 10 years is requested.
6. Because the facility is located entirely within the existing building, it will not interfere with any public improvement projects.
7. Hours of operation will be 7am to 7pm Monday through Friday and 10am to 3pm Saturday and Sunday. The proposed PCE is designed for class use only and each class will have a maximum capacity of 32 occupants.
8. The PCE is ADA-accessible.
9. No portion of the proposed PCE will be located on the rooftop of the subject building, it is appropriately located on an improved street, and the PCE has no potential hazards or disadvantages that will adversely impact the privacy, quiet, light and/or air within the neighborhood.
10. The two open DOB violations and two open ECB violations for the building have been cured.
11. There have been numerous complaints from multiple addresses about loud instructor voices, vibration, music and the sound of punching bags emanating from the studio and infiltrating the common rear yard. In response to complaints, some sound attenuation measures have been taken (subwoofers were removed from the walls and sound-proofing blankets were attached to the windows, but they have not yet solved the problem.
12. On May 4, the applicant reported that the landlord agreed to replace the four windows with new triple-glazed windows.

Therefore be it resolved, CB2, Man. recommends **denial** of this application until the BSA is assured that a permanent, adequate and effective noise mitigation system has been installed.

Vote: Unanimous, with 41 Board members in favor.

2. **61-63 Crosby Street** (between Spring and Broome Streets) BSA Cal. #2017-246-BZ Application submitted for a variance to permit retail use on the ground floor, pursuant to section 72-21

Whereas:

1. This is a variance application to allow the ground floor of 61 Crosby to be used as Use Group 6 retail. The ground floor of 63 Crosby is already authorized for such use per its Certificate of Occupancy.
2. The proposed use is part of a larger commercial development of the site that will convert the entirety of the two buildings' ground floor into retail spaces and its upper floors into offices. Such uses are permitted as-of-right throughout the buildings, which are located in an M1-5B district and the SoHo-Cast Iron Historic District Extension, except for the retail use of the ground floor of 61 Crosby.
3. The variance sought only concerns the southerly portion of the ground floor of 61 Crosby, which as-of-right can only be used as a Joint Live-Work Quarter for Artists. The remaining floors contained JLWQA units, although the building is currently vacant.
4. The two buildings were originally recognized by the Department of Buildings under two separate Building Identification Numbers. However, a predecessor in title chose to merge the two lots and the current owner seeks to develop them in tandem. The only CO (from 1984) treats them as one building with the address 61-63 Crosby.
5. The property was acquired in February 2016. Based on a review of the CO, applicant asserts that the ground floor of 63 Crosby was used as an art gallery from December 27, 1984 until the end of 2012, at which point the space was used as a retail clothing store until February, 2016, the date by which most of the building became vacant. The CO's notation on the art gallery permits UG 6 and 17D, but does not indicate which address the art gallery occupies.
6. With respect to 61 Crosby, based on a review of the property's CO, applicant asserts that the ground floor was used as JLWQA from December 27, 1984 until most of the building became vacant in February 2016. To applicant's knowledge, 61 Crosby has never been used as retail space.
7. With respect to the A Finding of unique physical conditions, the shape and size of this lot is ubiquitous throughout Manhattan. Moreover, the applicant is arguing simultaneously that the odd-shaped site is a hardship because the rear of 61 Crosby extends 15'-3" beyond the rear of 63 Crosby (true, but only if they are considered as a single lot) AND that the lots' narrowness is also a hardship (also true, but only if they are considered as two distinct lots). Which argument do they want to prove?
8. With respect to "uniqueness" (meaning "one-of-a-kind," "unlike anything else" and a word which long ago lost its original meaning in the variance process), the neighborhood is replete with ground floor retail stores but the applicant believes that its predicament is both rare and difficult because only 13 out of the 483 properties within 1,000 ft. of the site are less than 3,200sf, less than 30 ft. wide, and cannot put their ground floors to use as retail stores.
9. The application does not successfully make the argument for anything but a self-inflicted "hardship."
10. The Economic Analysis Report reflects numbers that, if actually accurate, would be unacceptable to most developers: as-of-right development costs of \$40.9 million vs. proposed renovation costs of \$41 million (only \$100,000 more than as-of-right?) plus a profit of only \$400,000 on proposed development costs of \$41 million. In addition, financial report analyzes one merged space and applicant stated at the meeting that it intends to keep the retail spaces separate.
11. At the meeting, the applicant agreed to keep the two addresses as separate retail spaces.
12. The applicant also agreed to no eating or drinking establishments.

Therefore be it resolved, CB2, Man. recommends **denial** of the application based on its failure to meet the required findings and its general contradictoriness. CB2, Man. does not believe that the proposed use would adversely affect neighborhood character or nearby uses, if the following conditions were included in a revised application:

1. That no eating or drinking establishments on these premises.
2. That 61 Crosby and 63 Crosby remain two separate retail spaces.
3. That BSA enforce “uniqueness” as grounds for a variance.

Vote: Unanimous, with 41 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

FIRST LANDMARKS MEETING

1. 176 Lafayette St. - Application is to establish a Master Plan governing the future installation of painted and/or fabric wall signs.

Whereas:

- a. The proposed area of the sign on a secondary facade is 150 Square feet, occupies 3% of the façade and the positioning appears to conform to applicable regulations; and
- b. The applicant did not present details about the design parameters which are controlled by landmarks regulations; and
- c. The proposed methods of application are the historically correct paint applied to the brick and an unacceptable method of a fabric sign attached to the wall by brackets; and
- d. The applicants appeared before the Full CB2, Man. Board on 5/24/18, stating they will agree to using paint directly on the building’s wall and will not use fabric for this sign; now

Therefore be it resolved that CB2, Man. recommends:

- a. **Approval** of the size, placement, content, provided that staff review and confirm that in all aspects it conforms to applicable regulations; and
- b. That the use of fabric or any medium other than paint on brick be **denied**.

Vote: Unanimous, with 41 Board members in favor.

2. 640 Broadway – Application is to restore second means of egress to apartment on the 4th floor by extending the fire escape landing in the manner established under previous renovations.

Whereas:

The proposed landing matches the original metal work of the fire escape and replicates the extensions installed prior to and after designation; now.

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

Vote: Unanimous, with 41 Board members in favor.

3. **152 Mercer St.** – Application is to install storefront infill.

Whereas

- a. The proposal is to replicate design for infill in the same size opening as the opposite end of the facade; and
- b. The applicant represented that the design for the referenced opening has been approved by the Commission and did not provide details of the design nor evidence of the approval; and
- c. The design, as presented in one elevation drawing replicates the referenced infill in a suitable design and materials with an acceptable modification of the doors to accommodate structural conditions; now

Therefore be it resolved that CB2, Man. recommends **approval** of this application provided that staff verifies that the referenced infill has been approved and that the proposed infill follows the design faithfully.

Vote: Unanimous, with 41 Board members in favor.

4. **224 Centre St.** – **Application is to install a handicap accessible ramp, cast iron entry doors, and new wooden storefronts.**

- a. A concrete ramp tinted to match the brownstone base of the building is proposed on Baxter Street in a position that causes the minimum disturbance of historic materials; and
- b. Brownstone material that is removed to accommodate the installation will be preserved for use in repairing the base elsewhere on the building; and
- c. The width is 44 inches and in all respects the ramp and the entry appear to conform to applicable regulations; and
- d. A uniform historic style storefront infill in existing bays in the three facades with single pane display windows incorporates the design of a molding copied from a hidden historic example; and
- e. The single pane windows are non historic and make an unwelcome interruption the strong vertical design of the façade; and
- f. An illustration of the building in its original condition clearly shows six pane windows in the ground floor openings which enhance the overall appearance of the building and do not unduly hamper the visibility necessary for intended retail use of the space; and
- g. Cast iron tracery doors from the late 19th century with a metal surround, transom, and sidelights are to be installed in the main entryway; and

- h. The two doors (2'6" x 7') are from a later period than the building however they are from the period of the roof modification from a dome to a mansard design and they do not detract from the building; and
- i. The surround with sidelights and transom are in metal with a question as to whether the opening is of sufficient width to accommodate the sidelights; now

Therefore be it resolved that CB2, Man. recommends:

- a. **Approval** of the sidewalk ramp; and
- b. **Denial** of the infill unless the windows are divided according to the six pane historic design; and
- e. **Approval** of the entry according to the design submitted with the sidelights as illustrated, or with panels where the sidelights are shown, if their installation is not practical.

Vote: Unanimous, with 41 Board members in favor.

5. 114 Prince St. – Application is to install storefront infill, paint the façade and replace fire hydrant with brass finish one.

Whereas:

- a. The building is an iconic example of classic SoHo cast iron construction and is remarkably preserved with an intact ground floor and an historic color scheme that enhances the overall design of the building; and
- b. The proposal is to replace the doorway in kind, increase the height of the two single pane show windows by the removal of the intact, original cast iron bulkheads and replace them with a non-historic design in inappropriate material, and
- c. The proposal is to paint the ground floor between the side columns in dark gray which obscures the fine cast iron detail and destroys the visual unity of the building; now

Therefore be it resolved that CB2, Man. recommends:

- a. Denial of the alterations to the facade; and
- b. Denial of the painting of any part of the facade in a color that does not match the existing color of upper stories; and
- c. Approval of the restoration or replication in kind of the doors.

Vote: Unanimous, with 41 Board members in favor.

6. **30 Cooper Sq.** – Application is to install a fire suppression system including 2 water tanks on the roof.

Whereas:

- a. The existing tank toward the front of the building will remain and
- b. The new tanks are in wood of a classic design matching an existing tank on a neighboring building to the north and mechanical equipment is placed on the roof at the rear; and
- c. Care has been taken to position the tanks and mechanical equipment in a position that affords the least possible visibility and the visibility from public thoroughfares is minimal and not objectionable; now

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

Vote: Unanimous, with 41 Board members in favor.

7. **54 Morton St.** – Application is to convert a multi-family building into a single-family residence.

(LAID OVER)

8. **430 West Broadway** - Application is for the demolition of the existing commercial building and the construction of a new commercial building.

Whereas:

- a. The existing building is from 1986 with alterations in 1987 and characterized as being non-contributing to the district; and
- b. Numerous examples of historic buildings in the neighborhood were shown to illustrate the massing and façade typical to the area which were represented as inspiration for the design; and
- c. The proposed building is six stories with a set back penthouse and the cornice line of the adjoining, shorter building falls awkwardly in the middle of the sixth story window line; and the height of the building at the street wall is 84' (higher than any neighbors in the block) with the roof of the penthouse at 98' and the elevator housing at 112', and
- d. The façade is in thin, long, rectangular, light variegated brick of a contemporary design with no reference to historical materials in the district; and
- e. The windows in various dimensions are uniform in design with masking frames of metal filigree, which were represented as being derived from sidewalk and stair vault lights and are set into the glass; and
- d. The windows are recessed into the brick facade which is without any reflection of the detailing or ornamentation shown in the reference material as the presumed inspiration for the design; and
- e. The lack of detailing or ornamentation with central division as the sole vertical emphasis and no evident horizontal expression, both of which are evident in typical buildings of the district, gives the façade a geometric appearance; and

- f. The penthouse is in zinc panels and the safety railing is overly heavy owing to its being filled with the filigree metal used in the window screens; and
- g. There was considerable oral and written objection to the application by residents of the neighborhood; and
- h. The actual and visual bulk, owing to the height together with the unrelieved plainness of the façade and complete disregard for integration into the streetscape, results in a brutalist building that is an unwelcome intrusion in the block and in the historic neighborhood.
- i. It is unlikely that the bulk and plainness of the design can be modified to the extent that it will be acceptable for the district; now

Therefore be it resolved that CB2, Man. recommends:

Approval of the demolition of the existing building; and

Denial of this application for a most unsuitable and unwelcome intrusion into the SoHo neighborhood.

Vote: Unanimous, with 41 Board members in favor.

SECOND LANDMARKS MEETING

- 9. **405 W. 13th St.** – Application is to extend and restore existing 3-story building to 6 stories, with the new portion setback 20'-0" from the existing street façade.

Whereas:

- a. The 13th Street façade, the original rear façade of a block through building, is preserved close to its original form, including a considerable amount of detailing and a reasonably intact metal canopy/marquee with a more elaborate original façade on 14th street; and
- b. The block has higher buildings than are typical in the district with a new eight story building to the west and a historic six story building to the east; and
- c. On 13th Street, the historically referenced charcoal gray storefront infill is a contemporary adaptation of the original design with 20" bulkheads and prismatic glass in the transoms; and
- d. The marquee will be restored and have two hanging blade signs (2' X 3') and an end sign as depicted in a historic photograph; and
- e. The windows in the second and third stories will be replaced with nine over nine double hung; and
- f. The three story addition is set back 20' from the façade and, though visible, lies well between the two taller buildings on either side; and
- g. The façade is in glass and dull silver finish metal with references to piers and spandrels in prismatic glass and central windows with operable casement side windows in clear glass in each bay; and

- h. With excessive and busy detailing in metal and a typical window layout that does not respect the arrangement or operation of the windows in the original building, the Arts and Crafts aesthetic of the original building is not well referenced and the addition appears alien to the original building.
- i. The 14th Street façade is to be restored and the rooftop addition is not visible from the 14th Street side and a small portion of the elevator housing and bulkhead are minimally visible from a distance; now

Therefore be it resolved that CB2, Man. recommends:

- a. **Approval** of the restoration of façades, ground floor infill, and the canopy restoration and signs provided staff confirm that the signs conform to landmarks regulations for signs attached to the canopy in the district; and
- b. **Denial** of the addition unless the design is considerably simplified especially with respect to the horizontal screening elements and that the size and placement of the windows follow layout of the floors below.

Vote: Unanimous, with 41 Board members in favor.

10. 51 Greene St. – Application is to extend the existing fire escape, a new ladder and railing on the front of the building to provide a second mean of egress for roof occupancy.

- a. The ladder extends from an extension of the top floor fire escape landing that matches landings on the floors below to the rooftop and does not invade the historic parapet; and
- b. The required safety roof railing is black and set back 2’ from the front of the cornice in line with the façade and is not objectionably visible; now

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

Vote: Unanimous, with 41 Board members in favor.

11. IFC Center Related Applications: *323-25 6th Ave. - Application is to modify storefront infill; ***327 6th Ave.**-Application is to modify storefront infill and construct a rooftop addition; ***14-16 Cornelia St.** – Application is to modify previously approved façade design for new building which will connect to the rear of existing theater complex.

Whereas:

- a. The presentation was accompanied with illustrations that were repeatedly described by the applicant as incomplete, were lacking in important details and, in numbers of instances, no clarification could be provided; and
- b. The application was considerably modified from the previous application to the extent that it was approached as a new application especially with the respect to the change of the Cornelia Street portion of the building from theatre lobbies on all floors to one theatre lobby, an emergency exit for the theatres, and a residential entrance on the ground floor and apartments above; and

***327 6th Ave.**

- c. On the 6th Avenue portion the applicant is adding a new building to the north and a modified street and upper south façade. The decorative metal panels will be removed to reveal a plain limestone color stucco facade with vertical elements copied from the 1937 Waverly Theatre photograph and a central window shown replaced by a signboard; and
- d. The plain stucco extends to a line below the bottom of the marquee whereas the Waverly photograph shows dark horizontal stripped panels behind and to the top of the marquee which reduce the large stucco area above and enhance the marquee's appearance; and
- e. The ground floor addition will have considerable glass door areas and scant horizontal moldings derived from the Waverly photograph with the entry extending along the front of the adjoining building to the north; and
- f. The adjoining building is to be increased by three stories with no setback and the additional floors have an upper façade of angled brick and zinc panels; and
- g. The adjoining building accommodates considerable mechanical equipment that is masked by a fence in a light neutral color; and

***14-16 Cornelia St.**

- h. The applicant stated that the design has few references to the historic streetscape of this remarkably preserved village lane and this was deliberate - the new facade was intended to stand out as a "new" building; and
- i. the ground floor of the building serves as a large lobby for the theatre with apartments above; and
- j. The ground floor consist of large windows, non contextual graffiti prone zinc metal panels for the lobby, an emergency exit, and a residential entry all in a generic style that does not reflect the historic district's architectural context or streetscape, and which offers no relief to the residential block from its bright and intrusive use as a lobby; and
- k. The upper floor's façade is odd angled brick panels and randomly placed windows of various sizes, most of which are extremely narrow and tall and do not harmonizes with the adjacent buildings; and
- l. The extremely plain parapet/cornice is aligned with adjacent buildings cornice; and
- m. The application, in the architect's own words, was represented as not being concerned with "referring to anything historic" and clearly does not reference or respect the overall design, rhythm, scale, and materials of neighboring buildings; and is instead a reiteration of the applicant's own prior proposal for an aggressively commercial building that ignores the historic district generally and specifically ignores this special, pristine and historic block and that was recommended to be denied by CB2 in 2015; and
- n. There were detailed testimonies, both oral and written, in opposition to the application from the Central Village Block Association and other members of the public; and

- o. The Cornelia Street façade serves no commercial purpose and it will therefore cause no harm to the applicant to have its appearance be in harmony with the streetscape rather than derived from the style of the distinctly commercial façade on Sixth Avenue; and
- p. At the CB2, Man. Full Board meeting, IFC’s General Manager John Vanco represented that, based on the Community’s criticisms of the Cornelia Street façade, there is future willingness to redesign what was presented; now

Therefore be it resolved that CB2, Man, recommends:

- a. That the Sixth Avenue façade be **approved** provided that there is a stronger horizontal element referenced in the 1937 Waverly Theatre photograph showing an art deco treatment of dark horizontal band running the full width of the building and up to the top edge of the marquee; and
- b. **Denial** of the Cornelia Street façade in every respect except its height.

Vote: Unanimous, with 41 Board members in favor.

QUALITY OF LIFE

1. Revocable consent for:

Proposed stoop, fence, and gate at the front of the premises located at 8 Perry Street

Whereas, the applicant intends to restore the front of the premises to the condition prior to 1930 which includes a stoop, fence, and gate which will allow access to the premises at both the basement level and first floor of the building; and

Whereas, this historic preservation will match the 3 other buildings on this block which presently include a stoop, fence, and gate; and

Whereas, this application has already been approved by the Landmarks Preservation Commission; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a revocable consent for a stoop, fence, and gate at the front of the premises located at 8 Perry Street, provided that the application conforms with all applicable zoning and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

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

Kubbeh LLC, d/b/a Kubeh, 77 W. 11th St. (464 6th Avenue) with 8 tables and 16 chairs (4997-2018-ASWC)

Whereas, the area was posted, community groups notified, and the applicant was present, and several members of the public appeared to speak regarding this application; and

Whereas, the establishment is currently in operation as a casual full-service and take out restaurant serving variations of ‘kubeh’ a traditional Middle Eastern soup dumpling, paired with cocktails; and

Whereas, the applicant appeared before Community Board 2, Manhattan's SLA Licensing committee in September 2016 to present a new application for a restaurant on-premise liquor license and despite CB2 Manhattan's unanimous vote to recommend denial of the on-premise liquor license the State Liquor Authority granted the applicant the on-premises liquor license; and

Whereas, the applicant presented several letters and a petition in support of their sidewalk café application; and

Whereas, several neighboring residents appeared to express concerns about **1)** the increase in noise and pedestrian traffic on West 11th Street with the addition of this sidewalk café, **2)** a planter outside the residential building that would abut the sidewalk café and **3)** the possibility that patrons of the sidewalk café would enter or exit the restaurant using the sidewalk cafe; and

Whereas, the applicant stated that no restaurant patrons would be permitted to enter or exit the sidewalk café other than through the main restaurant entrance/exit on 6th Avenue and that all staff would be instructed to take careful care of the planter that abuts the sidewalk café railing when setting up and breaking down the sidewalk café furniture; and

Whereas, the applicant wished to operate the café until 12:00 AM Monday-Thursday and until 1:00 AM Friday-Saturday, but upon the Committee's urging agreed to not operate the café past 11:00 PM, seven days a week and would stipulate as such to the SLA; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored within the restaurant when the sidewalk café was closed; and

Whereas, the applicant stated that no beer, wine, or liquor would be served in the sidewalk café until such time that an amended liquor license is attained; and

Whereas, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all food and drink would be delivered by restaurant staff; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café for **Kubeh LLC, d/b/a Kubeh, 77 W. 11th St. (464 6th Avenue) with 8 tables and 16 chairs (4997-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

AOA786, LLC, d/b/a Paramount, 820 Broadway (between E. 11th and E. 12th Sts.) with 4 tables and 5 chairs (8310-2018-ASWC)

Whereas, the area was posted, community groups notified, and the applicant was present, and no member of the public appeared to speak regarding this application; and

Whereas, the applicant operates over 50 Canadian locations of this fast-casual establishment serving Lebanese cuisine and the sidewalk café will consist of two benches and one chair and would be available for customers to use after ordering and receiving their food from the counter and restaurant staff would regularly monitor the café to clear and wipe tables; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed; and

Whereas, the applicant stated that it has no intention of applying for a liquor license as liquor is not served at any of the applicant's locations; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café for **AOA786 LLC, d/b/a N/A, 820 Broadway (between E. 11th and E. 12th Sts.) with 4 tables and 5 chairs (8310-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

Momacha OP LLC, d/b/a Momacha, 312 Bowery (between Bleecker and Houston Sts.) with 9 tables and 29 chairs (9123-2018-ASWC)

Whereas, the area was posted, community groups notified, and the applicant was present, and no member of the public appeared to speak regarding this application; and

Whereas, the applicant will operate this matcha tea and coffee café that shares space with an art gallery and the sidewalk café will be open for patrons to enjoy their beverages and pastries and restaurant staff will regularly monitor the café to clear and wipe tables; and

Whereas, the applicant does not serve alcohol and has no intention of applying for a liquor license; and

Whereas, the applicant states the the café would not operate past 9:00 PM, Monday-Thursday and not past 10:00 PM, Friday-Saturday; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café for **Momacha OP LLC, d/b/a Momacha, 312 Bowery (between Bleecker and Houston Sts.) with 9 tables and 29 chairs (9123-2018-ASWC)**.

Vote: Unanimous, with 41 Board Members in favor.

3. Renewal applications for revocable consent to operate an unenclosed sidewalk café for:

Elmer Kennedy LLC, d/b/a Pasquale Jones, 86 Kenmare Street (between Cleveland Place and Mulberry Street) with 6 tables & 12 chairs (2032459-DCA)

Whereas, the area was posted, community groups notified, and the applicant was present, and no member of the public appeared to speak regarding this application; and

Whereas, the applicant was made aware that the current set-up of the sidewalk café was not consistent with the plans provided by the applicant when the café was first considered by this committee and that more clearance was required between the phone booth and the outer railing of the café and the applicant expressed contrition and indicated it was not aware that the current set-up did not conform and made all assurances that they would rectify all issues; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of a sidewalk café renewal for **Pasquale Jones, 86 Kenmare Street (between Cleveland Place and Mulberry Street) with 6 tables & 12 chairs (2032459-DCA)** provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

Vap Union Square, LLC, d/b/a Vapiano, 113 University Place (between East 12th and East 13th Sts., with 8 tables and 15 chairs (2038465-DCA)

Whereas, the area was posted, community groups notified, and the applicant was present, and approximately 15 members of the public appeared to speak regarding this application; and

Whereas, the applicant appeared before Manhattan, Community Board 2 in May 2016 at which time neighboring residents appeared in opposition to the original sidewalk cafe application at this location due to concerns with vehicular and pedestrian traffic congestion and safety related to the major construction site across University Place; a history of complaints about dirty sidewalks, crowd noise, and HVAC noise at the existing restaurant, and frequent lack of a knowledgeable manager on premises; and

Whereas, the applicant appeared with the current general manager of this location (the restaurant is an international chain with 152 locations) who stated that he had not heard the concerns of the neighbors before but found that many of the complaints had been rectified and the manager offered his personal cell phone number to all the residents in order to meet with anyone that wished regarding the complaints; and

Whereas, the applicant agreed that the sidewalk café would not operate past 9 PM seven days a week; CB2, Man. recommends that the licensee, as soon as practical, alter their existing liquor license to include the existing sidewalk cafe and that all future alcohol would be delivered to guests by staff in the sidewalk café; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed, and that staff would permanently remove a waitstaff stand from the sidewalk café as it is not allowed per Department of Consumer Affairs' regulations; now

Therefore Be It Resolved that CB2, Man. recommends **DENIAL** of a sidewalk café renewal for **Vapiano, 113 University Place (between East 12th and East 13th Sts., with 8 tables and 15 chairs (2038465-DCA)**, **UNLESS** the applicant stipulates to the 9 PM closing time for the sidewalk café and provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements and that no alcohol be served in the sidewalk café until the liquor license is amended to include the sidewalk café.

Vote: Unanimous, with 41 Board Members in favor.

4. FYI/ Sidewalk Café Renewals

- 1. Moonblu, Inc. d/b/a Joy Burger Bar, 361 6th Ave. with 14 tables & 29 chairs (2039435-DCA)**
- 2. Coriander Factory, Inc. d/b/a Bo Caphe, 222 Lafayette St. with 3 tables & 6 chairs (2035427-DCA)**
- 3. 212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. with 5 tables & 4 chairs (1349707-DCA)**

4. UBC, LLC d/b/a Mr. Donahues, 203 Mott St. with 5 tables & 10 chairs (2038131-DCA)
5. Supernatural Wine, Inc. d/b/a La Compagnies Des Vins Surnaturels, 247 Centre St. with 6 tables & 12 chairs (2042125-DCA)
6. Dynamic Music Corp. d/b/a Olive Tree Café & Comedy Cellar, 117 MacDougal St. with 3 tables & 6 chairs (0807555-DCA)
7. 125 Hospitality, LLC d/b/a Groove, 125 MacDougal St. with 4 tables and 8 chairs (2048976-DCA)
8. Bar Giacosa Corp., d/b/a Bar Pitti, 268 Ave. of the Americas with 21 tables and 49 chairs (1097155-DCA)
9. Mendared, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. with 17 tables and 34 chairs (1354717-DCA)
10. Raro, Inc. d/b/a Fafele, 29 7th Ave. S. with 14 tables and 42 chairs (1419407-DCA)
11. Juicerie, LLC d/b/a Juicerie, 19 Kenmare St. with 20 tables and 40 chairs (1437537-DCA)
12. Fig & olive Thirteen Street, LLC d/b/a N/A, 420 W. 13th St. with 17 tables & 34 chairs (1343247-DCA)
13. Moz Restaurant, Inc., d/b/a Meme, 581 Hudson St. with 8 tables & 16 chairs (1347167-DCA)
14. Smorgas Chef West Village, LLC d/b/a Smorgas, 283 W. 12th St. with 13 tables & 26 (1233131-DCA)
15. Serafina Meatpacking, LLC, 7 9th Ave. with 14 tables & 36 chairs (1418637-DCA)
16. Soho 75 LLC, d/b/a The Mill, 75 Varick St. with 7 tables and 24 chairs (2038815-DCA)
17. Carabea, LLC d/b/a Galway Hooker Bar, 133 Seventh Ave. South with 8 tables & 18 chairs (1341044-DCA) (ENCLOSED)

Whereas, the area was posted, community groups notified and no member of the public requested any of these renewals to be heard in a public hearing nor appeared to speak regarding any of these applications; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the subject renewals, provided that all applications conform with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

5. Street Activities Applications

Saturday, May 19, 2018— 12th Annual Dance Parade and Festival, 1) University Place between East 8th and East 14th Sts. 2) East 8th St. between University Place and Cooper Square 3) Astor Place between 4th and 3rd Aves.

Whereas, this event has been held previously, with no known complaints from the community and several residents from University Place appeared and spoke in favor of this joyous celebration and stated that the impact on the street was low as the parade moved swiftly through the area; and

Whereas, this event has already occurred; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the **12th Annual Dance Parade and Festival, 1) University Place between East 8th and East 14th Sts. 2) East 8th St. between University Place and Cooper Square 3) Astor Place between 4th and 3rd Aves. on May 19, 2018.**

VOTE: Unanimous, with 41 Board members in favor

Tuesday-Thursday, June 5-7, 2018— Blackberry Press Event: Magnetic Collaborative LLC, W. 12th St. between Washington and Greenwich Sts., (sidewalk and curb lane closure)

Whereas, this application seeks a sidewalk and curb lane closure for one whole block to allow large trucks to unload cargo into an event space called Industria; and

Whereas, Industria describes itself as a “versatile facility specifically designed to host events across industries” and “offers a beautiful industrial character and an incredible location” with several event spaces totaling 13,400 square feet offering “street access and is “car accessible”; and

Whereas, because Industria rents out the space to external event planners, each individual event planner, and not Industria, attains all permits for use during individual events, which causes this stretch of W. 12th Street to become a continuous loading and unloading zone for huge events which cuts off all access to the curb lane and sidewalk for neighboring residents who have lived in the neighborhood for years; and

Whereas, because Industria does not hold itself out as the permit holder for these events, there is no point person to contact to resolve any of the neighboring residents quality of life concerns, which include garbage being placed among neighbors garbage resulting in fines, excessive noise from events happening around the clock, and from the lack of resident parking available; and

Whereas, the applicant did not appear and several neighboring residents did appear to express long simmering outrage at this event space and their resistance to meet with any neighbors in order to facilitate a just outcome for this stretch of W. 12th Street; now

Therefore Be It Resolved that CB2, Man. recommends **DENIAL** of the **Blackberry Press Event: Magnetic Collaborative LLC, W. 12th St. between Washington and Greenwich Sts., (sidewalk and curb lane closure)** on June 5-7, 2018; and

Therefore Be It Further Resolved that CB2, Man. requests that SAPO organize a meeting with the operators of this establishment and neighboring residents in order to resolve these long simmering issues.

VOTE: Unanimous, with 41 Board members in favor.

Tuesday-Wednesday, June 12-13, 2018— The Prize Wall: Team Promotion LLC, Astor Place Plaza (South)

Whereas, the area was posted, community groups notified, and the applicant **was NOT** present, and no member of the public appeared to speak regarding this application; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of the **The Prize Wall: Team Promotion LLC, Astor Place Plaza (South)** on June 12-13, 2018.

VOTE: Unanimous, with 41 Board members in favor.

Friday, June 15, 2018— Eid ul-Fitr (Religious Ceremony): Islamic Center at NYU, Thompson St. between W. 3rd St. and Washington Square South (Full street closure)

Whereas, the area was posted, community groups notified, and the applicant **was NOT** present, and no member of the public appeared to speak regarding this application; now

Therefore Be It Resolved that CB2, Man. recommends **denial of Eid ul-Fitr (Religious Ceremony): Islamic Center at NYU, Thompson St. between W. 3rd St. and Washington Square South (Full street closure)** on June 15, 2018.

VOTE: Unanimous, with 41 Board members in favor.

Saturday, June 16, 2018— 10th Street and 5th Avenue Block Party, East 10th Street between 5th Ave. and University Place (full street closure)

Whereas, the applicant, a resident of this block, stated that he noticed family-friendly, single block party events are common in other boroughs and he hoped to organize a similar event for this stretch of East 10th Street; and

Whereas, the applicant visualized the event as having one or two inflatable bouncy houses to entertain families from the block and indicated that the date requested aligned with his young son's birthday and would be a perfect opportunity to celebrate his son's birthday; and

Whereas, the applicant also indicated that his father-in-law, a longtime Greenwich Village resident, had recently passed and this block party could be an opportunity to memorialize his father-in-law; and

Whereas, the applicant indicated that he had not yet spoken to any other residents of this block regarding the idea of a full street closure on this block in less than a month to host a block party; and

Whereas, the committee expressed support for residential block parties but emphasized that it is important to show a critical mass of residents of a block support the proposed block party and would not be inconvenienced by a full street closure on a summer Saturday and encouraged the applicant to choose a later summer date for the block party which would give the applicant time to survey support for the event; now

Therefore Be It Resolved that CB2, Man. recommends **denial of the 10th Street and 5th Avenue Block Party, East 10th Street between 5th Ave. and University Place (full street closure)** on June 16, 2018.

VOTE: Unanimous, with 41 Board members in favor.

Thursday, June 21, 2018— Hudson Square BID PopUp, King Street between Hudson and Greenwich Sts.

Whereas, the applicant appeared and indicated that this PopUp Street Fair would feature artisanal foods and crafts and would not include traditional street fair vendors selling sausages, socks, cell phone accessories, and the like; and

Whereas, the applicant indicated that 3-4 local merchants had already agreed to participate in the event, at a reduced rate, and other local merchants would be asked about participating; and

Whereas, the applicant indicated that Trinity Real Estate owns all properties on this block and are in full support of this event to promote the Hudson Square BID; and

Whereas, the area was posted and no member of the public appeared to speak regarding this application; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the **Hudson Square BID PopUp, King Street between Hudson and Greenwich Sts.** on June 21, 2018.

VOTE: Unanimous, with 41 Board members in favor

Thursday, June 28, 2018— The Door: End of Year Block Party, Avenue of the Americas between Broome and Dominick Sts.

Whereas, the applicant, The Door—a nonprofit whose mission is to empower young people to reach their potential by providing comprehensive youth development services in a diverse and caring environment, located at 555 Broome Street, previously had access to an outdoor space adjacent to The Door but that space was no longer available; and

Whereas, The Door traditionally has held an end of year BBQ in the no longer accessible outdoor space; and

Whereas, the applicant hopes to use half this block to host an end of the year event in which participants will enjoy food and drink that is prepared inside The Door’s premises; and

Whereas, this length of 6th Avenue is not the major part of 6th Avenue but rather a small sliver that runs south from Spring Street to Broome Street and the applicant will only be using the block running from Dominick Street to Broome Street; and

Whereas, the area was posted and no member of the public appeared to speak regarding this application; now

Therefore Be It Resolved that CB2, Man. recommends approval of the **The Door: End of Year Block Party, Avenue of the Americas between Broome and Dominick Sts.** on June 28, 2018.

VOTE: Unanimous, with 41 Board members in favor.

FYI/Renewal Street Activities

- 1. 6/3/18 – 6/4/18 – World Science Festival 2018 (Load Out For Indoor Events), W. 3rd St. between LaGuardia Place and Thompson St.**
- 2. 6/11/18 – 6/26/18 – Heritage of Pride Inc: NYC Pride, Christopher St. between Greenwich St. and Washington St.**
- 3. 6/23/18 – New York Grand Lodge: Sons of Italy Founding Day, Grand St. between Mulberry St. and Mott St.**
- 4. 7/7/18 – Village Alliance BID: Creativity Cubed, Astor Place Plaza (South): Astor Place Plaza (South)**
- 5. 10/21/18 – 6th Police Precinct Explorers: Washington Square Arch Fair, Washington Square North between University Place and Fifth Ave.**

Whereas, these items were on the public agenda and were not requested to be heard for further discussion by any community member; now

Therefore Be It Resolved that CB2, Man. recommends approval of the subject renewals.

VOTE: Unanimous, with 41 Board members in favor.

SCHOOLS AND EDUCATION

Resolution in Support of Additional Funding For On-Site After School Programs at MS 297 75 Morton -- A New School with a Four-Year Enrollment Phase-In

Whereas:

- 1. As a new middle school, MS 297 will need additional funding for on-site after school programs for each of the next three years to accommodate its growing middle school enrollment, including funding for an additional 150 after school seats for the 2018-2019 school year;**
 - a. For the 2017 – 2018 school year, MS 297 received funding for 100 SONYC seats to accommodate the initial 6th grade class of 192 students, a ratio of 52% seats to students;
 - b. For the 2018-2019 school year, MS 297 is expected to enroll approximately 500 6th and 7th grade students, but DYCD has only funded 100 SONYC seats, a ratio of only 20% seats to students, requiring additional funding of 150 seats to bring the total to 250, a ratio of 50% seats to students; and,
 - c. MS 297 is expected to enroll approximately 800 6th, 7th and 8th grade students for the 2019-2020 school year and up to 900 students for the 2020-2021 school year, requiring additional DYCD funding of after school seats for the next two years to accommodate the growing student population.
2. In Fall 2014, New York City greatly expanding free after school programs for middle school students:
 - a. The Department of Youth and Community Development (DYCD) funds *School's Out New York City* (SONYC) that offers programs for students in 6th, 7th and 8th grades at public school sites from 3 p.m. to 6 p.m., five days per week for 36 weeks during the school year; and,
 - b. SONYC programs are structured like clubs offering young people a choice in how they spend their time; provide rigorous instruction in sports and arts, and require youth leadership through service;
3. SONYC programs have received strong reviews, help working families and provide the support that middle school students needs:
 - a. In an April 2016 [evaluation of SONYC programs](#), “ninety-eight percent of parents surveyed reported their sons and daughters like coming to the program, and nearly all of the families said they would recommend SONYC to other families;”
 - b. SONYC programs provide middle school students with the support of caring adults and offer engaging, fun activities designed to encourage participants to pursue their passions and help them through the challenging years of early adolescence, a period of extraordinary change and a demanding time for both students and their families;

- c. As students transition from elementary school to high school, after school programs targeted to middle school students help students develop new skills and interests, prepare for high school, encourage greater experimentation in academics, arts and athletics and provide students with safe environments and absorbing activities to occupy them after school, particularly important for working parents; and,
 - d. High quality after school programs bring a wide range of benefits for middle school students including improved academic performance, improved classroom behavior, reduced drug use, and positive health outcomes, particularly when programs encourage physical activity and good dietary habits, and reduces the achievement gap among diverse communities;
4. In District 2, Manhattan Youth is the largest provider of SONYC programs, serving as the sole onsite provider at 16 District 2 middle schools; other District 2 providers include Educational Alliance, Immigrant Social Services and University Settlement;
 5. In District 2, 100% of the choice middle schools and 100% of the unzone middle schools south of 23rd street offer their students free on-site after school programs including:
 - a. District 2 schools serving grades 6-8 at Simon Baruch Middle School, City Knoll Middle School, East Side Middle School, Hudson River Middle School, Lab School, Lower Manhattan Community Middle School, Manhattan Academy of Technology, Salk School of Science and Yorkville East Middle School;
 - b. District 2 schools serving grades 6-12 at Clinton School for Writers & Artists, Institute for Collaborative Education Professional Performing Arts School, Quest to Learn and School of the Future; and,
 - c. District 2 schools serving grades K-8 at Battery Park City School, Ella Baker School and Spruce Street Middle School;
 6. MS 297 will enroll students who live in the MS 297 zone as well as students throughout District 2 and will compete for students with the 23 other District 2 middle schools;
 7. To be on equitable footing with the other District 2 middle schools, particularly for working families that rely on free after school programs, MS 297 will need DYCD funding to provide free after school programs for its students;

Therefore be it resolved that CB2, Man. urges the Mayor and our City Council to allocate funding in the FY 2019 budget for an additional 150 SONYC seats at MS 297; and

Be it further resolved that CB2, Man. urges the Mayor, our City Council and the Department of Youth and Community Development to plan for the future funding of additional SONYC seats for MS 297 in FY 2020 and FY 2021, as enrollment expands up to 900 students; and,

Be it further resolved that CB2, Man. urges the Mayor, our City Council and the Department of Education to recognize and fund the needs of new schools during their entire enrollment phase-in.

VOTE: Unanimous, with 41 Board Members in favor.

SLA LICENSING

1. 219 Mulberry, LLC d/b/a Ruby's, 219B Mulberry St. 10012 and 219B, LLC d/b/a Ruby's, 219C Mulberry St. 10012 (Existing Restaurant Wine)

i. Whereas, as result of continuing complaints that the Licensee Ruby's (SN #1162545) was not operating its Australian fast casual style café in compliance with its previously agreed upon method of operation and stipulations with its neighbors and with CB2, Man., the Licensee was requested to appear before CB2 Manhattan's SLA Committee to review its method of operation and to review those complaints in an attempt to ameliorate ongoing problems existing between the business and those residents living in the same building; and,

ii. Whereas, after expanding its business to add a second (separate and distinct) storefront within a mixed-use, six-story building in January/2017, the Licensee entered into and executed a stipulation agreement with CB2, Man. from which the Licensee agreed would be incorporated in to their method of operation on their liquor license with the NYS SLA, and by such agreement resulted in a recommendation to approve the license subject to those agreed upon stipulations via a deny/unless resolution from CB2, Man. to the NYS SLA in January/2017; and,

iii. Whereas, when Ruby's sought to expand its operations to the second storefront within the same tenement style building (circa 1900) in January/2017 there was also opposition presented to that expansion, residents living in the same building with bedroom windows facing an external courtyard voicing significant concerns relating to certain mechanical systems (HVAC and refrigeration compressors) which had been installed and located in the rear exterior of the premises within the courtyard by the Licensee which was loud, not turned off at night and caused vibrations to the surrounding apartments, as well as disruptions by employees from the licensed premises working late at night using the rear courtyard for business purposes, taking out trash, taking breaks, having conversations, hanging out and on their cell phones while also allowing a rear door to repeatedly bang compounding quality of life issues in the rear courtyard for residents living with a few feet of these late night disturbances and intrusions; and,

iv. Whereas, as a result of these concerns the Licensee previously agreed to specifically prohibit use of rear exterior areas of the building/premises by employees, including the service doors leading to rear courtyard after 10 PM every night; and,

v. Whereas, despite such agreement residents living in the same building with windows adjacent to the exterior courtyard continued to experience loud and disturbing noise from employees from the restaurant taking out trash and performing other business-related tasks in the rear courtyard after 10 PM on a regular basis, often past midnight, demonstrating a lack of diligence by management to control this problem and a total disregard of the Licensee's previous agreement and stipulations with the adjacent residents, the surrounding Community and CB2, Man.; and,

vi. Whereas, residents provided numerous videos of such late-night work activities from employees of the restaurant and undertook a diary to document when the violations had occurred; and,

vii. Whereas, a Manager from the Licensee appeared and demonstrated a willingness to correct the late night activities by employees using the courtyard after 10 PM and to strictly adhere to its prior stipulation agreement, the Manager also stating that he had already relocated one compressor from the courtyard and was planning to relocate the other compressor to ameliorate the noise from the mechanical systems, to

further address any future complaints in a timely manner, and to work with its residential neighbors to abide by its past agreements essential for the co-habitation of business and the long-standing residents of the building;

THEREFORE BE IT RESOLVED that CB2, Man. recommends the NYSLA review the noise complaints, and to take all appropriate measures to prevent any further late-night intrusions in the exterior rear courtyard and to enforce the Licensee's existing method of operation on its restaurant wine license.

Vote: Unanimous, with 41 Board members in favor.

2. Little Italy Speak Easy, Inc., d/b/a Aunt Jake's, 149 Mulberry St. 10013 (OP – expand to 2nd floor, alteration method of operation to restaurant, change name to Aunt Jakes)

i. Whereas, the Applicant and his Attorney appeared before CB2 Manhattan's SLA Licensing Committee for an alteration to an existing OP license to expand its interior operation to add a ground/parlor floor level and combine the parlor floor with the basement premises to operate a full-service specialty pasta restaurant and wine bar known as Aunt Jake's, all within a brick three-story, mixed-use townhouse (Circa 1816) on Mulberry Street between Hester and Grand Streets in the historic Little Italy District of Manhattan; and,

ii. Whereas, the Applicant previously operated a restaurant called Aunt Jake's at 151 Mulberry Street but he had lost his lease at that address and was now seeking to operator an Italian Restaurant with an identical method of operation at 149 Mulberry Street; and,

iii. Whereas, the premises at 149 Mulberry Street has two entrances: the first with stairs up to a parlor floor storefront, the parlor storefront having previously operated as a clothing and handbag store and never previously licensed for the service of alcohol, the second entrance with stairs leading down to a basement premises which previously operated since 2010 as the Mulberry Project and/or My Little Secret Speak Easy (Lic. #1221377;exp. 10/31/2019), a lounge/cocktail bar with accessory outdoor seating in a rear yard; and,

iv. Whereas, in the combined interior premises proposed (basement and parlor floors) there will be 28 tables and 67 table seats, 1 bar with 10 bar seats for a total interior patron seating capacity of 77, there will be one TV only, there will not be French doors or operable windows at the front or at the rear facades of the premises and none is planned for installation, the rear yard being seasonal, for table service and/or dining purposes only, where there will not be any music, no cocktail parties, no exterior heaters and no special events permitted; and,

v. Whereas, the Applicant also plans to add a sidewalk café in the future with 2 tables and 4 chairs should it be permissible, and only after he appears before CB2, Man. Quality of Life Committee and subject to a DCA license for this purpose; and,

vi. Whereas, the Applicant executed an updated stipulations agreement with CB2, Man. that he agreed would be attached and incorporated on their OP license with respect to the alteration application to combine the parlor and basement levels of the building to operate a full-service restaurant with accessory outdoor dining, and those stipulations are as follows:

1. The combined premises will operate and be advertised as a full-service specialty pasta restaurant.

2. The interior hours of operation will be from 11AM to 12AM Sunday through Thursday, and 11AM to 2AM on Fridays and Saturdays. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a lounge, tavern or sports bar.
4. The premise will have one television.
5. The premises will not permit dancing.
6. All accessory rear yard use will be accessory to the restaurant with table service and/or for seasonal dining purposes only, with no music or exterior speakers, no heaters, no exterior bars and will close by 11 PM Sunday through Thursday and by 12 AM on Fridays and Saturdays. All patrons will be cleared, the lights off and no patrons or staff will remain after stated closing times.
7. If permitted and after appearing before CB2, Man. Quality of Life Committee, will operate a licensed sidewalk café with 2 tables and 4 seats no later than 10PM Sunday through Thursday and no later than 11 PM Fridays and Saturdays. All tables and chairs will be removed at closing and there will be no patrons in the sidewalk café thereafter.
8. The interior premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
9. All doors and windows will be closed by 9 PM every night.
10. There will be no French doors or operable doors/windows to the front or rear facades of the building and there will be no changes to the existing façade except to change signage or awning.
11. Will obtain a place of assembly permit indicating that basement, first floor and rear yard will operate as one premises.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades.
16. All sidewalk café tables will be reserved for dining patrons only. Licensee will make every effort to ensure the noise and disruption, if any, from the sidewalk café is minimal as possible for neighbors and residents and will take active steps to ensure compliance.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to an existing full On Premises license for **Little Italy Speak Easy, Inc., d/b/a Aunt Jake’s, 149 Mulberry 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 above are incorporated into the existing “Method of Operation” on the existing On Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

3. Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard St. 10013 (OP – alteration to extend hours of operation and add service to sidewalk cafe)

i. Whereas, the Applicant and his Attorney appeared before CB2, Manhattan’s SLA Licensing Committee for an alteration to existing OP license to add service to a sidewalk café and to extend its hours of operation beyond midnight to continue to operate a full-service diner restaurant serving breakfast, lunch, and dinner in a mixed use 2 story building (Circa 1924) on the corner of Howard and Centre Streets; and,

ii. Whereas, the Applicant has only been operating with an on premise license at these premises for nine months, and before opening up his Restaurant the premises previously operated for years as the Lunch Box Buffet 5 Combinations serving Chinese food with communal seating but which closed by 11 PM every night and which was never previously licensed prior to 2017 for the service of alcohol; there also being objections raised by residents upon the Applicant's initial application for an on-premise license subject to the 500-ft. rule; and,

iii. Whereas, the Applicant's family also owns the building and performed a gut renovation of the interior premises with some minor changes to the exterior façade of the building, the exterior façade having fixed windows which do not open, the Applicant agreeing upon his initial application for an on-premise license, and again upon the instant alteration application, to maintain fixed windows on its front façade to lessen the noise impacts on the immediate neighborhood; and,

iv. Whereas, the Applicant also applied for and obtained a Sidewalk Café permit from the NYC DCA for six tables and 24 seats, and agreed to put away said tables and chairs each evening (but has not done so after initial operation as required by Section 2-55(a) of the NYC Department of Consumer Affairs regulations for unenclosed sidewalk cafes), per the Applicant appearing before CB2 Man.'s Quality of Life Committee for this purpose but apparently did not understand and/or was advised improperly that he did not need to apply for an alteration of his existing liquor license for the service of alcohol at the sidewalk café, the Applicant ceasing the service of alcohol after being informed of the miscue by the CB2, Man. District Office on April 16, 2018, and providing a 30-day notice to CB2, Man. to pursue such alteration with the NYS SLA, the Applicant also agreeing in the future to close the sidewalk café by 10 PM during the week (Sunday through Thursday) and by 11 PM on Fridays and Saturdays; and,

v. Whereas, the 3,000 SF interior premises has three patron bathrooms, a dining counter with 21 seats, 18 tables with 56 seats with an additional private dining room with one table and 10 seats for a total interior patron seating capacity of 87, the Applicant agreeing to reduce these patron seat numbers so as to not exceed 74 persons, which is his obligation as the Letter of No Objection from the NYC Building's Dept. dated April 19, 2017 prohibits a greater occupancy; and,

vi. Whereas, because the Applicant initially agreed to hours of operation closing by 12 AM every night, hours consistent with his stated method of operation as a diner and local family style restaurant seeking to serve the local neighborhood and not to create a significant impact on the existing neighborhood by closing at a reasonable time with regular restaurant hours, as well as their agreement to maintain a fixed front façade containing noise within the restaurant, CB2, Man. felt that a public interest was being served by adding another OP license to this area despite it being already saturated with liquor licenses, there being 34 existing on premise licenses within a 500-foot radius of the licensed premises and an additional 4 pending on premise licenses within that same radius of the premises; and

vii. Whereas, even though the Applicant requested to operate until 2 AM seven days a week, he thereafter agreed to close by 12 AM Sunday through Wednesday and by 1 AM Thursday through Saturday into the future; and

viii. Whereas, the Applicant executed an updated stipulations agreement with CB2, Man. that he agreed would be attached and incorporated in to their method of operation on their OP license with respect to the alteration application, and those stipulations are as follows:

1. The premises will operate and be advertised as a full service diner restaurant.

2. The interior hours of operation will be from 11AM to 12AM Sunday through Wednesday, and 11AM to 1AM Thursday through Saturday. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a lounge, tavern or sports bar.
4. The premise will have one television.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes other than a licensed sidewalk café.
7. Will operate a licensed sidewalk café with 6 tables and 24 seats no later than 10PM Sunday through Thursday and no later than 11 PM Fridays and Saturdays. All tables and chairs will be removed at closing and there will be no patrons in the sidewalk café thereafter.
8. The interior premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. All doors and windows will be closed by 9 PM every night.
10. There will be no French doors or operable doors/windows to the front or rear facades of the building and there will be no changes to the existing façade except to change signage or awning.
11. Will not permit occupancy in excess of 74 persons.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of an alteration to an existing full On Premises license for **Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard 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 above are incorporated into the existing “Method of Operation” on the existing On Premise Liquor License.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (A. Wong).

4. My Café, LLC d/b/a Kopi Kopi, 68 W. 3rd St 10012 (OP- Alteration to add back yard to license)

i. Whereas, the applicant and applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for an alteration to an existing on-premise liquor license (#1269199) to add outdoor seating in the rear yard of their “Indonesian Coffee Bar in Greenwich Village, offering artisanal coffee drinks, Indonesian small plates, ramen and cocktails”; and,

ii. Whereas, the licensed premises is located in a five-story (circa 1900) mixed-use building on West 3rd Street between Thompson Street and LaGuardia Place in the designated Landmark South Village Historic District in the Greenwich Village neighborhood; and,

iii. Whereas, the applicant proposes placing 10 tables with 25 seats in the backyard, more than doubling the current seating for the entire premises, the interior currently being 10 tables and 20 seats; the applicant provided no documentation indicating that the rear courtyard could be used for patron dining, where no patron dining has previously existed; and,

iv. Whereas, the existing interior hours of operation are from 7:00 AM to 11 PM Sunday through Wednesday, and 7:00 AM to 12:00 AM Thursday through Saturday, there are no TVs, music is background only, there are no DJs, no promoted events, no scheduled performances or cover fees; and,

v. Whereas, the courtyard in question is surrounded by scores of residential apartments, including many with facing bedrooms, and was the focus much neighborhood complaint and frustration in the past as a result of noise generated by commercial uses of backyard spaces, the result of which has been to limit such uses of outside spaces in the courtyard to protect residential quality of life; and,

vi. Whereas, the applicant did not make specific outreach to the residential tenants and owners in the surrounding buildings about their plans who would be immediately impacted, but several neighbors, including regular customers of the applicant who would be immediately impacted spoke against the proposal, including a building owner with 9 residential rental units which immediately abut and overlook the proposed rear yard and several residents of the same building in which the rear courtyard is located; the committee also received letters in opposition despite also receiving a letter in support from the Bleecker Area Merchants' & Residents' Association (BAMRA), an organization without members living in the buildings directly affected by the use of the outdoor yard; and,

vii. Whereas, the applicant proposes to deploy a polycarbonate para-roof over part of the backyard space to reduce noise impact, said structure not having enclosed sides of covering the entirety of the space but being like a rigid tent, and the applicant did not provide any examples, evidence of permits to construct such an enclosure, or expert testimony as to how this would address community noise concerns, and admitted that it would only muffle and not fully block sound from the use of the backyard; and,

viii. Whereas, CB2, Man. opposed the issuance of the current license five years ago primarily due to specific concerns about the potential use of the outside backyard space either current at that time or future use, as the resolution of the time indicates, and said license was issued by the SLA only after applicant removed the outside backyard space from the application and clearly stated it was not a part of the licensed premises and agreed to stipulate to that statement; and,

ix. Whereas, the rear yard has never previously been used for commercial use, specifically patron eating and drinking uses, and the elimination of the intrusion into the rear courtyard at the inception of the license created a positive atmosphere; returning the courtyard to this proposed commercial use can reasonably be projected to erode in a significant manner the quality of life of surrounding residential tenants and create a dramatic impact on surrounding and immediately abutting residential owners and tenants;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the presented alteration application seeking to add use of the backyard space for **My Café, LLC d/b/a Kopi Kopi, 68 W. 3rd St 10012**; and,

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB2 respectfully requests that this item be Calendared to appear before the Full Board of the SLA

Vote: Unanimous, with 41 Board members in favor.

5. Joyful Eats Two, LLC d/b/a Mimi Cheng's Dumplings, 380 Broome St. 10012 (New Restaurant Wine)

i. 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 a restaurant wine license to operate a quick-style Taiwanese Dumpling restaurant within a ground floor storefront of a six-story mixed use building (circa 1910) on Broome Street between Mott and Mulberry Streets in the Nolita neighborhood of lower Manhattan; and,

ii. Whereas, the premises was previously operated as a candy store before being recently converted to the fast-casual restaurant specializing in dumplings in 2017, with take-out services, the storefront premises being approximately 700 sq. ft. (in addition to 700 sq. ft. basement ancillary to the business but not for patron uses), with 6 tables and 19 seats in the interior; there are an additional 6 tables and 12 seats in a Department of Consumer Affairs licensed sidewalk café for a total of 31 seats throughout the restaurant, the premises having never previously been licensed for the service of beer and wine, **there currently being no bathroom accessible to patrons** within the storefront premises and the Applicant **failing to present a Valid Certificate of Occupancy or Letter of No Objection from the NYC Building's Dept. permitting eating and drinking uses as the premises**; and,

iii. Whereas, in its application the Applicant presented a Letter of No Objection from the NYC Buildings Department dating back to 2010, that could not have been issued to the proposed storefront premises because the proposed premises never previously operated (prior to 2017) for eating and drinking or for the service of alcohol, the Letter of No Objection presented instead being for a separate storefront restaurant (Wild Ginger) operating in an adjacent storefront but not for the proposed storefront premises where the Applicant currently operates; and

iv. Whereas, the hours of operation are from 11:30 AM to 11 PM seven days a week, there are no TVs, music is background only, there are no DJ, no promoted events, no scheduled performances or cover fees; and,

v. Whereas, the applicant did not have a plan to construct a bathroom in the premises for patrons instead stating that patrons would be given the option of using a bathroom at Sal's Pizzeria, a separate and distinct business with separate ownership down the block from the Applicant's storefront premises, several storefronts away;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the presented application seeking a new restaurant wine license for **Joyful Eats Two, LLC d/b/a Mimi Cheng's Dumplings, 380 Broome St. 10012**; and,

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA.

Vote: Passed, with 28 Board members in favor, 11 in opposition (E. Coler, T. Connor, J. Gallagher, R. Goldberg, N. Gottlieb, J. Liff, E. Ma, S. Russo, R. Sanz, S. Sartiano, A. Zelden), and 2 abstentions (K. Berger, G. Silvera-Seamans).

6. Torishiki USA, Corp., 292 Elizabeth St., 10012 (New Restaurant Wine)

i. Whereas, the Applicant and Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant beer and wine license to operate a high-end reservations-only Japanese Yakitori Restaurant with an international following in an C6-2 zoned six story mixed use c.1900 building on Elizabeth Street between East Houston and Bleecker Streets (block #521/ lot #65) in Greenwich Village, the building falls within the designated NYC Landmark NOHO East Historic District; and,

ii. Whereas, the two-story premises is roughly 2,400 sq. ft. (ground floor & basement 1,200 sq. ft. each); there are two (2) tables and 15 table seats, a food counter with 16 seats, and one (1) standup bar with 4 seats, for a total of 35 interior seats, all on ground level with the basement level being used for storage and other non-patron auxiliary uses; usage appears to conform to NYC DOB regulations as indicated by a previously issued Letter of No Objection; and,

iii. Whereas, proposed hours of operation are Sunday to Saturday from 11AM to 1AM, applicant having initially submitted proposed hours of 11AM to 12AM to the committee, but revising the application prior to the hearing; music will be quiet background not audible in surrounding residences, there will be no DJ, no promoted events, no live music, no private parties, no scheduled performances or cover fees, there will be no TV’s; and,

iv. Whereas, a number of local residents appeared in opposition to the application as presented, specifically the late hours of operation; they stated that 1 AM closing hours was too late for the street that is primarily residential in character, especially at night, and where other mid-block commercial spaces close early in the evening; that the previous restaurant at the space observed posted closing hours no later than 11 PM every night, and was nevertheless greatly disruptive; that the traffic of taxis, uber, lyft and other car services would be substantial to such high-end destination dining venue, the application being to open a NYC branch of a world famous, Michelin-starred Tokyo restaurant popular with international business travelers; and said traffic would be particularly disruptive on such a narrow street; that the frequent deliveries to such a restaurant as the applicant proposes would also disrupt traffic in the narrow street in the early morning hours and by day; residents also expressed concern that the only access to the basement storage space for such deliveries was through a sidewalk hatch door that could not be used without obstructing the entrance to the residential apartments above due to the existing configuration which has been an ongoing issue for many years; and,

vi. Whereas, the applicant was willing to agree to certain stipulations, but would not agree to reduced hours of operation; and,

vii. Whereas, CB2, Man. shares similar concerns to the local residents in opposition and shares their concerns for impacts on quality of life with operating hours past 12AM; and,

viii. Whereas, CB2, Man. would remove their recommendation to deny the issuance of this on- premise liquor license if the applicant entered into a stipulations agreement and agreed to submit same to the SLA and agreed that it would be attached and incorporated in to the method of operation on the restaurant beer and wine license stating that:

1. Premise will be advertised and operated as high-end reservations-only omakase style authentic Japanese Yakitori Restaurant with fixed food service price.
2. The hours of operation will be from 11AM to 12AM, 7 days a week.

3. The premises, will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. The premises not have televisions.
5. Will not operate a backyard garden or any outdoor area for commercial purposes.
6. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
7. Will keep all doors & existing operable windows closed at all times.
8. Will not make changes to the existing façade except to change signage or awning.
9. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. Will not have dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security Personnel/Doorman.
14. Applicant will, with the approval of the NYC Landmarks Commission, change the bulkhead hatch so that usage does not obstruct the neighboring doorway.
15. Ask all car services to pick up at the corner of Houston Street rather than on Elizabeth and ask their customers to make such arrangements.

ix. Whereas, the applicant contacted the local block associations in the area and they appeared in opposition as indicated above;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of **Torishiki USA, Corp., 292 Elizabeth St., 10012** on its application seeking a beer and wine license; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA for determination and that those stipulations indicated above be imposed on the license.

Vote: Passed, with 40 Board members in favor, and 1 in opposition (R. Sanz).

7. Topsy Shanghai Restaurant Management, Inc., d/b/a Topsy Shanghai Restaurant, 228 Thompson St. 10012 (New OP – Restaurant)

i. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new on premise liquor license to operate a full-service Asian Restaurant in an R-2 zoned, five-story, mixed use 1900 building on Thompson Street between West 3rd Street and Bleecker Streets (block #537/ lot #11) in Greenwich Village, the building falls within the designated South Village Historic District; and,

ii. Whereas, the two-story premises is approximately 3,000 sq. ft., with 2,000 sq. ft. in the ground floor store level and an addition 1,000 sq. ft. in the basement and appears to have a valid Certificate of Occupancy for this usage; and,

iii. Whereas, the premises will have 14 tables with an aggregate of 54 seats and one (1) bar with eight (5) seats, for a total of 59 seats and a maximum occupancy of 74, and all seating and service will be on the ground floor, with the basement being used for storage and ancillary purposes only and off limits to patrons; and the applicant stipulated that they would not seek a sidewalk café license now or in the future; and,

iv. Whereas, the applicant's proposed hours of operation will be from Sunday through Saturday (every night of the week) 11:00 a.m. to 11:00 p.m.; and the committee received a letter in support of the application by the Bleecker Area Merchants' and Residents' Association (BAMRA); and,

v. Whereas, the premises will operate only as a restaurant and never as a lounge, tavern, or sport bar, entertainment consisting of one (1) single television of 60" or less to be located behind the bar and kept on "mute" (without sound) at all times, and quiet ambient background music only, which will never be audible in adjacent residences, there will be no DJ, no promoted events, no cover fees, no velvet ropes, no movable barriers; and,

vi. Whereas, the applicant signed and notarized a stipulations agreement with CB2 which includes the following:

1. This will be advertised and operated as an Asian Restaurant only.
2. The hours of operation will be Sunday to Saturday (7 days a week) from 11:00 a.m. to 11:00 p.m.
3. Will operate as a full service restaurant, specifically an "Asian Restaurant" with the kitchen open and full menu items available until closing every night.
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. There will be no more than one (1) television that is no larger than 60."
6. Television will be behind the bar and will be kept on "mute" (no sound) at all times.
7. The premises will not operate a backyard garden, or any outdoor area for commercial purposes (stipulation does not extend to licensed sidewalk cafés).
8. Will not have a sidewalk café now or in the future.
9. The premises will play quiet ambient, recorded background music only. No music will be audible in adjacent residences at any time.
10. Will not install French doors, operable windows, or open façades.
11. Will not make change to the existing façade except to change signage or awning.
12. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
13. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
14. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
15. The premises will not permit dancing.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of the new On Premise license for **Tipsy Shanghai Restaurant Management, Inc., d/b/a Tipsy Shanghai Restaurant, 228 Thompson 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 Restaurant On Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

8. Zia Maria Little Italy Inc., d/b/a Zia Maria, 138 Mulberry St. 10013 (New OP-Restaurant)

i. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new on premise liquor license to operate a full-service Family-Style Italian Restaurant in a R-8 zoned six-story, mixed-use 1915 building on Mulberry Street between Hester and Grand Streets (block #237/ lot #7501) in the Little Italy neighborhood; and,

ii. Whereas, the premises is 1,241 sq. ft. and will have a total of 12 tables with 44 seats and a small service bar only without bar seats; premises will also include a basement of unspecified size which will not be used or accessible by patrons, no sidewalk café was included in the application, and the NYC Department of Buildings has issued a Letter of No Objection to eating and drinking establishment in the ground floor premises; and,

iii. Whereas, the applicant’s proposed hours of operation will be Sunday through Thursday from 11AM to 11PM, and Friday and Saturday from 11AM to 12AM; and,

iv. Whereas, the applicant stipulated that they would close all doors and windows no later than 10 pm every night, would operate only as a restaurant and never as a lounge, tavern, or sport bar, and entertainment will consist of quiet background music only, there will be no DJ, no televisions, no promoted events, no cover fees, no velvet ropes, no movable barriers; and,

v. Whereas, the applicant signed and notarized a stipulations agreement with CB2, Man. which includes the following:

1. This will be advertised and operated as a family-style Italian Restaurant only.
2. The hours of operation will be Sunday to Thursday from 11AM to 11PM, and Friday and Saturday from 11AM. to 12AM.
3. Will operate as a full-service restaurant, specifically a “family-style Italian Restaurant” with the kitchen open and full menu items available until closing every night.
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. There will be no televisions.
6. The premises will not operate a backyard garden, or any outdoor area for commercial purposes (stipulation does not extend to licensed sidewalk cafés).
7. The premises will play quiet ambient, recorded background music only. No music will be audible in adjacent residences at any time.
8. All doors and windows will be closed by 10 PM every night.
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. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
11. There will be no “bottle service” on the sale of bottles of alcohol except for the sale of bottles of wine products.
12. The premises will not permit dancing.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new On Premise license for **Zia Maria Little Italy Inc., d/b/a Zia Maria, 138 Mulberry St. 10013**, **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 On Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

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

9. Paraiso Group, LLC d/b/a TBD, 525 Broome St. 10013 (OP – LAYOVER requested until June/2018]

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on May 8th, 2018 the Applicant requested **to lay over** this application for a corporate change to an existing restaurant on premise license and indicated that 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 **Paraiso Group, LLC d/b/a TBD, 525 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 41 Board members in favor.

10. 132 Mulberry St. Rest., Inc. d/b/a Umberto’s Clam House, 132-138 Mulberry St. 10013 (OP – Restaurant) (laid over)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on May 8th, 2018 the Applicant requested **to lay over** this application for a corporate change to an existing restaurant on premise license and indicated that 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; and;

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 **132 Mulberry St. Rest., Inc. d/b/a Umberto’s Clam House, 132-138 Mulberry 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 41 Board members in favor.

11. Val City Lounge, LLC, d/b/a N/A, 201 Lafayette St. 10012 (OP – Eating/Drinking Establishment) (laid over)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee #1 Meeting on May 8th, 2018, the Applicant appeared but his Attorney did not, and therefore requested **to lay over** this application for a corporate change to an existing restaurant on premise license and stated that he will resubmit the

application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and;

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 **Val City Lounge, LLC, d/b/a N/A, 201 Lafayette 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 41 Board members in favor.

12. Play Earth, Inc. d/b/a Bohemian NY, 57 Great Jones St. 10012 (OP – Restaurant) (expansion of space) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #1 Meeting on May 8th, 2018, the Applicant requested to **lay over** this application for an alteration to an existing On Premise liquor license;

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 **Play Earth, Inc. d/b/a Bohemian NY, 57 Great Jones 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 41 Board members in favor.

13. 320 West Broadway Diner Corp., d/b/a TBD, 320 W. Broadway 10013 (OP – Diner/Restaurant) (Operation as 24 hour diner at base of Soho Grand with alcohol service until 2AM Sun-Wed and 4AM Thur-Sat, includes 1,600 sq. ft. outdoor dining area open until 11PM Sun-Wed/12AM Thur-Sat.) (laid over to June)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #1 Meeting on May 8th, 2018, the Applicant requested to **lay over** this application for an alteration to an existing On Premise liquor license;

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 **320 West Broadway Diner Corp., d/b/a TBD, 320 W. Broadway 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 41 Board members in favor.

14. Elmer Kennedy, LLC, d/b/a Pasquale Jones, 86 Kenmare St. 10012 (OP – Restaurant)(Class Change) (laid over to May)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #1 Meeting on May 8th, 2018, the Applicant requested to lay over this application to upgrade it restaurant wine license to a full on-premise liquor license;

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 **Elmer Kennedy, LLC, d/b/a Pasquale Jones, 86 Kenmare 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 41 Board members in favor.

15. Bondi Sushi, LLC, d/b/a N/A, 251 Mulberry St. 10012 (RW – Restaurant) (withdrawn)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee #1 Meeting on May 8th, 2018, the Applicant requested to withdraw this application from further consideration and did not appear to review and discuss this application for on premise license;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any type of proposed alteration or changes to any existing license for **Bondi Sushi, LLC, d/b/a N/A, 251 Mulberry 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 41 Board members in favor.

16. 316 Bowery, LLC d/b/a Saxon and Parole, 316 Bowery 10012 (OP – LAYOVER requested until June/2018]

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee #1 Meeting on May 8th, 2018 the Applicant requested to lay over this application for a corporate change to an existing on premise license and indicated that 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; and;

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 **316 Bowery, LLC d/b/a Saxon and Parole, 316 Bowery 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 41 Board members in favor.

17. 62 Greenwich, LLC d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 10011 (OP – Restaurant – Alteration to add Sidewalk Café)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee in May/2018 to present an alteration application to an existing on-premise liquor license SN#1298223 to add a New York City Department of Consumer Affairs Licensed Sidewalk Café #2051460-DCA in front of the premises with 8 Tables and 16 Seats; the premises is operated as a Full Service Restaurant with a Steakhouse theme serving Lunch and Dinner 7 days a week and Brunch on the Weekends; and,

ii. Whereas, the existing on-premise liquor license SN#1298223 is governed by an extensive set of stipulations, which are outline in CB2’s September/2016 resolution; all of those stipulations will remain in effect with the exception of the addition of the sidewalk café; and,

iii. Whereas, the Applicant executed a stipulations agreement agreeing to the following additional stipulations (Addendum to Stipulations Agreement dated 9/22/2016 for SN#1298223, 62 Greenwich, LLC) which they agreed would be incorporated into the existing “method of operation” on the existing and any reissued on-premise liquor licenses as follows:

1. All previously agreed to stipulations will remain in effect, including those stipulations in the executed stipulations agreement dated 9/22/2016.
2. Licensee (identified as “Tenant” in agreement) continues to agree to at all times adhere to an agreement provided to CB2, Manhattan dated September 13, 2016 by and among RG 910 FRANKLIN LLC, FRANKLIN AVE INVESTORS LLC, ELIZABETH ASSOCIATES, L.L.C., (collectively "62 Greenwich Owner"), 62 GREENWICH LLC and FRANK GOCAJ (collectively "Tenant"), and ROBERT MICHELETTO and BRIGITTE KLEINE, (collectively "Adjacent Property Owner").
3. The alteration application presented in 5/2018 is only to add a DCA Licensed Sidewalk Café, which will have no more than 8 Tables and 16 Seats.
4. The DCA Licensed Sidewalk Café will at all times adhere to all DCA regulations and always be set up and conform to plans on file with the DCA.
5. All Sidewalk Café tables and chairs will be stacked at the closing of the sidewalk café and be removed from the sidewalk at the closing of the restaurant.
6. The Hours of Operation for the Sidewalk Café will be Sunday to Wednesday from 10AM-10:30PM and Thursday to Saturday from 10AM-11:30PM.
7. No Patrons will remain within the sidewalk café at the stated sidewalk café closing time.

iv. Whereas, no community members including those who were party to the original stipulations agreement appeared in opposition and indicated via email that there were no objections to the addition of a sidewalk café;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the above described alteration application to the existing Restaurant On Premise Liquor License for **62 Greenwich, LLC, d/b/a Greenwich Steak House FG, 62 Greenwich Ave. 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 existing “Method of Operation” on the SLA On-Premise Liquor License.

Vote: Unanimous, with 41 Board members in favor.

18. Lao Ma Ma La Tang, Incorporated d/b/a N/A, 44-58 E. 8th St. 10003 (RW – Restaurant)

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 Chinese restaurant that will focus on Chinese food including hotpot, hot spicy stew and other traditional Chinese food; and,

ii. Whereas, this application is for a new restaurant wine license; the premises is located in a in a mixed-used residential/commercial building located on the ground floor on the corner of East 8th Street and Mercer St. for a roughly 3,500 sq. ft. premise (2,000 sq. ft. ground floor and 1,500 sq. ft. basement – no patron use of basement), with 17 tables and 62 seats, there is no stand-up bar; there are no other outdoor seating areas and a Certificate of Occupancy was provided; and,

iii. Whereas, the hours of operation will be from 7AM to 11PM 7 days a week, there is no sidewalk café included with this application, all doors and windows will be closed at 9PM, music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of music – only passive prearranged music), there will be no DJ, 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 would be attached and incorporated in to the method of operation on the new restaurant wine SLA license stating that:

1. This application is for a new restaurant wine license for a Chinese restaurant that will focus on Chinese food including hotpot and hot spicy stew.
2. The hours of operation will from 7AM to 11PM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will operate a full service restaurant; specifically a restaurant specializing in Chinese food as described with the kitchen open and full menu items available until closing every night.
4. The premises, or any portion of the premises will not operate as a “lounge”, tavern or sports bar.
5. The premise will have not have televisions or projectors.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes not including a licensed sidewalk café.
7. A sidewalk café is not included in this application.
8. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
9. All doors and windows will be closed at 9PM every night and anytime there is music.
10. Will not install or have French doors, operable windows or open facades.
11. Will not make changes to the existing façade except to change signage or awning. There are existing sliding doors.
12. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
13. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

16. The premises will not have dancing, DJ's, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades or security personnel.

v. **Whereas**, there are currently approximately 6 On Premise Liquor Licenses and an unknown number of Beer and Wine Licenses within 500 ft of the premises; and,

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new restaurant wine license for **Lao Ma Ma La Tang, Incorporated, 44-58 E. 8th St. 10003** **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 41 Board members in favor.

19. Pasta & Potatoes, Inc., d/b/a Village Lantern, 167 Bleecker St. 10012 (OP – Bar/Restaurant – Corporate Change SN#1024128)

i. **Whereas**, the applicant, Ozge Guven-Brady, and her attorney appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application to the Liquor Authority for a corporate change application for an existing On-Premise Liquor License; the current Principal and owner is the applicant's mother who has not been directly involved in the day to day operations of the existing business for many, many years and now seeks to transfer the current license to her daughter as the sole principal, Ms. Guven-Brady who along with her 2 siblings has been involved in the daily business operation known as the Village Lantern for many years; and

ii. **Whereas**, the existing business operates Sunday from 10AM to 2AM, Monday to Thursday from 11AM to 2AM and Friday to Saturday from 11AM to 4AM; the business is located in a 5,000 SF (2,500 basement/2,500 ground floor) space in a five-story mixed use building in a landmarked building (circa 1900) in a historic, landmarked neighborhood on Bleecker Street between Thompson and Sullivan Streets; there are 35 tables and 68 seats and one standup bar with no seats; there are currently no permits issued by the New York City Department of Buildings for any basement usage other than for storage and the existing letter of no objection for eating drinking use is limited to the ground floor only for 74 or less patrons; and

iii. **Whereas**, for a over a decade the existing business operation has often been a persistent source of noise and noisy crowds, particularly late at night but also during the day when sporting events occur, blasting music through its open doors out to the public sidewalk and for years has been *operating a comedy club in the basement with alcohol service without any alteration to the existing license which does not include the basement as part of their diagramed premise for patrons and contrary to NYC DOB Building Regulations as evidenced by current outstanding DOB violations*; the applicant states that they have gone to great lengths to address those issues, but any recent changes have only come about as the result of enforcement related to illegal use of the basement by the New York City Department of Buildings and a partial vacate order issued by the NYC Department of Buildings, DOB has issued many violations in connection with the illegal use; for decades, the licensee ignored all safety and other regulations and used the basement illegally and to date there is still no resolution to the DOB issues and many violations remain unresolved and open; and,

iv. **Whereas**, the long term illegal use of the basement for the service of alcohol has been raised multiple times to the New York State Liquor Authority; it appears that no enforcement by the SLA took place for this premises; over the years the premises has often been operated well beyond its legal capacity;

v. Whereas, based on previous testimony over the years and from observation over time by members of the community who have appeared and sent correspondence over the years and observation by members of the Committee the following complaints have been noted as follows:

1. Entertainment level music and noise emanating from the premises on intermittent late afternoon and early evening hours from DJs, Live Music or Sports Programming on many TVs, up to 10 TVs at certain times, in violation of NYC Noise Code Laws and Ordinances, particularly on weekends and also particularly in warm weather months because the large accordion doors which front the premises often remain open.
2. Contrary to existing stipulations, the large accordion doors and windows which front the premises are not closed on a regular basis resulting in entertainment level music and noise emanating from the premises from DJ's, Live Music or Sports Programming on many large flat screen TVs, up to 10 TV's at certain times, in violation of NYC Noise Code Laws and Ordinances after 11 pm, particularly on weekends in violation of NYC Noise Code Laws and Ordinances and also particularly in warm weather months.
3. The Licensee appears to regularly violate Department of Buildings and other codes as they relate to Occupancy in excess of 74 persons on the ground floor resulting in unsafe conditions, which may be a threat to public safety, particularly on weekends; the licensee indicates 68 interior seats and no seats at the bar, but on busy nights, seats are occupied and there are many standees.
4. The Licensee does not possess a Place of Assembly Permit allowing occupancy above 74 persons but the Licensee allows more than 74 persons into the premises on many weekend evenings.
5. The Licensee has operated an illegal comedy club in the basement and the comedy club has been advertised online and by "barkers" on the street steering customers into the basement, which is contrary to approved uses by the NYC Buildings Department in that patron occupancy is not legally allowed in the basement.
6. The Licensee has had an unauthorized bar and illegally serves liquor to patrons and allows patrons to consume alcohol in the basement of the premises.
7. The Licensee has illegally extended their licensed premises into the basement and added an additional standup bar without filing the proper documentation or notice with CB2, Man. or the Liquor Authority.

vi. Whereas, the existing licensee, applicants herein and her siblings have admitted to operating the premises for many years without the direct involvement of the current principal, have a long documented history of quality of life complaints with CB2, Man. which the applicants have repeatedly promised to resolve in the past but never have, resulting in four license denial recommendations to the SLA from CB2 Man. (April/2012 renewal, February/2014 license transfer, April/2014 renewal and May/2015 license transfer); and

vii. Whereas, even though this establishment has been one of the most significant contributors to excessive noise over the years along the Bleecker Street Corridor with over 55 On Premise liquor licenses within 500 feet of this particular establishment, the applicants, who are current and/or former members of Bleecker Area Merchants' & Residents' Association ("BAMRA"), for many years have refused to acknowledge the ongoing problems with the establishment, have denied that there are issues, have failed to provide any recommendations to resolve the noise problems and instead question whether they have to close their doors during the day, evening or at night when entertainment level music is blasting out of the premises onto the public sidewalk; and,

viii. Whereas, multiple videos in the past have been presented to CB2 Man.'s SLA Committee demonstrating the open accordion doors late at night with entertainment level music emitting from the establishment out onto the public sidewalk and with barkers on the public sidewalk in front of the premises advertising certain entertainment being provided within the premises; and

ix. Whereas, as current and/or former members of BAMRA it was felt that the applicants should be taking much greater responsibility for their prior actions within their own neighborhood, that they should not only be working with the surrounding neighborhood and residents to alleviate and to ameliorate the on-going problems at this establishment but should also be shutting its exterior doors at all times, preventing crowds and barkers from gathering on or about the public sidewalk in front of the premises and instead setting an example for other businesses to follow in a mixed use neighborhood already over-saturated with late night bars and entertainment establishments; it is noted that there has been some improvement in the last year, but this is a day late and a dollar short considering the long-term flouting of laws and public safety and changes have only resulted from enforcement from the Department of Buildings; and

x. Whereas, in CB2, Manhattan's original resolution in regards to the initial application of the current licensee dated June 19th, 1997 it states in part:

“**Whereas**, nine feet of French doors kept open in clement weather and a DJ booth (as well as occasional live music) raise the issue of potentially loud noise impacting the street. During considerable discussion, the applicant assured CB2-Man. that it installed soundproofing, will keep the music level down so as not to disturb the residents, and has been and will be responsive to neighbor's complaints; and”

xi. Whereas, when the existing licensee appeared before CB2, Man. on December 22, 2005, the licensee and her family agreed that “no changes would be made to the current operation” and that “music would be background only”; and

xii. Whereas, there is a current partial vacate order issued by the DOB on January 7, 2017 which remains in effect for the basement portion of the premises associated with DOB Complaint# 1440580 and there are currently 11 open ECB Violations issued by the New York City Department of Buildings, which are indicated as in violation and open with no compliance recorded; some penalties have been paid, but there remain \$7,300 in unpaid fines; and,

xiii. Whereas, the 11 open ECB Violations are summarized below:

1. ECB VIOLATION# 35212746Z, 1/6/2017 “FAILURE TO PROVIDE UNOBSTRUCTED EXIT PASSAGEWAY. NOTED: NO CLEAR UNOBSTRUCTED EXIT PASSAGEWAY. NOTED: NO CLEAR UNOBSTRUCTED EGRESS PASSAGEWAY FROM CELLAR LEVEL COMEDY CLUB FOR APPROX 50 PERSONS. VACATE CELLAR” REMEDY: REMOVE ALL OBSTRUCTIONS, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
2. ECB VIOLATION# 35219155Z, 1/6/2017 “OCCUPANCY CONTRARY TO THAT ALLOWED BY BLDG DEPT RECORDS IN THAT CELLAR IS NOW ARRANGED & OCCUPIED AS PART OF COMEDY CLUB ON 1ST FL. STAGE & SEATING INSTALLED. THERE WERE APPROX 50 PERSONS IN CELLAR AT TIME OF IN” REMEDY: DISCONTINUE ILLEGAL OCCUPANCY, , ADMIT/IN-VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
3. ECB VIOLATION# 35230014M, 2/16/2017 “FAILURE TO COMPLY WITH THE COMMISSIONER'S ORDER CONTAINED IN SUMMONS/VIOLATION #35212746Z ISSUED ON 01/06/17 AND TO FILE A CERTIFICATE OF CORRECTION PURSUANT TO 28-201.1 AND 1RCNY 102-01. RMDY: COMPLY WITH COMM” REMEDY: COMPLY WITH COMMISSIONER'S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED

4. ECB VIOLATION# 35230015Y, 2/16/2017 “FAILURE TO COMPLY WITH THE COMMISSIONER'S ORDER CONTAINED IN SUMMONS/VIOLATION #35219155Z ISSUED ON 01/06/17 AND TO FILE A CERTIFICATE OF CORRECTION PURSUANT TO 28-201.1 AND 1RCNY 102-01. RMDY: COMPLY WITH COMM” REMEDY: COMPLY WITH COMMISSIONER’S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
5. ECB VIOLATION# 35232985Y, 4/8/2017 “FAILURE TO COMPLY WITH THE COMMISSIONER'S ORDER CONTAINED IN SUMMONS/VIO # 35219155Z ISSUED ON 01/06/17 & TO FILE A C OF C PURSUANT TO 28-201.1 & 1RCNY 102-01.REMEDY: COMPLY WITH COMMISSIONER'S ORDER &/OR FILE”, REMEDY: COMPLY WITH COMMISSIONER’S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
6. ECB VIOLATION# 35232987H, 4/8/2017 “FAILURE TO COMPLY WITH THE COMMISSIONER'S ORDER CONTAINED IN SUMMONS/VIO # 35212746Z ISSUED ON 01/06/17 & TO FILE A C OF C PURSUANT TO 28-201.1 & 1RCNY 102-01. REMEDY: COMPLY WITH COMMISSIONER'S ORDER &/OR FILE” REMEDY: COMPLY WITH COMMISSIONER’S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
7. ECB VIOLATION# 35234389R, 6/6/2017 “FAILURE TO COMPLY W/COMMISSIONERS ORDER CONTAINED IN SUMMONS/VIOLATION#35212746Z ISSUED ON 01/06/17 AND TO FILED A COFC PURSUANT OT 28-201.1 AND 1RCNY 102-01.FOR UNOBSTRUCTED PASSAGE FROM THE CELLAR.REM: COMPLY” REMEDY: COMPLY WITH COMMISSIONER’S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
8. ECB VIOLATION# 35234390Y, 6/6/2017 “FAILURE TO COMPLY W/COMMISSIONERS ORDER CONTAINED IN SUMMONS/VIOLATION#35219155Z ISSUED ON 01/16/17 AND TO FILE A COFC PURSUANT TO 28-201.1 AND 1RCNY 102-01.FOR ILLEGAL USE OF THE CELLAR.REM: COMPLY W/COMMISSIO”, REMEDY: COMPLY WITH COMMISSIONER’S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
9. ECB VIOLATION# 35272497L, 07/27/2017 “OCCUPANCY CONTRARY TO THAT ALLOWED BY DOB RECORDS IN THAT CELLAR IS NOW ARRANGED & OCCUPIED AS PART OF COMEDY CLUB ON 1ST FL.STAGE & SEATINGINSTALLED.THERE WERE APPROX 50 PERSONS IN CELLAR TIME OF IN.“ REMEDY: DISCONTINUE ILLEGAL OCCUPANCY, ADMIT/IN- VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
10. ECB VIOLATION# 35276302K, 7/27/2017 “FAILURE TO COMPLY WITH THE COMMISSIONERS ORDER CONTAINED IN SUMMONS/VIOLATION #35219155Z ISSUED ON 07/06/17 AND TO FILE A CERTIFICATE OF CORRECTION PURSUANT TO 28-201.1 AND 1RCNY 102-01.OCCUPANCY CONTRARY TO THAT ALLOWED BY BLDG DEPT RECORDS IN THAT CELLAR NOW ARRANGED AND OCCUPIED AS PART OF COMEDY CLUB ON 1ST FL STAGE AND SEATING INSTALLED.” REMEDY: COMPLY WITH COMMISSIONER’S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED
11. ECB VIOLATION# 35277635N, 9/12/2017 “FAILURE TO COMPLY W/COMM'S ORDER CONTAINED IN SUMM/VIOLATION#35272497L ISSUED ON 07/27/17 AND TO FILE A COFC PURSUANT TO 28-201.1 AND 1RCNY 102-01.FOR ILLEGAL USE OF THE CELLAR.REM:COMPLY W/COMM'S ORDER AND/OR F”, REMEDY: COMPLY WITH COMMISSIONER’S ORDER AND/OR FILE A CERTIFICATE OF CORRECTION, IN VIOLATION, VIOLATION OPEN, NO COMPLIANCE RECORDED

xiv. Whereas, CB2, Man. is unaware of any enforcement activities by the SLA which CB2 formally requested in April/2014, and CB2, Man. requests that prior to any review of this application for a Corporate Change, that the Liquor Authority conduct enforcement activity with respect to the above noted issues and review the above noted NYC Department of Buildings Violations and determine whether those violations constitute violations of any existing Liquor Authority Regulations and Rules;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the corporate change application for the existing on-premise liquor license, SN#1024128 for **Pasta & Potatoes, Inc. d/b/a Village Lantern, 167 Bleecker St. 10012.**

Vote: Passed, with 40 Board members in favor, and 1 in opposition (D. Diether).

20. Kanekai, Inc. d/b/a Kanekay Ramen, 535 Hudson St. Basement 10014 (RW – Restaurant, Previously Unlicensed, Basement only)

i. Whereas, the applicant appeared before CB2’s SLA Licensing committee to present an application for a new restaurant wine license in a previously unlicensed basement only location for a “Japanese ramen noodle restaurant with no MSG - Vegetarian friendly”; and,

ii. Whereas, the premises is located in the basement of a 5-story mixed use residential building with an indicated address on Hudson Street according to materials presented to CB2, Man. by the applicant, but the actual entrance is a staircase leading to the basement located on the residential side street Charles St., the building itself is located on the Northwest corner of Charles St. and Hudson St. with two existing eating and drinking establishments on the ground floor in the same building, the proposed basement premises is in a 1,700 sq. ft. space with 10 tables and 26 seats and 1 stand up bar with 7 seats; a recently issued certificate of occupancy was presented by the applicant; and,

iii. Whereas, the hours of operation presented are 12PM to 10:30PM 7 days a week, music will be quiet background only consisting of music from ipod/CDs (i.e. no active manipulation of music – only passive prearranged music, no sound proofing will be installed, there will be no DJ, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no TV’s; and,

iv. Whereas, for illustration, there are 18 on-premise liquor licenses and 6 beer & wine license within 500 feet of the proposed premises including a restaurant wine license in the same building with an adverse history spanning over 6 years with CB2, Man., including issues with respect to quality of life impacts from operations, mechanical equipment and compliance with DCA regulations with respect to their existing sidewalk café, mechanical equipment and ongoing complaints from local neighbors (see CB2 resolutions for Slice West Village Ltd. SN#1229971), there is another 3rd food establishment operating in the building as a bakery and another small retail space; there are an additional 17 on-premise liquor licenses and 6 beer and wine licenses within 750 ft.; and,

v. Whereas, this basement location was recently constructed and has never been used for an eating and drinking establishment and the access entrance stairwell has never been used for any members of the public to access any type of similar business at this location; it should be noted that it would seem feasible that an interior stairway accessed from the Hudson St. side of the building could be constructed for appropriate access to the basement which would not infringe on local residents; and,

vi. Whereas, this location was the subject of a recent application for an on-premise liquor license for All the Little Owls, LLC d/b/a Nitecap, SN# 1295015, which was denied at the New York State Liquor Authority Full Board Meeting on November 8th, 2016 with opposition from CB2, Man. and from many local residents and community groups; local residents brought to CB2’s attention the following comments made by Chairman Bradley at that hearing (Video Transcript 5:14:00 to 5:15:00) that “No matter how much effort he made I don’t know that it would ever solve the issues this space would create. It’s not the music...It’s more the exit and entrance and just the hustle and bustle which you are so close to the residential building, residential windows and as Commissioner Ford has pointed out it has never been licensed. It’s probably a place I would like to go but I can guarantee you that it is not a place [where] I would like to sleep.”; and

vii. Whereas, the overarching issue at this location is that this basement space with access stair from Charles St. was recently built and immediately abuts a ground floor long term occupied rent regulated apartment such that every single patron, employee and all deliveries and anyone else who enters and exits this establishment passes inches from a residential apartment living room and bedroom windows; the

entrance is also within 10 ft. of several other residences; those residential apartments having never been infringed upon previously by any type of business, let alone any type of business operating past 6PM; specific complaints were raised that the landlord seeking an eating and drinking high turnover establishment amounted to more than just perception of tenant harassment but equated to actual tenant harassment; there being a potential to create an entrance from a currently unoccupied very small retail space on Hudson St. recently vacated by Monocle by constructing an interior stairway, which would alleviate this problem; and

viii. Whereas, a number of emails, petitions from residents of adjoining buildings and letters were received in opposition and 7 speakers spoke in opposition, among the issues raised were **(1)** that there are already an overwhelming number of liquor licenses in the immediate area and while not subject to the 500-ft rule, this location was wholly inappropriate due to the infringement on local residents for any business operating past normal business hours past 6pm given the location of the entrance on a residential side street with residences located as close as several inches, residents provided many examples of similar basement operations that are all service type businesses which close at 6-7PM; **(2)** that while casual, this premises would become part of the larger higher turnover casual restaurants which should be located on Avenues and not residential side streets; **(3)** this premises would increase the amount of foot traffic on a residential street, and the stairs leading to the basement are next to and directly below residential windows and no measures for sound attenuation from patrons using the stairwell was presented to mitigate impacts to the residential bedrooms located directly above, no appropriate measures for crowd control were presented or for managing smokers and the rear wall of the basement in the newly constructed basement addition backs onto a residential quiet internal courtyard and gardens and there were concerns noise would leak into the residential rear yard donut through doors, windows and walls from the proposed premises at the rear basement level; **(4)** the premises has never previously been licensed; **(5)** the building landlord has done nothing to address existing and ongoing noise issues from ventilation and rooftop mechanicals and rooftop parties from residential tenants and businesses and adding another newly constructed licensed premises will exacerbate current noise issues; **(5)** existing mechanicals including ventilation and AC units from the two existing eating and drinking premises in the building continue to create noise problems and have not been remedied (see CB2 resolutions for SN1229971) and any new mechanicals and venting from this new establishment will only add to and exacerbate the existing conditions; e; **(7)** this basement space is inappropriate for this proposed purpose as a drinking or eating and drinking establishment and this use for a eating and drinking establishment in the basement has been objected to by the local block association since 2012 – a petition sent to the landlord in opposition with 159 signatures dated 2012 before the construction of the basement began and regarding the build out and change of the basement use was presented; **(8)** this is a residential neighborhood dominated by working families and individuals and incursion of eating and drinking establishments into basements and other inappropriate locations is exacerbating the issues related to “alcohol tourism”; **(9)** it was repeatedly articulated that this is just simply the wrong place for this type of operation, Hudson Street has already been narrowed from 5 lanes to 2 lanes with two lanes for parking and a protected bike lane – adding another destination location in a basement results in added cab and for hire vehicle trips and people driving in which results in blocked traffic as cars have to stop in one of only two traffic lanes, the area is “not saturated, it’s soaked”; and,

ix. Whereas, several petitions in opposition to the issuance of a restaurant wine license for this applicant with signatures of immediate local residents were presented, a petition from 2012 to the landlord of the proposed premises indicating opposition to the construction of the proposed premises for an eating and drinking establishment with 159 signatures of immediate local residents was also presented; and,

x. Whereas, the principal indicated that he owned an operated another restaurant, but failed to disclose it was a licensed premise with a Restaurant Wine License located in a proper store front retail space at 129 2nd Avenue; and

xi. Whereas, the applicant's attorney explained that he was only retained after his client had executed a lease agreement having not been told by the landlord of the issues with respect to known overwhelming opposition from local residents to the construction of the basement space and opposition to its use as an eating and drinking establishment; his attorney further explained that this proposed use would close earlier than the previously applied for business with a full liquor license closing at 10:30PM, that there is now a Certificate of Occupancy which allows this use, that this is a restaurant and not a bar, that this will not be a destination location, that this is a small operation – reduced to 33 seats, that the premises was lawfully applied for and properly converted to this use, the entrance is legal, the changes were approved by the NYC Landmarks Preservation Committee, that a business with or without the need of an SLA license would open at the space; any food deliveries would be handled by a third party service such that their staff would come and go as need for deliveries; venting and other aspects of kitchen build out would be provided by the landlord; and,

xii. Whereas, residents responded to the applicant's attorney and stated that this portion of Charles St. where the entrance is located is residential, mentioned the above referenced issues with the tenants windows and perception of landlord harassment, that while approved for this use - the approved use actually encompasses many residential compatible uses and a number of examples of compatible uses were presented for similar spaces including a skateboard shop, a barber shop, a tailor, professional services etc. all of which close within normal business hours and no later than 7 or 8PM if not earlier, the building manager of the adjacent building appeared and explained the concerns of the neighboring building including the recent basement build out and noise impacting the interior residential donut and the door which opens onto the shared interior courtyard; she explained that there are 18 residential bedroom units overlooking the newly built space; she expressed concern of the residents of her building that should a license be approved at this location even for this type of seemingly low impact use, it would lead to more licenses constantly seeking to expand their use when no similar use to this should be approved, that it is not the residents' fault that the applicant did not seek more information or conduct additional due diligence; and,

xiii. Whereas, there were strenuous protests raised when it was revealed that the landlord's responsibility to the applicant was that the landlord would be building out the kitchen, etc. and deliver the premises "turnkey" ready for operation as opposed to the tenant leasing the space and building out the space themselves indicating the land lord's desire to only have an eating and drinking space in the basement, this was a significant point to local residents because they indicated that it showed the landlord was set on attracting a high impact eating and drinking type tenant for this inappropriate basement space that would have an immediate impact on local residents and also create an overwhelming impact on rent regulated and protected tenants immediately abutting, one just inches from the proposed entrance in an untenable fashion; and,

xiv. Whereas, additional concerns were raised with respect to takeout business and all staff running up and down the stairs in addition to patrons and vendors coming and going; it was pointed out that casual restaurant operations such as this with low turnover times often have lines outside in this day and age; and,

xv. **Whereas**, in addition, there were concerns that while the applicant explained this was an ADA compliant newly created basement space; it was pointed out that this newly created space was not compliant with the “spirit” of the American with Disabilities Act in that there was not true and equal access to all in that mobility impaired patrons would need to enter through the residential building entrance and take an elevator to the basement; and,

xvi. **Whereas**, there are already many fast casual restaurants which provide the same or similar services for comparable priced food in the area, there being no coherent reason for adding yet another licensed establishment where there are vacancies in previously licensed locations elsewhere for such purpose;

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial to **Kanekei, Inc. d/b/a Kanekay Ramen, 535 Hudson St. Basement 10014** on its application seeking a new restaurant wine license; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the Liquor Authority, CB2, Man, respectfully requests that this item be calendared to appear before the Full Board of the Authority and that CB2 and any interested community members be notified in advance of the meeting.

Vote: Unanimous, with 41 Board members in favor.

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

21. Lindsey Buffet Restaurant, Inc., d/b/a Kumo Sushi, 282 Bleecker St. 10014 (Corporate Change RW - Withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on May 10th, 2018, the Applicant requested to withdraw this application for a corporate change 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 **Lindsey Buffet Restaurant, Inc., d/b/a Kumo Sushi, 282 Bleecker 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 41 Board members in favor.

22. Spice 39, Inc. d/b/a Spice, 39 E. 13th St. 10003 (Corporate Change OP – Withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #2 Meeting on May 10th, 2018, the Applicant requested to withdraw this application for a corporate change 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 **Spice 39, Inc. d/b/a Spice, 39 E. 13th St. 10003** **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 41 Board members in favor.

23. 228 Bleecker, LLC, d/b/a Aria, 117 Perry St. Store #2, 10014 (Alteration/Method of Operation Change OP – Restaurant - Extend hours of operation by 1 hour nightly - layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, the Applicant requested to **layover** this application for an alteration to an existing 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; there is community opposition;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **228 Bleecker LLC, d/b/a Aria, 117 Perry St. Store #2, 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 41 Board members in favor.

24. City Winery New York LLC, 143 Varick St. 10013 (OP – Restaurant, Live Music and Event Space – to add large rooftop with outdoor bar) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, the Applicant requested to **withdraw** the alteration application for an alteration to add a new outdoor rooftop and rooftop bar to an existing 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; there is community opposition;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **City Winery New York LLC, 143 Varick 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 41 Board members in favor.

25. Moon Wrap, LLC, d/b/a Wolfnight's, 235 Bleecker St. 10014 (New Beer & Cider – Quick Service Wraps Restaurant Proposed 4AM closing - withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, 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 prior to any filings with the SLA should they proceed; there is community opposition;

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 **Moon Wrap, LLC, d/b/a Wolfnights, 235 Bleecker 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 41 Board members in favor.

26. LUV TEA HQ, LLC, d/b/a N/A, 37A Bedford St. 10014 (New Tavern Wine - Withdrawn)

Whereas, after this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, the Applicant requested to **withdraw** this application for a new tavern 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 **LUV TEA HQ, LLC, d/b/a N/A, 37A Bedford 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 41 Board members in favor.

27. Fiaschetteria West, Ltd. d/b/a Fiaschetteria Pistoia, 114 Christopher St. 10014 (New RW – layover)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Fiaschetteria West, Ltd. d/b/a Fiaschetteria Pistoia, 114 Christopher 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 41 Board members in favor.

28. Entity to be formed by John Fraser and Massimo Lusardi, d/b/a TBD, 225 W. 4th St. 10014 (OP- Restaurant/Bar, DJ, Live Music, Sidewalk Cafe) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, the Applicant requested to **layover** this application for a new restaurant on-premise liquor license with a sidewalk café 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; there is community opposition to the application;

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 John Fraser and Massimo Lusardi, d/b/a TBD, 225 W. 4th 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 41 Board members in favor.

29. Dinerland Comedy, LLC d/b/a Comedy Village, 186 W. 4th St. 10014 (OP – Tavern Comedy Club) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Dinerland Comedy, LLC d/b/a Comedy Village, 186 W. 4th 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 41 Board members in favor.

30. Perry & Hudson, LLC, d/b/a TBD, 551 Hudson St. 10014 (OP – Restaurant, includes Sidewalk Cafe) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, 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 alteration application or proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, transfer, upgrade or changes to any existing license for **Perry & Hudson, LLC, d/b/a TBD, 551 Hudson St. 10014 4** **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 41 Board members in favor.

31. Stereo MC, LLC, d/b/a TBD, 18 Ninth Ave. No. 2 10014 (OP – Bar/Lounge, DJ) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #2 Meeting on May 10th, 2018, 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; there is community opposition to this application;

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 **Stereo MC, LLC, d/b/a Provocateur, 18 Ninth Ave. No.2 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 41 Board members in favor.

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan