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



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: January 24, 2019
TIME: 6:30 P.M.
PLACE: The New School, 66 W. 12th St., Auditorium

BOARD MEMBERS PRESENT: Keen Berger, Carter Booth, Katy Bordonaro, Amy Brenna, Ritu Chattree, Erik Coler, Tom Connor, Valerie De La Rosa, Doris Diether, Robert Ely, Kathleen Faccini, Cormac Flynn, Joseph Gallagher, Susan Gammie, Nicholas Gottlieb, Ryder Kessler, Jeanine Kiely, Patricia Laraia, Janet Liff, Edward Ma, Maud Maron, Brian Pape, Bo Riccobono, Robin Rothstein, Rocio Sanz, Scott Sartiano, Shirley Secunda, Frederica Sigel, Georgia Silvera Seamans, Dr. Shirley Smith, Susan Wittenberg, Antony Wong, Adam Zeldin

BOARD MEMBERS ABSENT WITH NOTIFICATION: Anita Brandt, Richard Caccappolo, Lisa Cannistraci, Terri Cude, Jonathan Geballe, Lois Rakoff, Sandy Russo

BOARD MEMBERS ABSENT: William Bray

BOARD MEMBERS PRESENT/ARRIVED LATE: Susanna Aaron, Coral Dawson, David Gruber, Susan Kent, Kristin Shea, Cathy Sullivan

BOARD MEMBERS PRESENT/LEFT EARLY: Tobi Bergman, Daniel Miller, Chenault Spence

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

GUESTS: Robert Atterbury, Congressman Jerrold Nadler's office; Fiona Jung, Senator Brian Kavanagh's office; Michael Stinson, Comptroller Scott Stringer's office; Andrew Chang, Manhattan Borough President Gale Brewer's office; Monica Martinez, Assembly Member Yuh-Line Niou's office; Charles Anderson, Assembly Member Deborah Glick's office, Patrice Comerford, Council Speaker Corey Johnson's office; Irak Cehonski, Council Member Carlina Rivera's office; Rush Perez, Council Member Margaret Chin's office, Carol Greitzer, Nancy Kremsdorf, Marc Greenberg, Matthew Spector, Cha Rochlin, Lauren Thomas, Emily Hellstrom, Shervis Levy, Daniel Dillon, Sur R. Sur, Paul Nagle, Spencer Heckwork, Jonathan Mordes, Jennifer Romine, Gloria Singer, G.J. Hillesheimer, Amy Nicholson, Judy Pesin, Louis Borriello, Susan Turok, Chandler Forsythe, Tricia Labrace, Jeffrey Ryan, David R. Marcus, Michael McIlray, David Genn, Jonas Nwuke, Luba Senatorova, Marguerite Martin, Joshua Tepperberg, Allan Reiver, Robert Reise, Andrea Cianfrani, Conrad Walker, Daralee Schulman, Kathryn Mitch, Tim Schadt, Patricia Sullivan, John Wetherhold, Jill Jarnow, Lacey Tauper, Matt Dunbar, Elissa Stein, Elizabeth Winters, Dan Miller, Nick Atocha, Ethan Shoghan, Ted Glass, Samaan Aziz, Olivia Duerr, Ed Parttac, Rachel Yarmolinsky, Herminia Gomez, Nicole Masse, Linda Schwartz, K. Webster, Valentine Goldstein, Jane Ritter, Harold levy, Justin Maloney, Pete Davies, Eddie Ponta, Natalie McBiden, Hannes Bend, Cathy De Clemente, Laine, Nooney, Isaac Rosenberg, Catherine Hoch, Magali Regis, Lee Jaffee, Melissa Anton, John Johnson, Pat Langer, Dylan Salmons, Elsa Pereira, David Weiner, Lilia Fung,

GUESTS (continued): Sebastian Teorthlon, David Vincent, Jacqueline Wime, Jason Froimowitz, Ian Noel, Gail Evans, Hedy Hauptman, Anne Mitcheltree, Julia Steele, Andy Ng, Will Thomas, Grant DiMille, Steven Jacob Su, Yehuda Pollack, Venida Simmons, Haym Gross, Matt Robinson, Jim Abry, Michael Francouer, Pete Rosen, Barbara Lidsky, Peter Mezeyr, Steve White, Dennis Grohf, Howard Weller, Robert Rappaport, P. Rosen, Neal Goodwin, Joseph Reiver

MEETING SUMMARY

Meeting Date – January 24, 2019

Board Members Present – 42

Board Members Absent With Notification – 7

Board Members Absent - 1

Board Members Present/Arrived Late - 6

Board Members Present/Left Early – 3

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II. PUBLIC SESSION

Non-Agenda Items

Parking Issues

Christina Volante, Peter Rosen, and P. Rosen spoke regarding parking issues on 5th Avenue.

Bike Lanes and E-Bikes

Neal Goodwin, Tim Schadt, Carol Greitzer and Matt Robinson, all spoke against the installation of bike lanes at 12th and 13th Sts.

Legal Cannabis

Samaan Aziz spoke regarding the legalization of cannabis.

NYC NoHo District

Haym Gross spoke in favor of the district.

Souen Restaurant Closure

Stephen White spoke in favor of preventing the closure of the long-time restaurant.

Housing

William Thomas spoke in favor of the need for more housing.

Elizabeth Street Garden/Haven Green Items

Marc Greenberg, Allan Reiver, Dan Miller, Yehuda Pollack, Magali Regis, Justin Maloney, Andrea Cianfrani, Lauren Thomas, Ted Glass, Eddie Ponta, Hannes Bend, Jennifer Romine, Joseph Reiver, Emily Hellstrom, and Conrad Walker, all spoke regarding Elizabeth Street Gardens/Haven Green.

Parks & Waterfront Items

Consideration of a Request for Renovation of Mercer Playground

David Weiner, Joshua Tepperberg, and Elsa Pereira, spoke in favor of the request for the park's renovation.

Traffic & Transportation Items

L Train Mitigation Plan

Marguerite Martin and David Marcus spoke against the proposed mitigation plan.

Judy Pesin spoke regarding the plan.

ADOPTION OF AGENDA

III. ELECTED OFFICIALS PRESENT AND REPORTING

Robert Atterbury, Congressman Jerrold Nadler's office

Fiona Jung, Senator Brian Kavanaugh's office;

Monica Martinez, Assembly Member Yuh-Line Niou's office

Charles Anderson, Assembly Member Deborah Glick's office

Michael Stinson, NYC Comptroller Scott Stringer's office

Andrew Chang, Manhattan Borough President Gale Brewer's office

Patrice Comerford, Council Speaker Corey Johnson's office

Rush Perez, Council Member Margaret Chin's office

Irak Cehonski, Council Member Carlina Rivera's office

IV. ADOPTION OF MINUTES

Adoption of December minutes

V. BUSINESS SESSION

1. **Chair's Report** Carter Booth reported.

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

STANDING COMMITTEE REPORTS

ECONOMIC DEVELOPMENT & SMALL BUSINESS

Resolution in response to the recent deliberations of City Council regarding the Small Business Jobs Survival Act

Whereas:

1. The loss of small businesses and increase in vacant storefronts in CB2, Man. has reached a crisis in terms of harm to small business owners, loss of neighborhood services and vibrancy for residents and visitors, diminution of neighborhood character and the threat to such character due to potential overdevelopment by major retailers or other national chains.
2. Small businesses face challenges that include massive and often unrealistic rent increases when negotiating lease renewals and changes in consumer shopping practices, the impact of online shopping and other pressures.
3. Small businesses are less attractive to landlords because they are not national or chain “credit” tenants.
4. Successful small business owners in CB2, Man. face significant challenges in the lease process, such as demands for excessive security deposits, corporate rent guarantees, and other terms that chain stores can more easily meet or are not even asked to provide.
5. CB2, Man. believes that changes should be made to the current SBJSA to make it more useful to owner-operated, entrepreneurial and other small businesses in CB2.
6. We believe that greater attention should be paid to defining the nature of “small business” under the SBJSA.
7. The SBJSA as currently written does not set guidelines for what would be considered “reasonable” real estate and utility increases to be passed on to tenants.

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

1. Any small business jobs act designed to assist “small businesses” might include:
 - a. Fair and balanced lease renewal rates that properly reflect the market, placing a limit on baseline increases.
 - b. Tenants’ right to request arbitration, moderated by city appointed arbitrators, and subsidized when necessary, by the City.
 - c. Protection of small businesses from price gouging.

- d. A small business’s right to market rate lease renewal, as long as tenants are in good standing.
 - e. Arbitration that benefits both the tenant and landlord equally.
 - f. A goal of offering neighborhood services and benefits that contribute to the character of our neighborhoods in CB2, Man.
 - g. Tenant security deposits that accrue interest.
 - h. Creation of a template lease made available online by the City, balanced to protect both tenants and landlords, providing basic guidelines for a commercial lease (party responsible for electric, water, rent increases, force majeure, etc.).
2. The City should create a registry of legacy businesses, i.e., small businesses that have operated in and benefited neighborhoods,
 3. The City should study the effectiveness of a vacancy tax for buildings that remain unoccupied after a tenant has expressed a willingness to renew but has been forced to vacate.
 4. The wording of any such legislation should not discourage a small business with multiple locations.
 5. The City should create and maintain a database of commercial lease amounts in order to provide small business owners with a way to determine true market rates.
 6. The wording of any such legislation should strive to prevent and not allow major corporations from taking opportunistic advantage of any Small Business Jobs Survival Act.

VOTE: Passed, with 31 Board Members in favor, 6 in opposition (S. Aaron, T. Bergman, T. Connor, C. Dawson, R. Sanz, C. Spence), and 5 in abstention (R. Chattree, D. Diether, J. Liff, S. Smith, R. Kessler).

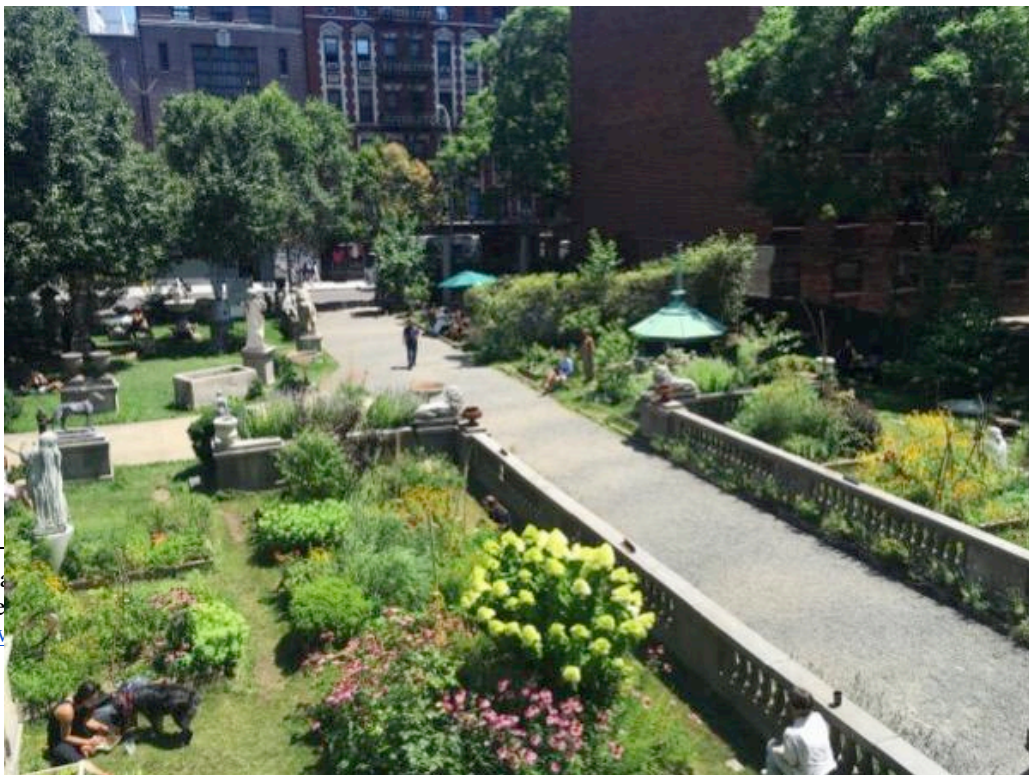
ELIZABETH STREET GARDEN WORKING GROUP

Resolution to Deny the City’s Application for the Disposition of City-Owned Land and UDAAP Designation for the Proposed Haven Green Development on the Elizabeth Street Garden site and in Support of Permanently Saving the Garden and Building Substantially More Senior Housing at an Alternative Site, Only If the Garden is Saved in Its Entirety

Re: ULURP Application 190184 HAM for 199-207 Elizabeth St./ 222-230 Mott Street, Block 493, Lot 30, 20,000 sq. ft. through lot from Elizabeth Street to Mott Street between Spring and Prince Streets

Introduction:

1. Community Board 2's standing position supports a permanent public park at Elizabeth Street Garden, a heavily used and unique public green open space in a neighborhood the city defines as "underserved" by open space;
2. Nearly 6 years ago, CB2, Man. discovered that Elizabeth Street Garden was designated as offsite affordable housing for seniors outside the "foot print" of the large 2012 Seward Park Mixed-Use Development Project (now Essex Crossing) located entirely within CB 3, even though the Garden is entirely located within CB2. CB2, Man. was never notified or consulted despite hundreds of public meetings between 2008 and 2012 focused on the Essex Crossing project.
3. CB 2 agrees with the need for more Senior AH and offered an Alternative Site -- a city-owned gravel-filled lot promised to CB 2 as a park nearly 20 years ago that could accommodate four to five times as much Senior AH -- but *only if* the Garden is preserved *in its entirety*, a similar win-win park and housing switch that Mayor de Blasio and Speaker Corey Johnson made in Chelsea;
4. Despite four CB2, Man. resolutions¹ in support of saving the Garden and significant support from city-wide, state and federal elected officials, the city and Council Member Chin have refused to consider the Alternative Site nor any other options proposed by the community as alternatives to this plan of destroying the Garden;
5. Since June 2018, CB 2's Elizabeth Street Garden Working Group has held three public hearings, each attended by more than 250 people who have overwhelmingly supported saving the Garden and building more Senior AH at the Alternative Site;
6. The Applicant's Proposed Development will cover nearly 70% of the Garden site, a portion by a one-story building, and leave behind a tiny-shadow-filled privately-owned open space that fails to meet the RFP's stated goal to recreate the Gardens current features;
7. The Proposed Development is flawed because it a) creates significant adverse environmental impacts, including the reduction of open space by more than 2% in an underserved neighborhood, b) relies on the designation of a beautiful, heavily-used and unique green open space as "blighted," c) sells a city-owned educational asset for \$1 for non-permanent affordable housing and d) because a major portion of this site was dedicated by its owner, the Public School Society, in 1822 to use for educational purposes in perpetuity, and because the City took title to the property in 1853 subject to that restriction, the Garden should and must be preserved as educational parkland or be



¹ CB 2 p
2015, De
[garden-w](#)

- otherwise rededicated to permanent public use as an educational garden; and,
8. CB2, Man. believes that the best solution will be to save Elizabeth Street Garden in its entirety and build affordable housing at the Alternative Site at 388 Hudson Street, preserving much needed open space and building more Senior Affordable Housing – both needed in our community.

Whereas:

1. CB2, Man. is reviewing an application by the NYC Department of Housing Preservation & Development (HPD) to dispose of city-owned land and designation of the site as “blighted” so that Pennrose, RiseBoro and Habitat for Humanity (the Development Team) can construct a mixed-used project consisting of Senior Affordable Housing (Senior AH), retail and below market office space (the Proposed Project) on the site of Elizabeth Street Garden;
2. Elizabeth Street Garden (ESG or the Garden) is a heavily used open space in an area that has almost none and is part of the only Lower Manhattan neighborhood that the city defines as “underserved” by open space;
3. The Garden has nearly a 200-year history as a public space:
 - a. The Public School Society built Public School No. 5 on a major portion of the Garden site in 1822 and dedicated its use for educational purposes in perpetuity, and in 1853, the city took title to the property subject to this restriction;
 - b. The school was rebuilt and expanded in 1903 and 1927, torn down in the 1970s and in 1981, the city sold 65% of this expanded school site for \$275,000 for 151 units of Section 8 affordable housing and the remaining site was to be maintained “exclusively for recreational use;”
 - c. In 1991, Elizabeth Street Gallery leased this site and created a beautiful garden; and,
 - d. In 2013, local park advocates sought to create more green space in the park-starved Little Italy neighborhood, approached CB2, Man., and with consent of the lessee of the Elizabeth Street Garden, opened the Garden to the public;
4. Only after being approached by the park advocates in summer 2013, CB2, man. discovered that Council Member Margaret Chin had negotiated a non-public side-letter agreement with the city dated September 27, 2012 stating that the Garden site was “suitable” for affordable housing after the city “reviewed” her “recommendations,” all in conjunction with the 2012 Seward Park Mixed-Use Development Project (now Essex Crossing), even though:
 - a. The Garden is located in CB2, Man. and the very large Essex Crossing is located entirely in Community Board 3;
 - b. Neither the city nor Council Member Chin held any public meetings concerning the Garden site despite extensive public meetings associated with the Essex Crossing project;² and,
 - c. Council Member Chin never informed CB2, Man. that she supported developing Senior AH on this offsite location despite discussing and sharing her recommendations with the city prior to September 2012;
5. From 2013 to 2016, CB2, Man. held four public hearings where overwhelming support was for saving the Garden, and CB 2 passed four resolutions in support of permanently preserving the Garden in its entirety as an open space, under the jurisdiction of NYC Department of Parks and Recreation (NYC Parks);
6. Having recognized the significant importance of the Garden, in 2015, CB, 2, Man. identified a DEP owned water tunnel site which has been designated as future parkland for nearly 20 years, and realized this would be a better alternative on which to build Senior AH; CB 2 decided to offer

² The Economic Development Corporation and Community Board 3 list public documents and meetings at <https://www.nycedc.com/project/essex-crossing-development-seward-park> and <http://www.nyc.gov/html/mancb3/html/landuse/landuse.shtml>.

support for this alternative city-owned site for Senior AH, notably *only if* ESG is preserved *in its entirety*; note that this is a significant sacrifice for CB2's park starved community; the alternate site is located less than one mile from ESG, at 388 Hudson Street at Clarkson (the Alternative Site), which:

- a. Could produce four to five times as much Senior AH than the ESG site if it were built to the FAR permitted in the adjacent Special Hudson Square District;
 - b. But because it was promised as open space nearly 20 years ago after the NYC Department of Environmental Protection (DEP) completed its work for Water Tunnel No. 3. CB 2 supports use of the Alternative Site for Senior AH *only if* ESG is permanently saved *in its entirety*, a similar win-win park and housing switch that Mayor de Blasio and Speaker Corey Johnson made in Chelsea, funding both a new park on West 20th Street and 234 units of affordable housing on a larger city-owned site two miles north.
7. In 2016, recognizing the importance of building more Senior AH in "high opportunity" neighborhoods, CB2 also supported the development of 178 units of Senior AH as part of the 550 Washington Rezoning;
 8. Council Member Chin and Mayor de Blasio's administration, through Deputy Mayor Alicia Glen, have refused to consider the Alternative Site, nor other alternatives presented by the community, thus passing up the opportunity to increase Senior AH by four to five times and save ESG;
 9. Nearly every city, state and federal elected official in Lower Manhattan who represent the Garden -- Rep. Jerrold Nadler; Rep. Nydia Velazquez; State Sen. Brad Hoylman; State Sen. Brian Kavanagh; Assemblymember Deborah Glick; Assemblymember Yuh-Line Niou; NYC Comptroller Scott Stringer; Former NYC Public Advocate Letitia James -- publicly supports saving ESG and, instead, developing affordable housing on the Alternative Site, a win-win for all parties involved;
 10. In 2018 and 2019, the Elizabeth Street Garden Working Group (Working Group) held three public meetings, each attended by more than 250 people, and, while many citywide housing advocacy groups spoke in favor of the project, almost all local residents and business owners from the district supported saving 100% of the Garden; and furthermore,
 11. CB2, Man. requested an Environmental Impact Statement (EIS) in lieu of an Environmental Assessment Statement (EAS), which would have examined in depth several environmental issues in depth and allowed CB 2 to hold public scoping meetings; however, this request was rejected in spite of HPD's insistence that it wanted full and transparent community input;

Open Space

12. The Proposed Development provides 6,700 square feet of privately-owned publicly-accessible open space that will be substantially covered in shadows for most of the day year-round due to a) its awkward L-shape, b) shadows from the 7-story Proposed Development and c) lack of southern sunlight blocked by the adjacent building and the mature trees in its courtyard (Shaded Open Space);
13. The Proposed Development fails to achieve the objectives of the RFP, which states "HPD recognizes that the space has become an important neighborhood amenity, as community members have come to value the lawns, trees and gardens as beautiful open space....[and so]... This public open space should, to the greatest extent possible, re-create current features such as lawns, trees, walks, and planting and seating areas with a variety of sun and shade conditions, and also to provide for continuation of current educational and recreational programs and events";
14. The Proposed Development and presented renderings a) falsely attempt to classify the Breezeway as "open space," even though it is not "unobstructed from the sky," b) do not include required ADA circulation paths, which when added, will further significantly reduce any space for a grassy lawn, nor c) provide access from both Mott and Elizabeth streets, nor d) include any legitimate

operating plans and policies for the Shaded Open Space, resulting in a number of unanswered questions regarding public access times and methods, rules regarding smoking and leashed pets, etc., as well as legal and management structure and because of these unanswered questions, meaningful community input on the Open Space will come after ULURP when the community will have no leverage;

15. Because a major portion of this site was dedicated by its original owner, the Public School Society, in 1822 to use for educational purposes in perpetuity, and because the City took title to the property in 1853 subject to that restriction, the Garden should and must be preserved as educational parkland or be otherwise rededicated to permanent public use as an educational garden;
16. The Garden is located in the only Lower Manhattan neighborhood that the NYC Parks Department defines as “underserved” by open space³ with an open space ratio of 0.13 acres of open space per 1,000 residents, well below the community district median of 1.5 acres per 1,000 residents and the city goal of 2.5 acres per 1,000 residents; and furthermore, CB 2 has one of lowest open space ratios in NYC at 0.60 acres per 1,000 residents, and Little Italy and SoHo have only 0.07 acres per 1,000 residents or 3 square feet per person -- about the size of a subway seat;
17. The Proposed Development would destroy 100% of the Elizabeth Street Garden and result in a loss of nearly 70% of the existing open space in the new configuration, a substantial loss in a community and neighborhood so underserved by open space that even a 1% decline in open space is significant and should at least result in substantial further analysis and completion of an of an EIS under City Environmental Quality Review (CEQR);
18. The EAS open space analysis is flawed because a) many of the open spaces in the ½-mile study area are not in excellent condition, none are gardens that are open year round and nearly all are 100%-paved, and b) it ignores the significant non-residential population that visits the neighborhood daily -- more than 111,000 by subway alone⁴ -- and should include an analysis of the impact of the combined residential and non-residential population on open space in a ¼-mile study area; and,
19. Because the Garden is a green open space and the only majority pervious open space in the ½ and ¼ mile study area, removing this pervious land cover and replacing it with a building and impermeable surfaces will generate stormwater runoff and runs counter to the city's own work as well as state and federal initiatives to reduce and mitigate stormwater runoff.

Land Use

20. The Proposed Project does not meet Urban Development Area Act requirements that the city-owned Garden site is a “slum or blighted” or “in deteriorated or deteriorating condition” and therefore should not be eligible to be designated as UDAA and UDDAP as defined under Article 16 of the State General Municipal Law;
21. The Development Team made the following design decisions that increase lot coverage, reduce the land available for public open space and fail to achieve the RFP’s stated goal for the project to “to the greatest extent possible, re-create current features”:
 - a. Voluntarily designating enormous floor area (12,885 sq. ft. or 14%) to community facility use -- including 11, 200 sq. ft. of office space for Habitat for Humanity (or any future office tenant) -- that does not generate a zoning bonus and as a result reduces the income

³ See CEQR Technical Manual, Chapter 7, page 7-4 at <https://www1.nyc.gov/site/oec/environmental-quality-review/open-space-maps-manhattan.page> and view the map of the Underserved Neighborhood of NoHo at https://www1.nyc.gov/assets/oec/technical-manual/2014_ceqr_tm_open_space_map_noho.jpg.

⁴ Estimates based on MTA average rides compiled by the SoHo Broadway Initiative, at <http://sohobroadway.org/about-our-district/>.

- generated per square foot on the ground floor, increases the lot coverage needed to subsidize affordable housing, and reduces land available for public open space;
- b. Including inefficient lot coverage for the one-story portion of the building;
- c. Incorporating a large “breezeway” that substantially reduces available space for income generation, instead of designing a much narrower access to the open space from Elizabeth Street, that also would be more consistent with neighborhood character and not create the management challenge of a large indoor publicly accessible space;
- d. Choosing not to seek changes to the SLID requirements, such as i) modification of the requirement for the setback above 65 feet that currently reduces the number of units on the 7th floor, which would not have required a special permit and ii) and special permits or text changes to increase floor area and add additional stories;
- e. Choosing an inefficient “T” shape for the full height portion of the building;

Quality of Life

- 22. Community members expressed concern about the loss of 70% of the current Garden site, its proposed replacement with a Shaded Open Space that would lack green space, make it nearly impossible to replicate the 200 free public programs held annually, and eliminate the Garden’s current high concentration of trees and other flora that are essential to a healthy lifestyle, citing a recent article in the NY Times, *The Secret to Good Health May Be a Walk in the Park*, Dec. 3. 2018, which states, “[p]arks are the key to good public health and to the environmental health of cities...[and] research has shown that community green spaces can reduce violent crime; counter stress and social isolation, especially for older adults; improve concentration for children with attention deficit disorder; enhance relaxation; and promote self-esteem and resilience.”
- 23. The Proposed Project only provides small studio apartments of one size (370 sq. ft.) for single occupancy seniors, excluding applications from couples, partners, seniors with caregivers or children and does not specify if it would permit pets, an important companionship role for seniors.
- 24. The Development Team stated that the rent from retail tenants would subsidize the affordable apartments, and therefore, they would seek tenants able to pay the highest market price and, as a result, the retail spaces may not offer amenities for the residents of the development such as groceries, affordable food options, toiletries, medical needs etc.

Transportation

- 25. Habitat for Humanity will be moving its main office from the Financial District to this residential neighborhood, taking up 11,200 sf of the building space on both the ground (1st) floor and the cellar;
 - a. Services will therefore be offered to a broader constituency than just on-site residential -- to "low and moderate-income New Yorkers across the city."
 - b. Such services to the greater community will entail visits and activities from out of the neighborhood, and other projects that will generate both more pedestrian and vehicular traffic + mass transit (subway & bus) use, as well as truck traffic (deliveries)
- 26. On-site retail also will generate more transportation impacts, especially in terms of deliveries as well as pedestrian activity from users coming from outside the neighborhood.
- 27. Even if these extra trips (or some of them) meet the threshold for no further analysis in peak hours based on the Technical Manual, no analysis of their impact as it affects this particular small neighborhood context (with small streets and in the heart of a very active community) has been done nor has mitigation been explored for handling these changes and the needs they create (which would be done in an EIS). For example, as the EAS Full Form for the NYC City

Environmental Quality Review (CEQR) states: "It should be noted that a lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour."

Therefore be it resolved that:

1. CB2, Man. unequivocally denies this application as presented because it fails to properly meet the stated goals of the RFP;
2. CB2, Man. reiterates its longstanding position that Elizabeth Street Garden remain wholly intact;
3. CB 2 encourages the city to reconsider the Alternative Site at 388 Hudson Street because it could support four to five times more Senior AH and preserve ESG, but because 388 Hudson Street was promised for a park nearly 20 years ago, CB 2 supports switching 388 Hudson from park to affordable housing use *only if* the Garden is preserved *in its entirety*;
4. The EAS is insufficient and ignores many legitimate and significant environmental issues, and therefore CB 2 urges the City Planning Commission to vote to reopen the process and start anew with an EIS; and,
5. Even in light of everything in this resolution and the enormous public support to preserve Elizabeth Street Garden, should the city move forward, over the objection of CB2, the proposal must be modified as follows so that it is fully responsive to the Request for Proposals:
 - a. Public open space of at least 65% of the lot, on the ground floor, forever open to the sky, designed with sufficient sunlight, green grass and trees to re-create features from the existing Garden;
 - b. A NYC Parks Department management agreement so that the public open space is mapped as parkland and managed and designed under Parks Department standards;
 - c. At least 30% one-bedroom apartments for the residential units;
 - d. Alternative plans that maximizes an environmentally friendly public garden space and reduces the office space footprint of Habitat for Humanity;
 - e. Modification to increase the maximum building height to no more than 100 feet in order to substantially increase the amount of public open space; and,
 - f. Modified design of the building façade to better reflect the SLID goal of retaining neighborhood character and its location within the Chinatown and Little Italy Historic District on the National Register of Historic Places.

Vote: Passed, with 30 Board members in favor; 7 in opposition (T. Connor, J. Liff, E. Ma, R. Sanz, S. Sartiano, S. Smith, C. Sullivan); and 4 abstentions (A. Brenna, G. Silvera Seamans, A. Zeldin, R. Kessler).

LANDMARKS AND PUBLIC AESTHETICS

FIRST LANDMARKS MEETING

1. **34 W. 14th St.**—(~~withdrawn~~-may resubmit at a later date).
2. **452 Broadway** – Application is to establish a Master Plan regarding painted changeable copy advertising sign.

Whereas:

- A. The sign is on a secondary facade in a location typical for the placement of signs on similar buildings in the district and is represented by the applicant as conforming to the regulations for placement, size, and design for the district; and

- B. Examples were shown of similar approved signs in the district; and
- C. The sign appears disproportionately wide on account of the acute angle of the sight lines caused by a nearby building and by the proposed dimensions (18' wide x 25' high); now

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

- A. Provided that the width is reduced to present a proportion more suitable to the visible wall area; and
- B. That the Commission staff verify that the design conforms to regulations for painted signs in the district and reviews each change during the period for which the permit is issued.

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

- 3. **770 Broadway** – Application is to install new entry marquee, replace non-historic infill, and install new entry and lighting.

Whereas:

- A. The Wanamaker annex building is a distinguished renaissance revival full block building that remains, for the most part, historically intact; and
- B. The proposal is to remove non-historic infill from three bays to the west of the main entrance on 9th Street and to install new infill in glass and metal with vertical divisions and a revolving door with a transom window above in the center bay and divided glass and basic industrial louvers in the transom area in the two side bays; and
- C. The infill and bulkhead incorporate details referencing the original design; and
- D. The canopy, for identification of the dedicated entrance for the client, is in thin stainless steel (as are all the metal elements in the center entrance bay), is in close proximity to the canopy for the principal entrance of the building to the east, and disrupts the continuous rhythm of the bays extending outward from the central entrance; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the infill windows, doors and restoration and replication of historic details; and
- B. **Denial** of the transom louvers and recommends instead or in addition - to add decorative grills in keeping with the building's historic character; and
- C. **Denial** of the proposed or any canopy as it is an intrusion and disruption to the historic facade.

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

- 4. **102 Greenwich Ave.** – Application is to legalize the construction of 2 bulkheads without LPC permits.

Whereas:

- A. The northern stair bulkhead provides private access to the roof from top floor apartments, serves no safety or egress purpose and was built without permits in a slipshod fashion with no consideration for historical reference or aesthetic design; and
- B. The south facing bulkhead is also poorly and unattractively constructed and is highly visible from a public thoroughfare; and
- C. The applicant expressed no willingness to either rebuild the bulkheads in a proper way or to consider relocation of the southern one to a less visible location or to provide any other remedy for the work done without review and a permit; now

Therefore be it resolved that CB2, Man. recommends **denial** of the application and that the bulkheads be removed, relocated and built in a proper fashion.

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

NOTE: 177 MacDougal Street and 38-42 W. 8th St are separate applications and together form a unified proposal for these adjoining properties.

- 5. **177 MacDougal St.** - Application is to infill areaway and install new at-grade storefront, and alter stoop and building entrance.

Whereas:

- A. The masonry façade, wood cornice and windows, and entry are to be restored to the historic condition and the storefront in wood and glass, though not faithfully historic, is acceptable for the building and in the district; now

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

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

- 6. **38-42 W. 8th St. a.k.a. 179-191 MacDougal St.** - Application is to demolish the existing buildings and construct a new building.

Whereas:

- A. The site is occupied by a one story non historic building that has had many renovations over the years and its demolition would not be a loss to the district; and
- B. The application is for a new six story (with penthouse) apartment building whose design references proportions and style prevalent in the neighborhood and a loft style seven story (with mechanicals on roof) section of the same building that when viewed from MacDougal Street appears to be a separate building; and
- C. The façade on the corner of 8th Street and MacDougal Street is in crème colored brick with ground floor stores. At the street level the corner is cut back at an angle with a thin supporting column and the upper floors have a rhythm of 2 over 2 double hung windows-- some single and more double; and

- D. The storefronts are generic in design with glass and metal and the corner column is visually fragile and appears insufficiently substantial to support a five story building with no support visible or expressed and should be revised to include careful historic detailing and reference; and
- E. The 8th Street facade is predominately horizontal and lacks the vertical expression and divisions that is the typology of this historic district and the four lot wide façade lacks a central focus and articulation which is characteristic in buildings of similar size on the block and in the district and their absence makes the building loom overpoweringly in the block; and
- F. The upper stories do not connect visually to the design of the ground floor with its heavy articulated base columns and openings because of a lack of connected vertical elements on this horizontal façade; and
- G. The contemporary generic design of the storefront in the loft portion of the MacDougal Street facade is problematic in that the lack of division of the retail spaces belies the carefully crafted illusion that there are 2 buildings, rather than one; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the demolition of the existing building on the site.
- B. **Approval** of the overall design including the varying facades on MacDougal Street with the following exceptions; and
- C. **Denial** of the ground floor infill and that it be replaced with a design that gives a central focus to the 8th Street facade and incorporates historic elements that are characteristic to this district; and
- D. **Denial** of the corner column as designed and that it be replaced with a column that supports the visual weight of the upper floors by adding an element that expresses visual support for the upper floors; and
- E. That the design of the upper floors of the main building façade continue vertical elements from the ground floor that should reference the familiar urban lot size width (20'-25').

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

- 7. **686 Broadway** – Application is to install a new storefront on Broadway at the 1st, 2nd and 3rd floors, decorative railings and new brick veneer and decorative grille at the parapet; paint existing brick facade at Great Jones Alley to match the new brick veneer at the Broadway facade.

(laid over)

- 8. **97 Greenwich Ave.** - Application is to replace ground floor storefront and relocate main entry doors and vestibule on Greenwich Ave; remove existing ground floor canopy and replace with new awning; replace existing signage in kind; stain the façade brick and paint existing metalwork, including mullions, steel members, and panels.

Whereas:

- A. The entrance will be relocated to better align with the upper floors of the facade, and the mullions at ground level and penthouse are to be painted in a darker color; and

- B. The new signage is discreet and generally in the configuration of the existing placement and style; and
- C. New 30” high steel fixed awnings in front of the transoms are to be installed on either side of the corner and partially along each façade; and
- D. The overall appearance of the building is enhanced by the various changes; now

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

Vote: Passed, with 39 Board members in favor, and 1 abstention (R. Kessler).

SECOND LANDMARKS MEETING

- 9. **623 Broadway**-Application is to install a rooftop 1-story and mezzanine addition for commercial use set back more than 20’ from the street walls, not be visible from both Broadway and Mercer.

Laid over

- 10. **298 Elizabeth St.** – Application is to approve the removal of the rear wall, which was carried out without approval under prior ownership.

Whereas:

- A. The approved application did not include approval for demolition of the ground floor rear wall of the Elizabeth Street building in order to connect the retail shop to the ground floor of a shop in Bowery building immediately behind it with a glass and steel structure and it can be reasonably assumed that this was a technical omission in the approval; now

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

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

- 11. **29 Downing St.** – Application is to remove existing storefront infill and a decorative lintel, and install a new storefront infill and make facade changes and restorations referencing 1940 tax photograph design.

Whereas:

- A. The 1940 tax photograph, which appears to depict a design of a much earlier era, clearly shows a three part stable door with glass transoms and a simple signboard; and
- B. The designation photograph shows a modern garage door and subsequently the infill was changed to a wood and glass door infill with a decorative lintel; and
- C. The proposal is to replicate the original door design with wood frames and glass in place of the original wood panels in the doors and to restore the facade and entry to the condition of the 1940 tax photograph; and
- D. The facade will be restored and the brick painted red, rather than the preferred natural brick, on account of the varying mis-matched patching; and

- E. The existing sign hanger irons will be retained and a simple wood panel to be replaced by a sign for the business that will occupy the space; and
- F. The applicant agreed that the design of the sign will be the subject of a separate application and that it will be reviewed by the CB2, Man. Landmarks Committee prior to its submission to the Commission for approval; now

Therefore be it resolved that CB2, Man. recommends approval of the application with the understanding that the design of the sign will be the subject of a separate application and that it will be reviewed by the CB2, Man. Landmarks Committee prior to its submission to the Commission for approval.

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

- 12. 422 W. Broadway** - Application is to construct a rooftop and rear yard addition and carry out front facade restoration.

Whereas:

- A. A review of the 2012 mockup and visibility study affirms that the visibility is as approved; and
- B. The existing windows will be restored and replicated according to the style and condition of the variety of historic windows in situ; and
- C. The infill windows and entry are in wood and glass with substantial bulkheads and transoms similar to the original design; and
- D. Cast iron and sheet metal will be repaired and restored and replaced in kind where necessary; and
- E. The fire escape will be repaired and restored; and
- F. The rear facade will be restored and non-historic windows will be replaced to match existing historic style windows; now

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

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

- 13. 422 W. Broadway** - **application is to request that the landmarks preservation commission issue a report to the city planning commission relating to an application for a special permit for a modification of use and bulk pursuant to section 74-711 of the zoning regulations.**

Whereas,

- A. The proposed facade restoration meets the standard required for a special permit for a modification of use and bulk pursuant to section 74-711 of the zoning regulations and the applicant has agreed to the ongoing maintenance requirements of the regulation, now

Therefore: be it resolved:

- A. That CB2, Man. has no objection to this application a special permit for a modification of use and bulk pursuant to section 74-711 of the zoning regulations provided that it is approved under land use regulations.

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

- 14. 173 7th Ave. So.** – Application is to legalize painting of the façades, aluminum/painted signs and neon signs, awnings, a painted wall, and mechanical equipment on the roof and to replace ground floor storefront and relocate main entry doors and vestibule on Greenwich Ave; remove existing ground floor canopy and replace with new awning; replace existing signage in kind; stain the façade brick and paint existing metalwork, including mullions, steel members, and panels.

Whereas:

- A. The application as presented was only for recommendations concerning the legalization of the violations, apart from one sign, the applicant is expected to return to CB2 Landmarks Committee for a review for any modifications to the building including those detailed in the description above prior to a presentation to the Commission, and
- B. The CB2 Landmarks Committee considers the recommendation of legalization of violations by determining whether the existing conditions of the various elements would have been recommended for approval had they been submitted as an application prior to the work having been carried out; and
- C. The painting of the façades in white is a suitable color for the building; and
- D. The proposal for a new sign at the top of the 7th Avenue facade was incomplete in that it did not include the essential point of its color; and
- E. The three aluminum signs with adjoining painted details are not replacing historic painted signs and are not suitable to the historic neighborhood and the three modern, unframed neon signs are without historic precedent in the district; and
- F. The awnings are in an aggressively strong color and not in harmony with the neighborhood; and
- G. The aggressively bold graffiti style painted wall has no precedent or historic reference and is in extreme disharmony with the district; and
- H. The considerable amount of mechanical equipment on the roof is disturbingly visible from public thoroughfares and the largest element is placed in the most visible position at the front of the building; and
- I. There was considerable, passionate testimony from the public, both written and in person, against the application; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Denial** of painted, aluminum and neon signs, including the new proposed sign, awnings, the painted wall, and mechanical equipment on the roof as in disharmony with the historic character of the neighborhood and the district; and

B. **Approval** of the white color for the buildings facades; and

C. Requests that any proposed modifications to the building be submitted to the CB2, Man. Landmarks Committee for review and its recommendation prior to a hearing by the Landmarks Commission.

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

PARKS/ WATERFRONT

A Resolution Requesting Renovation of Mercer Playground

Whereas:

1) Mercer Playground is the narrow strip between Bleecker & W. 3rd Streets running along Mercer Street; and

2) Mercer Playground was transferred to the Department of Parks and Recreation from the Department of Transportation a few years ago; and

3) Our committee held a meeting to discuss the renovation of the playground and representatives of at least 10 buildings in the surrounding area attended the meeting and conveyed support for this request; and

4) Mercer Playground has traditionally been used by children older than Key Park area (ages 5 to 12) for unstructured play; and

5) The playground has become unsafe, unwelcoming, not maintained, not secure, not managed, and therefore, unappealing to families; and

6) NYU has expressed support of a renovation project and has committed to contribute capital to and take part in scope and envisioning; and

7) The Parks Department has requested that some portion of funding from NYU be delivered immediately, that is, prior to the normal capital allocation process, so the renovation design process can be started as soon as possible.

THEREFORE, BE IT RESOLVED that CB2, Man. requests that the Parks Department initiate a project to renovate Mercer Playground and that the renovated space remains a playground and a city-owned and operated public park and that the Parks Department, in conjunction with Community Board 2, schedule and facilitate a visioning as possible.

VOTE: Passed, with 41 Board Members in favor, and 1 in abstention. (R. Kessler)

QUALITY OF LIFE

1. Consideration of City Council Intro 1284 which codifies the requirement that the Mayor's Street Activity Permit Office (SAPO) notify community boards of new or changes to existing permits for street activities and clarifies both a timeline and information to be included

Whereas, the streets and sidewalks of CB2, Man. are highly desirable locations for street and sidewalk activities; and

Whereas, promotional events and product launches occur with increasing frequency in CB2 and other locations throughout Manhattan; and

Whereas, these events are more frequently being conducted without any notice given to the appropriate community board and often, when notice is provided, it is done so without the necessary time for the community board to make a careful and critical examination of the activity being proposed; and

Whereas, often these promotional events and product launches are a significant challenge to the quality of life for residents and pedestrians and create a significant disturbance to neighboring businesses that have no advance notice of these events; and

Whereas, frequently an applicant for a street activity permit includes a lack of detail in their SAPO application and the number of attendees projected for the event in the application are far fewer than actually attend; and

Whereas, SAPO permit holders are not required to post notice to neighboring residents and businesses regarding the event to be held; and

Whereas, the Mayor's Office of Media and Entertainment does require notice of film permits to be posted, advising permit holders that, "[w]hen filming in a residential neighborhood or business district, proper notification is to be provided to each merchant or neighbor who is directly affected by the company at least 48 hours prior to filming," and this notice should also be required of permit holders for street and sidewalk activities; and

Whereas, Councilmember Chin is proposing Intro 1284 which states that SAPO "shall inform the community board or boards that represent the area affected by the permit of any new street activity permits or changes to existing street activity permits granted by the street activity permit office. The notification shall include the type of application, event organizer, location, date or dates of event, whether the applicant has applied in the past, whether the event is private or public, information on any supporting permit agencies involved, and the contact information for one person at the office who is issuing the permit. The street activity permit office must provide notice to the community board or boards electronically or in writing, issued in an aggregated weekly report but no later than 15 days after receiving the application, provide at least 30 days for the community board to comment if the board finds it necessary, and provide the community board or boards with a copy of the approved or disapproved permit at least two weeks prior to the event, also in an aggregated weekly report where possible;" and

Whereas, CB2, Man. believes this legislation is an important step in providing community boards with important information but notes that a 30 day notice requirement does not always provide sufficient time for the community board to vote on a recommendation to approve or deny an application and that 45 days notice would allow for a public hearing in committee and a vote by the full community board prior to the event taking place; now

Therefore Be It Resolved that CB2, Man. supports the spirit of Intro 1284; and

Be It Further Resolved that CB2, Man. recommends increasing the community board notice period to a minimum of 45 days; and

Be It Further Resolved that CB2, Man. supports additional language in Intro 1284, requiring that street and sidewalk permit holders be required to post public notice to each merchant or neighbor who is directly affected by the street or sidewalk activity at least 48 hours prior to the event.

Vote: Passed, with 41 Board Members in favor, and 1 in abstention. (R. Kessler).

2. Consideration of City Council Intro 1285 which would create a penalty when an individual or entity fails to obtain a street event permit from SAPO before holding an event

Whereas, the streets and sidewalks of CB2, Man. are highly desirable locations for street and sidewalk activities; and

Whereas, promotional events and product launches occur with increasing frequency in CB2, Man. and other locations throughout Manhattan; and

Whereas, it has been observed that street and sidewalk activities occur without the requisite permit and because the activity is a one-time event the promoter or producer of said event takes an “ask for forgiveness, not permission” approach with the City and does not apply for a permit at all; and

Whereas, there are currently no tangible consequences for failing to obtain proper permits for street and sidewalk activities; and

Whereas, these unpermitted promotional events and product launches are a significant challenge to the quality of life of residents and pedestrians and create a significant disturbance to neighboring businesses who have no advance notice of these events; and

Whereas, Councilmember Chin is proposing Intro 1285 which states that, “[f]ailure by an individual or entity to obtain a street event permit from the street activity permit office before holding an event that requires a street activity permit by rules promulgated by the street activity permit office, including but not limited to an event that interferes with the flow of pedestrian traffic due to the formation of lines or any other sidewalk obstruction, is a violation...and a civil penalty shall be determined;” and

Whereas, CB2, Man. believes that SAPO should have the power and jurisdiction to assess a civil penalty against an entity that flouts the permitting rules for street and sidewalk activities; and

Whereas, CB2, Man. believes care should be taken in drafting the rules flowing from this proposed legislation in order to prevent and/or regulate only the non-permitted events that generate an egregious disturbance to the neighboring residents and businesses and perhaps this should be assessed according to the amount of public sidewalk and/or street infringed upon by the event producer; now

Therefore Be It Resolved that CB2, Man. supports the spirit of Intro 1285; provided that care is taken in the rulemaking process so as to target only large and unruly non-permitted events that monopolize large amounts of public sidewalks and streets.

Vote: Passed, with 41 Board Members in favor, and 1 in abstention. (R. Kessler).

New application for revocable consent to operate an unenclosed sidewalk café for:

3. Hudson & Charles Dinette, Inc., d/b/a Hudson & Charles Dinette, 522 Hudson St. between West 10th and Charles Sts. with 8 tables & 18 chairs (18049- 2018-ASWC)

Whereas, this establishment, a farm to table casual American restaurant, is located in a mixed-use residential/commercial building and the previous operator operated a sidewalk café at this location; and

Whereas, the CB2 SLA committee recommended approval for an on-premises liquor license in September 2018 for this establishment at which time the applicant stipulated that the sidewalk café would not operate past 11 PM, 7 days a week; and

Whereas, the applicant stated that the café would be open for lunch and dinner; and

Whereas, the applicant will offer full service waitstaff who will deliver all food and drink to patrons at their seats; and

Whereas, the applicant confirmed that all tables and chairs would be stored within the restaurant overnight and that, off-season, the café would be stored off-premises; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Hudson & Charles Dinette, Inc., d/b/a Hudson & Charles Dinette, 522 Hudson St. with 8 tables & 18 chairs (18049- 2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Passed, with 41 Board Members in favor, and 1 in abstention. (R. Kessler).

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

4. BL 30 Carmine NY, LLC d/b/a Bluestone Lane, 30 Carmine St. between Bleecker and Bedford Sts. with 6 tables & 12 chairs (2038460-DCA)

Whereas, this applicant was granted revocable consent to operate this sidewalk café in May of 2016 and has a restaurant wine license and is located in a mixed-use residential/commercial building; and

Whereas, the applicant has received numerous complaints concerning the sprawl of this sidewalk café which frequently occupies 2/3rds of the public sidewalk at this location, which forces pedestrians to navigate around the tables and chairs, which are not contained by a railing, and often forcing passerby to walk into the bike lane running along the south side of Carmine Street; and

Whereas, most recently the operator installed a large storm enclosure, which is more than four times the size allowed by City regulation, and is operating a sidewalk café completely within the storm enclosure; and

Whereas, this unlawful storm enclosure and the operation of the sidewalk café within it were reported to the Department of Consumer Affairs (DCA) in December 2018, at which time it was discovered that the operator had not renewed their sidewalk café permit and therefore the café was not operating legally and the operator was fined; and

Whereas, because DCA found the café operating without a permit it did not address the fact that the operator had installed an illegal storm enclosure and was constructively operating an unlawful enclosed sidewalk café; and

Whereas, the committee received 3 letters from area residents speaking to the continued unlawful operation of this enclosed sidewalk café and to the sprawl that occurs during other times of the year from the sidewalk café; and

Whereas, a neighboring senior resident appeared at the committee meeting to express her serious concern about not being able to safely use the sidewalk in front of this establishment and of the continued use of the storm enclosure as an enclosed sidewalk café that uses more than ½ of the sidewalk at issue and is further impeded by a sandwich board which is placed adjacent to the storm enclosure; and

Whereas, an attorney for the operator appeared and expressed ignorance that any of these issues were occurring and that he would address them with the manager of this location despite the fact that the district manager of CB2, Man. has twice visited the establishment to raise these concerns with the operator; and

Whereas, the other sidewalk cafés on this block of Carmine Street operate in full compliance with all sidewalk café rules and regulations and are welcomed by the neighbors; and

Whereas, CB2, Man. is alarmed that these quasi-enclosed sidewalk cafes operating within oversized storm enclosures, if not regulated, will become rampant throughout CB2, and

Whereas, this operator has proven itself incapable of complying with the sidewalk café rules and regulations since May 2016 and unwilling to address the valid concerns of neighbors; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of the renewal application for revocable consent to operate an unenclosed sidewalk café **BL 30 Carmine NY, LLC., d/b/a Bluestone Lane, 30 Carmine St. with 6 tables & 12 chairs (2038460-DCA)**.

Vote: Passed, with 41 Board Members in favor, and 1 in abstention. (R. Kessler).

5. Fiddlesticks, LLC, d/b/a Fiddlesticks, 54 Greenwich Ave. between Perry and Charles Sts. with 16 tables & 29 chairs (1133898-DCA)

Whereas, this establishment was first issued revocable consent to operate this sidewalk café in March of 1999 and has operated the café since that time; and

Whereas, while the sidewalk café has been generally well maintained, in recent years the original plan has not been strictly adhered to and some sidewalk sprawl has occurred; and

Whereas, the General Manager of this location appeared before the committee and was happy to see the original plans of the sidewalk café and said he would ensure that all parameters of the plan would be strictly enforced by him personally and communicated to all staff involved in the set-up of the cafe; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Fiddlesticks, 54 Greenwich Ave. with 16 tables & 29 chairs (1133898-DCA)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Passed, with 41 Board Members in favor, and 1 in abstention. (R. Kessler).

FYI Sidewalk Café Renewals

6. Sengupta Good Services, LLC, d/b/a Soho Park, 62 Prince St. with 7 tables & 14 chairs (1277362-DCA)

7. Lignoranti, LLC, d/b/a Oficina Latina, 24 Prince St. with 2 tables & 4 chairs (1421348-DCA)
8. 161 Mulberry Restaurant, LLC, d/b/a Italian Food Center, 161 Mulberry St. with 20 tables & 42 chairs (1443292-DCA)
9. Josan & Josan, Inc, d/b/a Taco Mahal, 73 7th Ave. South with 10 tables & 30 chairs (2041384-DCA)
10. Cobra Caterers, Inc, d/b/a Hudson Hound, 575 Hudson St. with 7 tables & 25 chairs (1135398-DCA)
11. Restaurant 597, Inc, d/b/a Bus Stop, 597 Hudson St. with 10 tables & 20 chairs (0918358-DCA)
12. One Melon, LLC, d/b/a N/A, 89 MacDougal St. with 14 tables & 28 chairs (2021429-DCA)
13. Tourbillion 45, LLC, d/b/a Café Altro Paradiso, 234 Spring St. with 5 tables & 20 chairs (2038130-DCA)
14. Bleecker Spaghetti, LLC, d/b/a Trattoria Spaghetti, 232 Bleecker St. with 14 tables & 28 chairs (1399534-DCA)
15. Joyful Eats Two, LLC, d/b/a Mimi Cheng's Dumplings, 380 Broome St. with 8 tables & 17 chairs (2039794-DCA)
16. La Meridiana, Ltd., N/A, 26 Carmine St. with 12 tables & 24 chairs (1133014-DCA)
17. Caffe Vetro, Inc., d/b/a N/A, 200 Mott St. with 6 tables & 12 chairs (1245908-DCA)
18. New Restart, Inc., d/b/a Taormina Restaurant, 145 Mulberry St. with 8 tables & 16 chairs (1342588-DCA)
19. Maneken Corp., d/b/a N/A, 466 Hudson St. with 6 tables & 12 chairs (0979768-DCA)
20. 675 Hudson Vault, LLC, d/b/a Dos Caminos, 675 Hudson St. with 48 tables & 135 chairs (1159248-DCA)
21. West 12th Street Restaurant Group, LLC, d/b/a Wallflower, 235 W. 12th St. with 2 tables & 4 chairs (2000382-DCA)
22. Starbucks Coffee Corporation, d/b/a Starbucks Coffee Company, 454 Lafayette St. with 25 tables & 77 chairs (0924582-DCA)(Enclosed)
23. Benny's Burritos, Inc., d/b/a Benny's Burritos, 111 Greenwich Ave. with 8 tables & 24 chairs (1067814-DCA)
24. L Plus L Productions, LLC, d/b/a Ofrenda, 113 7th Ave. So. with 12 tables & 24 chairs (1347094-DCA)
25. Greenwich BBQ, LLC, d/b/a N/A, 75 Greenwich Ave. with 10 tables & 20 chairs (2011155-DCA)
26. 31 Great Jones Restaurant Corp. d/b/a Vic's, 31 Great Jones St. with 7 tables & 14 chairs (1034252-DCA)
27. E2 185 Bleecker LLC d/b/a By Chloe, 185 Bleecker St. with 3 tables and 6 chairs (2042774-DCA)

Whereas, these items were on the public agenda and none were 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 provided that the applications conform with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Passed, with 41 Board Members in favor, and 1 in abstention. (R. Kessler).

Street Activities Applications

28. Saturday, March 30, 2019 — Women’s Democratic Club Astor Place Festival — (Clearview Festival Productions): Astor Place between Broadway and Lafayette St. (full street closure)

Whereas, other than self-reported activities of phone banking and voter registration, no other activities of visible benefit to the community by this organization were discovered by the committee through an online search since 2012 and the applicant does not have a physical presence within the community; and

Whereas, the applicant stated that money raised from the event was used to contribute to candidates running for office but no such contributions were reported to the Federal Election Commission, NY State Board of Elections, or the NYC Campaign Finance Board; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of the **Women’s Democratic Club Astor Place Festival — (Clearview Festival Productions): Astor Place between Broadway and Lafayette St. (full street closure)** on March 30, 2019.

Vote: Passed, with 41 Board members in favor and 1 abstention (R. Kessler).

29. June 5-6, 2019 — Entertainment Weekly Private Event: Christopher Street between 7th Ave. South and Waverly Place (sidewalk and full street closure)

Whereas, the applicant did not appear before the committee as requested and the committee was unable to hear about the application in full; and

Whereas, based on the application filed with the Street Activity Permit Office (SAPO), the committee had very grave concerns about this proposed event, including the fact that it is being presented by a corporate sponsor and not open to the public and would utilize the entire street, bike lane, and sidewalk of Christopher Street on a Wednesday night beginning at 5 PM and running until 3 AM the following Thursday morning, the event would include live performances using amplified sound, open flames, and bleachers and a red-carpet; now

Therefore Be It Resolved that CB2, Man. **STRONGLY** recommends **DENIAL** of — **Entertainment Weekly Private Event: Christopher Street between 7th Ave. South and Waverly Place (sidewalk and full street closure)** on June 5-6, 2019.

Vote: Passed, with 41 Board members in favor and 1 abstention (R. Kessler).

FYI/Street Activity Renewals:

30. 3/31/19 – Visiting Neighbors Festival, Bleecker St. between Broadway and Lafayette St. [full street closure]
31. 5/21/19 – Grad Alley 2019 (NYU): 1) West 3rd St. between Mercer St. and LaGuardia Place
2) LaGuardia Place between West 3rd St. and Washington Square South [full street closure]
32. 5/23/19 – Village Visiting Neighbors Pop Up Fair, Charlton St. between Varick St. and Hudson St. [full street closure]
33. 6/29/19 – BAMRA Bleecker Street Festival (Bleecker Area Merchants and Residents Association): Bleecker St. between Broadway and Sixth Ave. [full street closure]
34. 8/11/19 – Greenwich Village Chamber of Commerce Broadway Festival Co-Sponsored Event: Broadway between Waverly Place and East 14th St. [full street closure]

35. 9/7/19 – 6th Pct. Community Council Village Center for Care Bleecker St. Festival: Bleecker St. between 7th Ave. South and 8th Ave. [full street closure]
36. 9/12/19 – Children’s Museum Charlton Street Festival, Charlton Street between Varick St. between Hudson St. [full street closure]
37. 9/28/19 – Friends of LaGuardia Place Festival: LaGuardia Place between West Houston St. and Bleecker St. [full street closure]
38. Fridays, Saturdays and Sundays from 1/4/19-12/20/19 – St. Anthony Flea Market; West Houston Street from Thompson Street to the end of St. Anthony’s property line between Sullivan and MacDougal Streets.⁵

Whereas, these items were on the public agenda and none were 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 provided that the applications conform with all applicable zoning and street activity laws, rules, regulations, and clearance requirements.

Vote: Passed, with 41 Board members in favor and 1 abstention (R. Kessler).

SCHOOLS AND EDUCATION

Resolution In Support of Revised Proposals to Increase Diversity at Specialized High Schools and Other Public Schools and the Disclosure of Data Relating to All Proposed Changes to Specialized High School Admissions

Whereas:

1. New York State has the most racially segregated public schools in the nation based on a report by the UCLA Civil Rights Projectⁱ;
2. CB2, Man. is deeply concerned about the inadequacy and inequality of education in public schools throughout New York City;
3. New York City’s Specialized High Schools (SHS), as well as many screened public middle schools and high schools, lack the racial, socioeconomic and gender diversity of New York City,ⁱⁱ
4. The New York State Hecht-Calandra Act of 1971 requires that SHS admissions are based on ranked-order results from a single admissions test, but also permits an alternative route to admission through the Discovery Program for students who are a) disadvantaged, b) score below the cut-off score, c) are recommend by their local school and d) attend and pass a summer preparatory program;
5. The Mayor’s administration has proposed changes to the SHS admissions processⁱⁱⁱ by:
 - a. Expanding the Discovery Program to 20% of seats at each SHS by fall 2020 and requiring that disadvantaged students also attend a high-poverty school with an Economic Need Index of at least 60%,^{iv}
 - b. Passing New York State legislation to i) replace the Specialized High School Admission Test (SHSAT) with a set of criteria that will include, but is not limited to students’ rankings on their 7th Grade New York State Math and ELA exam scores, their rankings within their individual schools

⁵ This event was not on the agenda for the Quality of Life Committee on January 7, 2019, but was approved unanimously by the CB2 Executive Committee on January 22, 2019.

on their 7th Grade English, Math, Social Studies and Science course grades, and their being ranked “in the top 25% of the city;” and ii) make offers to the top 7% of students from each public middle school;

6. The Department of Education did not meaningfully engage families and students who would be affected as well as parent leaders, educators, researchers and other stakeholders in developing any proposals for changing the system;
7. The DOE has not publicly identified nor provided data or details about how it will implement the expansion of the Discovery Program; the past performance of SHS students who were admitted through the Discovery Program; nor, how it will change the criteria for making SHS offers, in particular, comparing course grades from every NYC middle school, limiting offers to students ranked “in the top 25% of the city” and making offers to new or non-public school students;
8. The Mayor’s Proposal to change SHS admissions will reduce the number of CB2, Man. high school students who attend SHSs and create greater demand for non-specialized high schools in District 2, because approximately 19% of District 2 middle school students attend SHSs and a drop to 7% would reduce seats for District 2 students by 177, excluding offers made to non-public school students and the DOE has not announced any plans to increase capacity at either SHSs or District 2 high schools;
9. More than 300 parents, educators and education activists attended a CEC District 2 and CB 2, 4, 6 and 8 public meeting on December 3, 2018 where the DOE presented the Mayor’s Proposal, and the overwhelming majority of these attendees opposed many of the changes to SHS admissions, as currently proposed.

Therefore, be it resolved that:

1. CB2, Man. recommends that the Mayor make revisions to the current Proposal to change the admission process for Specialized High Schools because we are unable to support the proposal as it is currently written, but we are eager to see a revised proposal to increase diversity and achievement among the students of New York City;
2. CB2 objects to the revised Discovery Program requirement that eligible applicants must attend a school with an Economic Need Index of at least 60% because this will reduce the number of low-income students eligible to participate;
3. Before New York State and New York City change Specialized High School admissions, CB 2 requests public access to all DOE data that are relevant to understanding the proposed changes to Specialized High School admissions; and seeks a comprehensive Review and Report of the impact of the Mayor’s Proposal on middle school and non-specialized high school students and families in our community, District 2 and across the city, including potential unintended consequences, both positive and negative; and,
4. CB2, Man. also urges the Department of Education to pursue additional initiatives to increase diversity in New York City public schools, such as:
 - a. Starting early and expanding city and state education funding for high poverty schools to provide more resources for 3K, pre-kindergarten, elementary and middle schools, including funding smaller class sizes and expanded special education programs;
 - b. Offering the Gifted and Talented (G&T) test to all pre-K students, expanding G&T programs that start in third grade and reevaluating the 2006 decision to base admissions on

a single test that has resulted in the percentage of minority children in these programs to plummet;^v

- c. Improving instruction in middle schools, and increasing opportunity for students of color, of low income and of immigrant parents;
- d. Providing effective outreach for students applying to high school beyond distributing a 400-page high school directory and requiring attendance at high school fairs, including language-accessible and culturally appropriate outreach to help ensure that families are not only informed about high school options, but that they also feel secure about the options that best meet the needs of their children, given that there are more than 700 public high school programs in New York City and 70 public high schools in District 2; and,
- e. Building a new District 2-wide elementary or middle school at the Bleecker School site in Greenwich Village with admissions based on diversity, economic need, English Language Learner, students with disabilities or other criteria.

VOTE: Passed, with 37 Board Members in favor, and 2 in abstention. (R. Kessler, R. Sanz).

ⁱ “New York State’s Extreme School Segregation: Inequality, Inaction and a Damaged Future” UCLA Civil Rights Project, March 26, 2014, available at <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norflot-report-placeholder>.

ⁱⁱ Specialized High Schools vs. NYC Schools: Enrollment vs. Offers

Demographic Data: CB 2 vs. NYC Schools

CB 2 SCHOOL ENROLLMENT	TOTAL (1) ENROLLMT	SEX (2)		RACE (2)					SUPPORT (2)			EC. NEED INDEX
		% F	% M	% A	% B	% H	% MUL	% W	% SWD	% ELL	% POV	
PS 3	753	49%	51%	9%	6%	14%	5%	67%	18%	3%	21%	19.0%
PS 41	694	54%	46%	8%	1%	10%	12%	69%	15%	2%	9%	7.3%
PS 130	913	48%	52%	87%	1%	5%	4%	3%	14%	16%	47%	59.9%
PS 340 * 30% (3)	83	53%	47%	23%	4%	13%	12%	64%	16%	1%	10%	13.8%
Total	2,443	50%	50%	38%	3%	9%	7%	44%	16%	7%	27%	--
vs. CB 2 2010 Census (all ages) (5)	90,016	52%	49%	14%	2%	6%	3%	75%	--	--	--	--
vs. CB 2 2010 Census (Under 18) (5)	7,936	--	--	15%	1%	8%	8%	67%	--	--	--	--
75 Morton (4)	562	49%	51%	8%	9%	24%	5%	54%	22%	3%	30%	29%

PUBLIC SCHOOL ENROLLMENT (6)	TOTAL (1) ENROLLMT	SEX (2)		RACE (2)					SUPPORT (2)			EC NEED INDEX
		% F	% M	% A	% B	% H	% MUL	% W	% SWD	% ELL	% POV	
D2 Middle Schools (6-8, K-8 and 6-12)	12,621	50%	50%	25%	10%	21%	6%	38%	19%	6%	41%	53.6%
District 2	63,497	52%	48%	22%	15%	33%	5%	26%	17%	8%	54%	53.6%
Manhattan	177,752	51%	49%	12%	23%	45%	3%	17%	20%	11%	67%	66.4%
Citywide	1,135,334	49%	51%	16%	26%	41%	3%	15%	20%	14%	74%	70.7%
Eight Specialized High Schools	15,540	42%	58%	62%	4%	6%	4%	24%	1%	0%	49%	--
vs. NYC 2010 Census (all ages)	8,175,133	--	--	13%	26%	24%	5%	33%	--	--	--	--

MAYOR'S PROPOSAL: OFFERS (7)	TOTAL OFFERS	SEX (2)		RACE (2)					SUPPORT (2)		EC NEED INDEX
		% F	% M	% A	% B	% H	% MUL	% W	% PRIVATE	% POV	
Citywide	--	--	--	16%	28%	40%	3%	13%	n/a	n/a	--
Current SHS Offers	--	--	--	50%	3%	6%	4%	24%	13%	46%	--
Proposed: SHS Offers to Top 7%	--	--	--	30%	19%	27%	2%	15%	7%	67%	--

Sources:

- (1) NYC DOE Final Class Size Report for cohort and class size by grade for 2017-2018, found at: <https://infohub.nyced.org/reports-and-policies/government/intergovernmental-affairs/class-size-reports>.
- (2) Demographic Snapshot for enrollment by grade, sex, race and support for 2017-2018 found at: <https://infohub.nyced.org/reports-and-policies/citywide-information-and-data/information-and-data-overview>.
- (3) Approximately 30% of PS 340 enrollment is from CB 2, based on 2010 census tract data.
- (4) 75 Morton data from Register, November 27, 2018. % Poverty for 75 Morton from Demographic Snapshot for 2017-2018.
- (5) U.S. Census Bureau, 2010 Census, https://www1.nyc.gov/assets/planning/download/pdf/community/community-portal/socio_demo/mn02_socio_demo.pdf
- (6) District 2, Manhattan and Citywide data is for all grades, including high schools.
- (7) Mayor's Proposal, https://dxbxg0cumj033.cloudfront.net/57812_2018111_specialized%20high%20schools%20proposal%20-%20public%20deck%20v14%20-%20brooklyn.pdf.

- iii Specialized High Schools that would be impacted by the Mayor's Proposal include Bronx High School of Science, Brooklyn Latin School, Brooklyn Technical High School, High School for Mathematics, Science, and Engineering at City College, High School of American Studies at Lehman College, Staten Island Technical High School, Queens High School for the Sciences at York College and Stuyvesant High School.
- iv The Discovery Program for entering 9th grade students would expand from approximately 200 and 250 seats in 2017 and 2018 respectively to approximately 800 seats by 2020. 2017 and 2018 figures from opendata.cityofnewyork.us. For details on the 2019 Discovery Program, visit www.schools.nyc.gov/enrollment/enrollment-help/meeting-student-needs/diversity-in-admissions.
- v Leonie Haimson and Diane Ravitch. "The Education of Michael Bloomberg." *The Nation*. April 17, 2013. <https://www.thenation.com/article/education-michael-bloomberg/>.

SLA LICENSING

1. Showfields NY 1, LLC, d/b/a Showfields, 11 Bond St. 10012 (RW – Retail Space)

i. Whereas, the applicants and their representatives appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a new Tavern Wine license for serving within their multi-floor retail space in a M1-5B zoned 4-story, mixed-use 1913 building at 11 Bond Street between Lafayette Street and Broadway (block #529 lot #15) also known as 348 Lafayette, the entrances to the building are located on Lafayette St.; the building is located in the NYC Landmarks Commission designated NoHo Historic District; and,

ii. Whereas, the four-story premises are approximately 10,108 sq. ft., and applicant seeks a license to serve alcohol in the 2,760 sq. ft. ground floor level and also on the interior 1,709 sq. ft. 4th floor; and,

iii. Whereas, the premises will have on the ground floor 2 tables with 4 table seats, 12 bench seats and 1 bar with no seats, and on the 4th floor interior will have 1 table with 16 table seats and 1 table with 6 couch seats for an aggregate total of 38 seats in the premises; and,

iv. Whereas, the premises in question was granted a variance by the NYC Board of Standards and Appeals (BSA) in 2016 (2016-4178-BZ CEQR #16-BSA-114M) to allow retail use (use group 6) on the ground floor which is not allowed as of right in this zoning district; the approval of the application by the BSA as indicated in their Resolution was contingent upon the “condition that all work shall substantially conform to drawings filed with this application marked ‘Received June 2, 2017’—Twelve (12) sheets”; those plans marked “Received June 2, 2017” include plans as indicated in the BSA Resolution showing the “enclosure of the open space at the fourth floor roof to create a full fourth floor”; the BSA Resolution also states that “the applicant states that it agrees not to locate an eating and drinking establishment on the rooftop, but does not agree to the prohibition of eating and drinking establishments throughout the entire building; and agrees that there shall be no below-grade selling space, that the roof shall be landscaped and maintained without any event space or public access, that the applicant will communicate with neighbors during conversion of the building, that illumination will not cast light in to residential windows and be reduced within one hour of closing or by 10 pm, whichever is earlier;” and,

v. Whereas, the Applicant has stated their intention to use the interior top (4th) floor as a patron accessible space where alcohol and food will be served, to no longer enclose the open space at the fourth floor roof, and the BSA resolution and statements notwithstanding, to use the 1,171 sq. ft. roof adjacent to the top (4th) floor as a patron accessible out door space despite agreeing to no event space on the roof and no public access of any kind to the roof except for essential maintenance of the building and plantings; and,

vi. Whereas, despite repeated requests from CB2, Man. to provide documentation showing that the retail space, the ground floor of which opened in early December/2018, currently has and has had from its opening permits in place to occupy the ground floor for retail, the applicant has not provided any such documentation; the applicant also has not provided any documentation or explanation of why they are not complying with conditions outlined in the BSA Variance Resolution; and,

vii. Whereas, not enclosing the open space at the fourth-floor roof and utilizing the resulting outdoor space for patrons is not in compliance with these and other agreements outlined in the BSA variance, and CB2, Man. put substantial effort into advocating for said conditions with the NYC BSA specifically to protect the community and neighboring residents from the negative impacts the Applicant's proposed manner of operation would create; and,

viii. Whereas, the applicant further does not have a valid Certificate of Occupancy, and their flouting of the letter and intent of the BSA variance decision raises significant question as to whether they are legally entitled to one, and therefore cannot be said to have obtained or assumed likely to obtain the necessary permits as required by the Liquor Authority; and,

ix. Whereas, the Applicant has further indicated the likelihood of frequent special events that will have significant impact on traffic congestion, particularly on the recently narrowed Lafayette Street, and has presented the committee with no traffic management plan or study; and,

x. Whereas, there has been strong opposition among immediately impacted residents, particularly regarding the active use of rooftops including owners in the adjacent buildings including those with windows overlooking the rooftop space despite ongoing conversations between the parties; those parties having a lack of faith in the applicants; and,

xi. Whereas, CB2, Man. believes that the issuance of a license as presented would have significant impacts on the community and immediately impacted residents and that the Application falls short on a number of the criteria that the SLA considers in such matters; and,

xii. Whereas, the presented hours of operation until 2AM are well beyond any acceptable accessory use for food and drink for events for a 4 story retail store with any outdoor use surrounded and overlooked by residential lofts, especially in light of agreements made in order to secure a Variance to change the use on the ground floor to allow this type of retail occupancy; and,

xiii. Whereas, if SLA feels compelled to issue a license in this case despite the clearly detrimental impact on the immediate community, and the applicants unwillingness to adhere to agreements made to secure the allowable use of this space; CB2, Man. respectfully request that the following stipulations be incorporated into the method of operation for the license in order to mitigate the damage to homeowners and residents impacted:

1. The serving of alcohol and the operation of the top (4th) floor interior lounge area will cease at 9PM. Serving of alcohol and operations on the ground floor will cease by 11PM. No patrons will remain in either space after those closing hours.
2. The rooftop adjacent to the top (4th) floor lounge area will remain locked and off limits to patrons at all times. No alcohol, food, table, chairs, music, or smoking is allowed on the exterior rooftop areas at anytime.
3. Will not have televisions displaying sports or tv programming in the 4th floor lounge area.
4. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences or outside of the building at anytime.
5. Will keep all doors & windows closed at all times.
6. Will not install or have French doors, operable windows or open facades. Rooftop doors and windows will remain closed at all times and will be soundproof.
7. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

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8. Will not have unlimited drink or unlimited food & drink specials.
 9. Will not have: Dancing, DJs, live music, promoted events, any event where cover fees are charged, scheduled performances, velvet ropes or metal barricades.
 10. There will be no outside heaters in any areas.
 11. There will be no load-ins or load-outs between 10PM and 9AM.
 12. Any Special Events will be limited to no more than 30 people on the 4th floor or 50 people on the ground floor. All Special events will end by 9PM on the 4th floor and 11PM on the ground floor. There will be appropriate staff to ensure orderliness and sufficient passage in front of the premises at all times during events and to ensure that for hire vehicles do not disrupt traffic.
 13. The regular retail hours of operation will be from 10AM to 10PM.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Tavern Wine Restaurant/Tavern application to **Showfields NY 1, LLC, d/b/a Showfields, 11 Bond 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 40 Board members in favor, and 1 abstention (R. Kessler).

2. BL 98 Kenmare NY, LLC d/b/a Bluestone Lane, 19 Kenmare Street, 10012 (OP—Café-Restaurant and sidewalk café)

i. Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a new On-Premises liquor license in order to open an “Australian Restaurant and Café” with a full-service kitchen in a C6-1 zoned 6-story, mixed-use 1900 building at 19 Kenmare Street between Elizabeth St. and the Bowery (block #478 lot #12) also known as 164 Elizabeth St.; and,

ii. Whereas, the two-story premises are approximately 1,850 sq. ft., with 1,000 sq. ft. on the ground floor store level and an additional 850 sq. ft. in the cellar, and usage seems consistent with zoning; and,

iii. Whereas, the premises will have 24 tables with 48 seats and 1 bar with an additional 8 seats on the ground floor, and 8 tables with 29 seats and 1 bar with 7 seats in the cellar for a total of 93 interior seats, and the premises have an existing sidewalk café that the applicant will continue to operate; and,

iv. Whereas, the applicant’s proposed hours of operation will be 7AM to 12AM every day of the week; with the sidewalk café closing by 10 PM; and,

v. Whereas, the licensee previously executed a stipulations agreement with CB2, Man. that will remain and continue to attached and incorporated into their method of operation on their OP Restaurant/Tavern License and the stipulations are as follows:

1. Premise will be advertised and operated as an Australian Restaurant and Café.
2. The hours of operation will be Sunday-Saturday 7AM TO 11PM. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate full service restaurant, specifically an Australian Restaurant and Café, with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.

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6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café)
 7. Will operate sidewalk café no later than 10PM (all tables and chairs will be removed at this hour).
 8. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
 9. Will close all doors & windows at all times.
 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.
 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. 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/door staff.
 17. Eastern Most Door will not be for patron use except in an emergency
 18. Will maintain a Place of Assembly Permit
 19. Will maintain a TCO
 20. Will operate under one D/B/A
 21. All windows will be kept closed at all times

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the On Premises application to **Bluestone Lane, 19 Kenmare Street, New York, NY 10012** **unless** the statements of the Applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On Premise Liquor License.

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

3. Temple 332 LLC d/b/a Temple Bar, 332 Lafayette/54 Bleecker St. 10012 (OP— Restaurant/Bar)

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a new On-Premises liquor license in order to open a “High-End Restaurant/Bar” with a full-service kitchen in a M1-5B zoned 8-story, mixed-use 1910 building at 54 Bleecker Street between Crosby and Lafayette Streets (block #522 lot #7501) also known as 332 Lafayette, the building is located in the NYC Landmarks Commission designated NoHo Historic District; and,

Whereas, the two-story premises are approximately 3,887 sq. ft., with 2,100 sq. ft. on the ground floor store level and an additional 1,787 sq. ft. in the basement, with a maximum occupancy of 135, and the usage is allowed as indicated in the existing Certificate of Occupancy: and,

Whereas, the premises will have 19 tables with 46 table seats and 1 bar with an additional 13 seats for a total of 59 interior seats, 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,

Whereas, the premises will not have a sidewalk café now or in the future; and,

Whereas, support for the application by community residents was received both by letter and in-person, albeit some of them provision-based on a request for earlier hours; and,

Whereas, the applicant, seeking hours later than the previous incarnation of Temple Bar at the location had maintained, specific stipulations to address concerns unique to the proposed late hours of the location were offered by agreement between community organizations and the applicant, and accepted by the committee and incorporated into the stipulations below; and,

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

1. Premise will be advertised and operated as a High-end Restaurant Bar.
2. The hours of operation will be Sunday 5PM to 1AM, Monday through Weds 5PM to 2AM, Thursday through Saturday 5PM to 3AM. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate full service restaurant, specifically high-end restaurant/bar with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café)
7. Will play quiet ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will close all doors & windows at all times.
9. Will not install or have French doors, operable windows or open facades.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. No pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Will not have: Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades.
16. Applicant will obtain a C.O. or L.N.O. recognizing the space as separate from the adjoining retail/restaurant space.
17. ID Card checking will take place inside the space and not on the sidewalk
18. There will be no outside heaters
19. There will be no promoted or branded DJs, only unobtrusive management of the music

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20. Special events of more than 30 people will end by 12AM.
 21. There will be no load-ins or load-outs between 10PM and 9AM
 22. Applicant will install video surveillance to monitor any patron related traffic or crowd problems.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the On Premises Restaurant/Tavern application to **Temple 332 LLC, 332 Lafayette/54 Bleecker St. 10012** **unless** the statements of the Applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On Premises Liquor License.

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

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

4. MM130 Bowery Rest Corp., d/b/a Capitale, 130 Bowery 10013 (OP – Catering – Withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #1 Meeting on January 8th, 2019, the Applicant requested to **withdraw** this application for On Premises Catering license for a 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 **MM130 Bowery Rest Corp., d/b/a Capitale, 130 Bowery 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: Passed, with 40 Board members in favor, and 1 abstention (R. Kessler).

5. BS Mulberry, LLC, d/b/a Beyond Sushi, 215 Mulberry St. 10012 (RW—Restaurant)

Whereas, prior to the CB2, Manhattan’s SLA Licensing Committee #1 Meeting on January 8th, 2019 the Applicant requested **to layover** this application to February/2019 and requested to adjourn and submit 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, corporate change, alteration, transfer or other changes to the existing license for **BS Mulberry, LLC, d/b/a Beyond Sushi, 215 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: Passed, with 40 Board members in favor, and 1 abstention (R. Kessler).

6. Nonna Beppa Soho, LLC, d/b/a Nonna Beppa, 290 Hudson St. 10013 (OP – Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #1 Meeting on January 8th, 2019, the Applicant requested to **withdraw** this application for On Premises Catering license for a 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 **Nonna Beppa Soho, LLC, d/b/a Nonna Beppa, 290 Hudson 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: Passed, with 40 Board members in favor, and 1 abstention (R. Kessler).

7. Mulberry Burger, LLC, d/b/a TBD, 209 Mulberry St./48 Spring St. 10012 (OP—Restaurant Bar)

Whereas, prior to the CB2, Manhattan’s SLA Licensing Committee #1 Meeting on January 8th, 2019 the Applicant requested to **layover** this application to February/2019 and requested to adjourn and submit 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, corporate change, alteration, transfer or other changes to the existing license for **Mulberry Burger, LLC, d/b/a TBD, 209 Mulberry St./48 Spring St. 10012 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

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

8. Vaca Negra, LLC d/b/a Vaca Negra, 248 W. 14th St. 10011 (OP—Bar/Tavern with live music and DJ)

Whereas, the Applicant **failed to appear** at the CB2, Manhattan’s SLA Licensing Committee #1 Meeting on January 8th, 2019, and not having withdrawn or requested a layover prior to said meeting;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade or changes to any existing license for **Vaca Negra, LLC d/b/a Vaca Negra, 248 W. 14th St. 10011 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a

recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

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

9. Brink Concepts, d/b/a Soho Food Market, 594 Broadway 10012 (OP – Restaurant/Bar)

Whereas, during CB2, Manhattan’s SLA Licensing Committee #1 Meeting on January 8th, 2019 the Applicant requested **to layover** this application to February/2019 and requested to adjourn and submit 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, corporate change, alteration, transfer or other changes to the existing license for **Brink Concepts, d/b/a Soho Food Market, 594 Broadway 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: Passed, with 40 Board members in favor, and 1 abstention (R. Kessler).

10. 324 Spring Hospitality, LLC, d/b/a Empire Lodge, 324 Spring St. 10013 (OP—Bar/Tavern with sidewalk café)

Whereas, prior to the CB2, Manhattan’s SLA Licensing Committee #1 Meeting on January 8th, 2019 the Applicant requested **to layover** this application to February/2019 and requested to adjourn and submit 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, corporate change, alteration, transfer or other changes to the existing license for **324 Spring Hospitality, LLC, d/b/a Empire Lodge, 324 Spring 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: Passed, with 40 Board members in favor, and 1 abstention (R. Kessler).

11. Lewek Corp., d/b/a The Cubby Hole, 281 W. 12th St. 10014 (OP – Change in Ownership)

i. Whereas, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a change in ownership for an existing on premise liquor license to operate a bar in a ground floor corner storefront on a cobblestone block within a four-story mixed use building (circa 1910) on the corner of West 12th and West 4th Streets, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

ii. Whereas, the storefront premise has been previously operated as a Bar with an On Premise license, the Applicant (Lisa Menichino) being a former Manager for the business, who inherited the business from the prior owner, the prior owner having recently passed away, the Applicant now being the sole owner and seeking to be the only licensee, there being no changes to the existing method of operation as a bar; and,

iii. Whereas, the storefront premise is approximately 800 sq. ft. and is located on a corner with narrow streets that are primarily surrounded by residential buildings and has been operated for many years with hours of operation from 2PM to 4AM daily with 1 Bar and no tables, music is played by juke box, the windows to the establishment are fixed, there are no outside areas or sidewalk café, there is one bathroom and one entrance/exit for patrons and 2 TVs; and,

iv. Whereas, there have been noise complaints made about the bar over the years, there being problems with patrons loitering outside late at night, the hours of operation as a bar being inconsistent with the residentially zoned neighborhood surrounding the business, there being no other late-night drinking establishments in the immediately area; and,

v. Whereas, as a result of the noise complaints CB2, Man. has recommended in 2011 and again in 2015 that the license be reconsidered at the NYS SLA upon the renewal of On Premise license; and,

vi. Whereas, the Applicant executed a stipulations agreement with CB2, Man. that she agreed would be attached and incorporated in to their method of operation on their On Premise license and the stipulations are as follows:

1. The licensed premise will be advertised and operated as a Bar.
2. The hours of operation will be from 2PM to 4AM daily.
3. The premises will have no more than 2 televisions.
4. The premises will not permit dancing.
5. The premises will not operate a backyard garden, sidewalk cafe or any outdoor area for commercial purposes or patron seating.
6. The operator will not install French doors, operable windows or open facades and will keep all existing doors and windows closed at all times.
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJs, live music, cover charges, scheduled performances, velvet ropes or barricades on the sidewalk or promoted events.
9. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
10. Will have a manager's contact information for local residents available at all times.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for an new On Premise license to **Lewek Corp., d/b/a The Cubby Hole, 281 W. 12th St. 10014** **unless** the statements of the Applicant as presented to CB2, Man. are accurate and complete, and that those conditions and stipulations agreed to by the Applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the On Premise License.

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

12. Boucherie LLC, d/b/a Boucherie, 97-99 7th Ave. South 10014 (OP – Corporate Change)

i. Whereas, the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a corporate change to an existing On Premise license to continue to operate a full service “French restaurant serving steakhouse meats and fish dishes” offering “breakfast, lunch and dinner” “in a warm and relaxing atmosphere” in a ground floor storefront in a one-story (with mezzanine level) commercial building on Seventh Avenue South at the intersection with Grove Street, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

ii. Whereas, the storefront premise has operated as a full service restaurant with an On Premise license since 2016, and the Applicant is creating a new corporation to encompass other restaurants operated by the same owner, the Applicant Emil Stefkow will remain the sole shareholder for the new corporation and there will be no changes to the existing method of operation as a full service restaurant; and,

iii. Whereas, the storefront premise is approximately 4,065 sq. ft. (2,609 sq. ft. ground floor, 513 sq. ft. mezzanine level and 944 sq. ft. basement, the basement space not being for patrons), there is a full service kitchen, there are 60 interior tables with 222 patron seats, 1 stand up bar with 22 additional interior seats for a total interior patron occupancy of 243, three bathroom for patrons, no TVs; and,

iv. Whereas, there are existing operable French doors running along the front façade and a large sidewalk café in front, the sidewalk café having 42 tables and 84 seats, there being no other outdoor areas for the service of alcohol; and,

v. Whereas, the hours of operation will continue to be from 8:00 AM to 1:00 AM Sunday through Thursday and from 8:00 AM to 2 AM Fridays and Saturdays, music is background but there may be an occasional jazz trio; and,

vi. Whereas, the Applicant **failed** to execute a stipulations agreement with CB2, Man., the stipulations presented to the Applicant by CB2, Man. being entirely consistent with the existing stipulations agreed to and by this same Applicant before the Chairman of the NYS SLA, the record of such decision and agreement being made at the NYS SLA on November 8, 2016, calendar item number 51. 2016-02385 BOUCHERIE LLC BOUCHERIE 97 99 7TH AVE S NEW YORK NEW OP Serial #: 1297112; and,

vii. Whereas, the stipulations Applicant failed and refused to execute with CB2, Man. are as follows:

1. The premises will be advertised and operated as a full service French restaurant.
2. The hours of operation will be from 8:00 AM to 1:00 AM Sunday through Thursday and from 8:00 AM to 2 AM Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.
5. The premises will not permit dancing.
6. The premises will play quiet ambient, recorded background music only.
7. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. All existing doors and windows will be closed by 10 PM every night.
9. There is no backyard garden or any outdoor area for commercial purposes other than a licensed sidewalk cafe.

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10. The sidewalk café will close by 11 PM Sunday through Thursday and by 12 AM Friday and Saturday nights.
 11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
 12. Live music will be acoustical only with Jazz Trios, no drums and all doors/windows will be closed during all live music performance.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new On Premise liquor license application to **Boucherie, LLC, d/b/a Boucherie, 97-99 7th Ave. South 10014** on its application seeking a change in ownership of the existing on-premise liquor license.

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that the Liquor Authority review this application, and unless the Applicant executes a stipulations agreement with CB2, Man. as presented and stated herein and above, place this matter before the members of the Authority for determination.

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

13. Petite Boucherie LLC, d/b/a Petite Boucherie and Omakase Room, 14 Christopher St. 10014 (OP – Corporate Change)

i. Whereas, the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a corporate change to an existing On Premise license to continue to operate a full service Restaurant on the ground level and Japanese dining room in the basement within a mixed-use building on the corner of Gay and West 4th Streets, the building falling within NYC LPC’s designated Greenwich Village Historic District; and,

ii. Whereas, there was a significant history to the existing license, that history being well documented in a resolution from CB2, Man. from July/2016, people living in the area immediately adjacent to and across the street from, being opposed to an on premise license at this corner storefront location, found in a residentially zoned block, there being questions raised as to whether the public interest standard was being met with that prior application, the premises having never previous to 2016 been licensed for the service of spirits, the Applicant in 2013 having initially stated the premises would operate as a coffee shop catering to the local neighborhood, the resolution from July/2013 documenting significant transgressions, the Applicant having installed operable floor to ceiling windows without LPC permits, the new operable windows allowing the entire licensed premises to be exposed on Gay Street, a narrow street with narrow sidewalks, invading the residential neighborhood with unwanted and disturbing noise which was previously quiet and unencumbered by significant impacts; and,

iii. Whereas, despite such opposition and documented transgressions by the Applicant, the NYSLA approved the license in 2017 albeit in compromise subject to certain limitations and stipulations proposed by CB2, Man., and those stipulations were as follows:

1. The premises will be advertised and operated as a French restaurant on the ground floor and Japanese restaurant on the ground floor.
2. The hours of operation will be from 11 AM to 11 PM on Sundays, from 5 PM to 12 AM Monday through Thursday and from 11 AM to 1 AM Fridays and Saturdays.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no televisions.

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5. The premises will not permit dancing.
 6. The premises will play quiet ambient, recorded background music only.
 7. Will close all doors and windows by 7:30 PM every night.
 8. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
 9. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
 10. There will be no bottle service or the sale of bottles of alcohol except for the sale of wine products.
 11. Will not have a licensed sidewalk café, backyard garden or any outdoor area for commercial purposes.
 12. The service door on Gay Street will remain closed at all times except for deliveries.
 13. There will be no storage or cleaning tools or supplies in area designated for trash on Gay Street.
 14. There will be no benches placed on the adjacent sidewalks and all sidewalks will be passable at all times.
 15. Will not have or use velvet ropes or metal barricades, security personnel or a doorman on the sidewalk.

iv. Whereas, residents living in the neighborhood appeared to oppose this application, calling into question the Applicant's prior and current operations at the premises, stating that the Applicant's business operations at the rear service door on Gay Street were being disruptive, that the door was being left open creating noise and disruption, that trash was not being stored properly at the rear, that cleaning of the restaurant's floor mats was taking place on the sidewalk with cleaning supplies being dumped into the street and that the large operable window running along Gay Street is being left open past 7:30 at night and later into the evening; and,

v. Whereas, the Applicant's Attorney indicated that his client will not be planning to make any significant changes to the interior or exterior of the premises, the method of operation being consistent with the prior operation of the premises and stipulations as outlined above and herein; and,

vi. Whereas, the Applicant executed a new stipulations agreement entirely consistent with previously agreed upon stipulations with CB2, Man. and the NYS SLA from 2017, stipulations which he agreed would continue to be attached and incorporated into the method of operation for the On Premise license in the future;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the corporate change application for an existing On Premise liquor license to **Petite Boucherie, LLC, d/b/a Petite Boucherie and Omakase Room, 14 Christopher St. 10014** **unless** the statements of the Applicant and his Lawyer as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the Applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant On Premise License.

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

14. Andreas Restaurant, LLC, d/b/a De Andrea, 35 W. 13th St. 10011 (Transfer – Rest. Beer & Wine)

i. Whereas. the Applicant appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for the transfer of an existing beer and wine license

currently held by GAT Corp. d/b/a Da Andrea to continue to operate a restaurant offering Italian cuisine in a C6-2M zoned six story, 1930 commercial building on 13th Street between Fifth and Sixth Avenues (Block #577/Lot #19) in Greenwich Village; and

ii. Whereas, the restaurant will operate under new ownership but will continue to function as a full-service restaurant which will be serving breakfast in addition to the current lunch and dinner service, with a round-floor level of approximately 1800 sq. ft., a mezzanine level (storage and office space, employee lockers, mechanicals) of approximately 700 sq. ft., and an unenclosed sidewalk cafe of approximately 168 sq. ft.; the interior space will have 22 tables with 62 seats and one (1) stand-up bar with four (4) seats, and the sidewalk cafe will have eight (8) tables and 16 seats, for a total of 82 seats in the premises; and

iii. Whereas, the Applicant's agreed-to interior hours of operation are 9:00 AM to 12:00 AM seven (7) days a week, with sidewalk cafe hours of 9:00 AM to 11:00 PM, also seven (7) days a week; music will be quiet background only; there will be no DJs, no promoted events, no live music or scheduled performances, except for unamplified live soft jazz music which will be permitted only during weekend brunch service, no cover fees, and no TV's; and

iv. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the restaurant beer and wine license, with those stipulations as follows:

1. Premise will be advertised and operated as a restaurant serving breakfast, lunch and dinner.
2. The restaurant's interior hours of operation will be 9:00 a.m. to 12:00 a.m. seven (7) days a week; the sidewalk cafe hours of operation will be 10:00 a.m. to 11:00 p.m. seven (7) days a week.
3. Will operate with the kitchen open and the full menu available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not permit dancing.
7. Will not operate a backyard garden or any outdoor area for commercial purposes, except for the existing unenclosed sidewalk café.
8. Music will be quiet, ambient recorded background music only, except for the unamplified live soft jazz music permitted during brunch service.
9. Will close all doors & windows at all times except for patron entering and exiting.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches." No pitchers of beer.
12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
13. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. Will not have: dancing, DJs, live music or scheduled performances (except as permitted above), promoted events, any event where cover fee is charged, velvet ropes or metal barricades, security personnel or a doorman.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the transfer of the restaurant beer and wine license to **Andreas Restaurant LLC, d/b/a Da Andrea. 35 W. 13th Street 10011** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the SLA Restaurant Beer and Wine License.

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

15. Deli Llama LLC, d/b/a Llamita, 80 Carmine St. 10014 (RW – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a fast casual neighborhood restaurant serving comfort Peruvian food (sandwiches, rotisserie chicken with limited menu) on the first floor of the building at the southeast corner of Carmine and Varick Streets; and,

ii. Whereas, this is a newly built building (circa 1986), the ground floor premises having recently been renovated, the premises having previously operated as a Kumon Learning Center, being approximately 3,500 sq. ft. and having never operated previously for eating or drinking purposes, there being no current certificate of occupancy and public assembly permit in place to operate in the manner requested, the Applicant further acknowledging and agreeing to obtain all the necessary permits prior to the issuance of its license for this purpose; and

iii. Whereas, the premises licensed will have 15 tables with 30 table seats, no bars, with a service counter with 4 seats for a total patron seat capacity of 34 patrons, no TVs, background music only, one entrance/exit for patrons, there will be one patron bathroom and a full-service kitchen; and,

iv. Whereas, the hours of operation will be from 11 AM to 11 PM 7 days a week, music will be background only, all facades will be fixed and there will be no operable doors or windows, no d.j.s, no promoted events, live music or TV’s, no sidewalk café or other outdoor areas for the service of alcohol; and

v. Whereas, the Applicant executed a stipulations agreement with CB2 Manhattan that they agreed would be attached and incorporated in to their method of operation on their Restaurant Wine license and the stipulations are as follows:

1. Will operate a fast-casual restaurant serving Peruvian sandwiches, rotisserie chicken and comfort dishes.
2. 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.
3. The premises will not have Televisions.
4. Will not operate a backyard garden/rooftop/outdoor area for commercial purposes
5. There will be no sidewalk cafe.
6. The premises will play quiet ambient, recorded background music only.
7. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
8. The premises will not permit dancing.
9. The operator will not install French doors, operable windows or open facades.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

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11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches; and
 12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products

vi. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine application to **Deli Llama LLC, d/b/a Llamita, 80 Carmine St. 10014** **unless** the statements of the Applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the Applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant Wine License.

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

16. LPH One LLC, d/b/a TBD, 33 Carmine St. 10014 (RW – Restaurant)

i. Whereas, the Applicant and their Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new Restaurant Wine license to operate a casual, full service restaurant specializing in sushi and Japanese small plates on the ground floor of a 4 story mixed use building (circa 1880) on Carmine St between Bedford St and Bleecker St in Greenwich Village, the building falling within the designated NYC LPC’s Greenwich Village Historic District; and,

ii. Whereas, the storefront premises previously operated as a restaurant known as Ellery’s Greens (2012-2018) with a restaurant wine license, the ground floor storefront premises being approximately 2,000 sq. ft., (Ground Floor 1,000 sq. ft. and basement 1,000 sq. ft. the basement use by staff for preparation and storage only and not being for patron uses), there are existing operable French doors running along the front façade of the building; and

iii. Whereas, the premises licensed will have 4 tables with 14 table seats, and 3 sushi counters with 26 seats, no bars, for a total patron seat capacity of 40 patrons, no TVs, one entrance, one patron bathroom and a full service kitchen; and,

iv. Whereas, the hours of operation will be from 11:30 AM to 1 AM 7 days a week, music will be background only, all doors and windows will be closed by 9 PM every night, there will be no DJs, no promoted events, no live music, no sidewalk café or other outdoor areas for the service of alcohol; and,

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

1. Will operate as a full service Japanese Sushi restaurant.
2. 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.
3. The premises will have no Televisions.
4. All doors and windows will be closed by 9 PM every night.
5. Will not operate a backyard garden/rooftop/outdoor area for commercial purposes.
6. There will be no sidewalk cafe.
7. The premises will play quiet ambient, recorded background music only.

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8. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
 9. The premises will not permit dancing.
 10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
 11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches; and
 12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.

vi. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine application to **LPH One LLC, d/b/a TBD, 33 Carmine St. 10014** **unless** the statements of the Applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the Applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Restaurant Wine License.

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

17. 300 West 4th Street, LLC, d/b/a The Riddler, 51 Bank St. aka 300 West 4th St. (RW – Wine Bar and Café)

i. Whereas, the Applicant and the Applicant’s Representative appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a new Tavern Wine license to operate an intimate wine bar and cafe offering champagnes and sparkling wines in a ground floor storefront within a six-story mixed-use building (circa 1905) in a residential zoned neighborhood at the corner of Bank and West 4th Streets, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

ii. Whereas, the corner storefront premise since 2016 has been unlicensed, and prior to that operated by Hamilton Soda Fountain & Luncheonette with closing hours of 10 PM during the week and 11 PM on the weekends, there being a letter of no objection from the NYC DOB permitting eating and drinking, the Applicant limiting the maximum occupancy of patrons to 30 at any time; and,

iii. Whereas, the storefront premise is approximately 1,582 sq. ft. (ground floor 962 sq. ft. and basement 620 sq. ft.), the basement being for storage and not for patrons, there are two entrances/exits with the only one patron being the double door entrance at the corner of Bank and West Fourth, one bathroom, all windows are fixed and there are no existing French doors or facades that open, there are no outdoor areas for the service of alcohol; and,

iv. Whereas, the proposed licensed premise will have 9 interior tables with 18 patron seats, one counter/bar with 6 additional tables with 24 patron seats and no TVs; and,

v. Whereas, the Applicant met with multiple block associations, which appeared and voiced concerns about the proposed wine bar, the late night hours and noise generated from the proposed licensed premise, the premises being located in a residential zoned neighborhood with narrow streets and sidewalks, the Applicant in compromise agreeing upon hours of operation from 10:00 AM to 12:00 AM

Sunday through Saturday, seven days a week, music will be background only, all doors and windows will be closed at all times except for patron egress, the Applicant further agreeing to limit patron occupancy to 30 persons at all times; and,

vi. Whereas, the Applicant executed a stipulations agreement with CB2, Man. for the purpose of limiting the potential impacts of the business with its residential neighbors, those stipulations being agreed upon and incorporated in to their method of operation on their Tavern Wine license, and those stipulations are as follows:

1. The licensed premise will be advertised and operated as a Wine Bar and Cafe.
2. The hours of operation will be from 10:00 AM to 12:00 AM Sunday through Saturday, seven days a week.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating, including a licensed sidewalk café.
7. Will close all windows and doors at all times except for patron egress.
8. Will have one entrance for patrons and more specifically the double door entrance on the corner of Bank and West 4th Streets.
9. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
10. The premises will not have DJs, live music, cover charges, scheduled performances, velvet ropes or barricades on the sidewalk or promoted events.
11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the new tavern wine liquor license to **300 West 4th Street, LLC, d/b/a The Riddler, 51 Bank St. aka 300 West 4th St. unless** the statements of the Applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the Applicant relating to the above-stated stipulations are incorporated into the “Method of Operation” on the Tavern Wine License.

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

18. Frevo LLC, d/b/a Frevo, 48 W. 8th Street (New Restaurant OP)

i. Whereas. the Applicant appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for an on-premise license for its new restaurant which will offer contemporary fine French cuisine (dinner only) storefront location in a C4-5 zoned (R6/LC overlay) five story, 1930 mixed-use building on 8th Street between Sixth Avenue (Ave. of the Americas) and MacDougal Street (Block #553/Lot #17) in Greenwich Village, which building falls within the designated NYC LPC’s Greenwich Village Historic District; and

ii. Whereas, the premise was previously operated as a restaurant (Il Bambino) since 2014 with a Restaurant Wine license, the premises having never previously operated with an on-premise license, a certificate of occupancy being presented for retail, use group 6 on the ground floor with a maximum person capacity of 64 persons; and,

iii. Whereas, the ground-floor premises to be licensed is approximately 1,480 sq. ft. and the basement (which will be used for storage only) is approximately 850 sq. ft.; there will be one (1) table with six (6) seats, a kitchen-facing counter with 20 seats, and one (1) stand-up bar with no seats, for a total of 26 interior seats; and there will be no sidewalk café; and

iv. Whereas, the Applicant's hours of operation are Sunday to Thursday 5:00 PM to 12:30 AM, Friday and Saturday 5:00 PM to 1:00 AM; music will be quiet background only, not audible in surrounding residences, there will be no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, and no TV's; and

v. Whereas, the Applicant has met with the local West 8th Street Block Association, the Block Association being supportive of the application as presented and it has entered into its own stipulations agreement with the Applicant regarding the character and method of operation of the premises; and

vi. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man., which will be incorporated into the Method of Operation of the On-premise License, with those stipulations as follows:

1. Premise will be advertised and operated as a restaurant for dinner service only.
2. The hours of operation will be 5:00 p.m. to 12:30 p.m. Sundays to Thursdays, and 5:00 p.m. to 1:00 a.m. Fridays and Saturdays.
3. Will operate with the kitchen open and the full menu available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not permit dancing.
7. Will not operate a backyard garden or any outdoor area for commercial purposes (including a licensed sidewalk café).
8. Will not install operable French doors or windows that open out to the sidewalk.
9. Music will be quiet, ambient, recorded background music only.
10. Will close all doors & windows at all times except for patron entering and exiting.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches." No pitchers of beer.
13. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

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15. 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 or a doorman.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the new restaurant on-premise license for **Frevo LLC, d/b/a Frevo, 48 W. 8th Street 10011** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise License.

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

19. 228 Bleecker LLC, d/b/a ARIA, 117 Bleecker St., Store #2 10014 (OP – Alteration to extend hours of operation)

i. Whereas. the Applicant and their Attorney appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for an alteration of its existing method of operation on its on-premise license to continue to operate its full service restaurant in a six story, mixed-use building (circa 1900) midblock on Perry Street between Hudson and Greenwich Streets in Greenwich Village, the building falling within the designated NYC LPC’s Greenwich Village Historic District; and

ii. Whereas, there is a negative history for the licensed premises that has been well-documented in a CB2, Man. resolution dating back to May/2016 upon renewal of its license http://www.nyc.gov/html/mancb2/downloads/pdf/monthly_cb2_resolutions/5%20May%202016/05%20May%202016_SLA.pdf but many of those complaints were resolved in a compromise with the Applicant present upon an agreement of new stipulations and promise by the Applicant to abide by those stipulations in the future; and,

iii. Whereas, the Applicant seeks to increase its existing hours of operation for the restaurant and wine bar, which currently closes by 11 PM Sunday through Thursday and by 12 AM on Fridays and Saturdays, there being no outdoor areas for the service of alcohol, including a licensed sidewalk café; and,

iv. Whereas, the Applicant met with the local block association and neighbors and a difficult but meaningful compromise was worked out that the Applicant will close by 12 AM Sunday through Saturday seven days a week, the compromise permitting the local block association and residential neighbors to support the application; and,

iv. Whereas, to memorialize these promises and representations the Applicant agreed to execute a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be further attached and incorporated in to the existing method of operation on the existing On-Premise Liquor License stating that:

1. The premises will continue to be advertised and operated as a restaurant as originally described.
2. The hours of operation will be Sunday through Saturday (every day/night) from 11AM to 12 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge” or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.

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5. The premises will not permit dancing.
 6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (not including a licensed sidewalk café).
 7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
 8. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
 9. The Premises will not have French doors, operable windows or open facades and will close all doors by 9PM every night and anytime there is amplified music.
 10. All previous stipulations will continue to remain in effect.
 11. There is no sidewalk café and no other outdoor furniture.
 12. There will continue to be no patron use of the basement except for bathrooms. The basement is not part of the licensed premises for the service of alcohol or patron occupancy except patron bathrooms.
 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 and beer products.
 15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the alteration application of the existing On-Premise Liquor License SN#1239342 for **228 Bleecker, LLC d/b/a Aria, 117 Perry St., Store #2 10014** **unless** the statements the Applicant as 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 On-premise Liquor License.

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

20. L’Accolade LLC, d/b/a N/A, 300-302 Bleecker St. 10014 (OP – Transfer)

i. Whereas. the Applicant appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for the transfer of an existing on premise license currently held by Paoli Enterprises d/b/a Nisi (2014-2018) an Italian Steakhouse restaurant, for the purpose of operating a full service restaurant and more specifically a “small French Bistro” offering a “pleasant upscale establishment with seasonal plates”, envisioning a “calm atmosphere”, “dim lighting” and “attentive service” within a five story (circa 1900), mixed use building on Bleecker Street between Barrow and Grove Streets in Greenwich Village, the building falling within the designated NYC LPC’s Greenwich Village Historic District; and

ii. Whereas, the restaurant will operate under new ownership but will continue to function as a full-service restaurant with a similar method of operation as the prior operator, the storefront premises being approximately 3700 sq. ft. (ground floor roughly 1500 sq. ft. and basement 1600 sq. ft., the basement for storage and office space, employee lockers, mechanicals), the interior space will have 14 tables with 41 seats and one (1) stand-up bar with ten (10) seats, two bathrooms, no TVs, there are no operable windows or doors in the front or rear except for patron egress and there will be no sidewalk cafe; and

iii. Whereas, the Applicant's agreed-to interior hours of operation are 10:30 AM to 12:00 AM seven (7) days a week, music will be quiet background only; there will be no DJs, no promoted events, no live music or scheduled performances, no cover fees or velvet ropes; and

iv. Whereas, the restaurant will operate with a rear yard for dining purposes only on a seasonal use basis, and limited to 10 tables and 20 seats, where the agreed-to hours in the rear yard being open no earlier than 11 AM and closing by 9 PM Sunday through Thursday and by 10 PM Fridays and Saturdays, and where there will be no parties, no music, no speakers and no external heaters, all staff will be cleared and the lights turned off at closing; and,

v. Whereas, residential neighbors living immediately adjacent to the rear yard, appeared in opposition based on concerns with the future use of the rear yard, there being on-going problems and disturbances with parties taking place in the yard in the past by the prior operator, there being additional concerns raised as to whether the operator had the proper permits to operate as an eating and drinking establishment in the rear yard space; and,

vi. Whereas, this application being subject to the 500 ft. rule, and in light of the concerns expressed but its neighbors, the Applicant agreed to certain limitations in its method of operation to satisfy its neighbors and the public interest standard, executing a notarized Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the restaurant on premise license, with those stipulations as follows:

1. Premise will be advertised and operated as a full-service French bistro restaurant.
2. The restaurant's interior hours of operation will be 10:30 a.m. to 12:00 a.m. seven (7) days a week.
3. Will operate with the kitchen open and the full menu available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not permit dancing.
7. Will not operate a licensed sidewalk café.
8. Music for the interior premises will be quiet, ambient recorded background music only.
9. Will close all doors & windows at all times except for patron entering and exiting.
10. The rear yard will be for dinning purposes only and will open no earlier than 11 AM and close by 9PM Sunday through Thursday and by 10 PM on Fridays and Saturdays, all staff and patrons will be clear upon closing and the all lights will be turned off.
11. The use of the rear yard will be seasonal only and there will no speakers, no music, no parties and no heaters in the rear yard.
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 and beer products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not have: dancing, DJs, live music or scheduled performances, promoted events, any event where cover fee is charged, velvet ropes or metal barricades, security personnel or a doorman.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the transfer of the restaurant beer and wine license to **L'Accolade LLC, d/b/a N/A, 300-302 Bleecker St. 10014** **unless** the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the "Method of Operation" on the SLA On Premise License.

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

21. RPC Restaurant Corp., d/b/a Red Paper Clip, 120 Christopher St. 10014 (New OP – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application to the NYS Liquor Authority for an on-premise license to operate a full service American restaurant which will offer farm to table produce, local seafood and livestock from local farms and purveyors in a five story, mixed-use building (circa 1890) on Christopher Street between Bedford and Bleecker Street (Block #553/Lot #17) in Greenwich Village, this building falling within the designated NYC LPC's Greenwich Village Historic District; and

ii. Whereas, the premise was previously operated as a Vietnamese take out restaurant (Pho Sure) since 2010 with a Restaurant Wine license, the premises having never previously operated with an on-premise license, a letter of no objection being presented from the NYC DOB from 2017 permitting eating and drinking at the storefront premises; and,

iii. Whereas, the ground-floor premise to be licensed is approximately 700 sq. ft. and the basement (which will be used for storage purposes only) is approximately 300 sq. ft.; there will be fifteen 15 tables with 30 seats, 1 stand-up bar with 6 seats, for a total of 36 interior seats, no TVs, 1 patron bathroom, there will be no sidewalk café or any outdoor area for commercial purposes, the windows are fixed and inoperable, the Applicant agreeing in the future not to install operable French doors or windows that open out to the sidewalk; and

iv. Whereas, the Applicant's agreed upon hours of operation are Sunday to Thursday 8:00 AM to 12:00 AM, Friday and Saturday 10:00 AM to 1:00 AM; music will be quiet background only, not audible in surrounding residences, there will be no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, and no TV's; and

v. Whereas, this Application is subject to the 500 foot rule, the location having not previously operated with an on premise license, the existing surrounding area already being saturated with liquor licenses, there being 27 existing on premise licenses within a 500 foot radius and 57 existing on premise licenses within a 750 foot radius of the premises (not including beer and wine licenses), the Applicant presenting a public interest statement including a noise management plan to keep noise levels at a minimum based on its restaurant concept, the Applicant executing a notarized Stipulations Agreement with CB2, Man. which will define and be incorporated into the Method of Operation of the On-premise License, with those stipulations as follows:

1. The Premise will be advertised and operated as a full service American restaurant.
2. The hours of operation will be Sunday to Thursday 8:00 AM to 12:00 AM, Friday and Saturday 10:00 AM to 1:00 AM.
3. Will operate with the kitchen open and the full menu available until closing every night.

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4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 5. Will not have televisions.
 6. Will not permit dancing.
 7. Will not operate a backyard garden or any outdoor area for commercial purposes (including a licensed sidewalk café).
 8. Will not install operable French doors or windows that open out to the sidewalk.
 9. Music will be quiet, ambient, recorded background music only.
 10. Will close all doors & windows at all times except for patron entering and exiting.
 11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
 12. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
 13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
 14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
 15. 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 or a doorman.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the new restaurant on-premise license for **RPC Restaurant Corp., d/b/a Red Paper Clip, 120 Christopher St. 10014** unless the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise License.

Vote: Passed, with 40 Board members in favor, and 1 abstention.

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

22. Little Wisco, LLC, d/b/a Fedora, 239 W. 4th St. 10014 (OP Alteration – withdrawn)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee Meeting on January 6, 2019 the Applicant requested to withdraw this application from further consideration and did not appear before CB2 SLA Licensing Committee;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **Little Wisco, LLC, d/b/a Fedora, 239 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: Passed, with 40 Board members in favor, and 1 abstention (R. Kessler).

23. Siren Retail Corporation, d/b/a Starbucks Reserve, 155 W. 11th St. 10011 (OP – Bar/Tavern) (laid over)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee Meeting on January 6, 2019 the Applicant requested **to layover** this application to February/2019 and requested to adjourn and submit 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, corporate change, alteration, transfer or other changes to the existing license for **Siren Retail Corporation, d/b/a Starbucks Reserve, 155 W. 11th St. 10011 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Passed, with 40 in favor, and 1 abstention (R. Kessler).

24. DM31 Hospitality LLC, d/b/a The Drunken Munkey, 31 Cornelia St. 10014 (OP – Alteration to extension of late night hours) (Withdrawn)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee Meeting on January 6, 2019 the Applicant requested **to withdraw** this application from further consideration and did not appear before CB2 SLA Licensing Committee;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **DM31 Hospitality LLC, d/b/a The Drunken Munkey, 31 Cornelia 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: Passed, with 40 Board members in favor, and 1 abstention.

25. Corp. to be formed by Tsion Bensusan, 396 Ave. of the Americas 10011 (OP – Live Music, DJs and Rooftop Venue)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee Meeting on January 6, 2019 the Applicant requested **to layover** this application to February/2019 and requested to adjourn and submit 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, corporate change, alteration, transfer or other changes to the existing license for **Corp. to be formed by Tsion Bensusan, 396 Ave. of the Americas 10011 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has

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

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

26. 114 Christopher St., LLC d/b/a Pending, 114 Christopher St. 10014 (RW – layover)

Whereas, at CB2, Manhattan’s SLA Licensing Committee Meeting on January 6th, 2019 the Applicant requested **to lay over** this application for a new restaurant wine license to February/2019 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, corporate change, alteration, transfer or other changes to the existing license for **114 Christopher St., LLC d/b/a Pending, 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: Passed, with 40 Board members in favor, and 1 abstention (R. Kessler).

27. Animal Group Inc., d/b/a TBD, 22 9th Ave 10014 (OP – withdrawn)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee Meeting on January 6, 2019 the Applicant requested **to withdraw** this application from further consideration and did not appear before CB2 SLA Licensing Committee;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **Animal Group Inc., d/b/a TBD, 22 9th Ave 10014 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

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

27. Animal Group Inc., d/b/a TBD, 22 9th Ave 10014 (OP – withdrawn)

Whereas, prior to CB2, Manhattan’s SLA Licensing Committee Meeting on January 6, 2019 the Applicant requested **to withdraw** this application from further consideration and did not appear before CB2 SLA Licensing Committee;

THEREFORE BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, corporate change, alteration, transfer or other changes to the existing license for **Animal Group Inc., d/b/a TBD, 22 9th Ave 10014 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation

to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

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

TRAFFIC AND TRANSPORTATION

Resolution in support of Congestion Pricing

Whereas our subways are NYC's life line, enabling New Yorkers to get from place to place for work, recreation, education, health and the myriad other activities that comprise and sustain the City's life; and

Whereas NYC's subways are in dire need of repair, and experts agree that we need tens of billions of dollars over fifteen years to repair them; and

Whereas traffic congestion on our streets has increased exponentially over the last several years, with an additional 150,000 for-hire-vehicles flooding our streets, resulting in increased noise and air pollution, hazardous conditions for pedestrians, drivers and bicyclists alike, and high costs to businesses; and

Whereas the MTA has been severely underfunded for many years, with federal support decreasing dramatically, resulting in deep service cuts and steep increases in fares as well as negligence in the system's upkeep; and

Whereas congestion pricing could generate up to 1.7 billion dollars per year to help fund MTA NYC Transit's Fast Forward Plan that, in the first five years, includes: state-of-the-art signal system on 5 new lines, including new signals; modernized interlockings and additional power where needed, benefiting 3 million daily riders; more than 50 new stations made accessible so that subway riders are never more than 2 stops away from an accessible station; state-of-good-repair work at more than 150 stations; over 650 new subway cars; over 1,200 CBTC-modified cars; redesign of bus routes in all 5 boroughs; new fare payment system and 2,800 new buses. In the following five years, the plan includes: state-of-the-art signal system on 6 new lines benefiting 5 million daily riders; more than 130 additional stations made accessible; state-of-good-repair work at more than 150 stations; over 3,000 new subway cars and 2,100 new buses; and

Whereas only 4% of outer borough residents drive to work, and car owners earn, on average, two times as much as non-car owners; and

Whereas Public Transit is the cleanest and most efficient way to move people around in NYC, and under the proposed Congestion Pricing plan, the goal is to reduce vehicular traffic entering the Central Business District (CBD) by 15%, translating to reduced air and noise pollution, more traffic safety, and more efficient traffic movement in our downtown localities that currently suffer grinding congestion and constant and chaotic vehicular flows (impacted communities in Brooklyn and Queens are also expected to benefit from traffic reductions). Gained traffic efficiencies also will help gain economic efficiencies; and

Whereas train delays have more than doubled since 2012, signal technology is from the 1930's, and MTA cannot implement all of the aforementioned changes without a steady funding stream; and

Whereas all fee collection will be done electronically and not create any bottle necks; and

Whereas CB2, Man. is already on record supporting and requesting legislation to allow MTA to impose tolls on the free East River Bridges that would be solely dedicated to reducing transit fares and restoring and enhancing service levels, as outlined in CB2's November, 2010 resolution, and also already on record supporting the Move NY Plan, outlined in CB2's May, 2015 resolution (both resolutions, attached herewith);

Therefore be it resolved that CB2, Man. fully supports the creation of a Congestion Pricing plan that will implement charges on vehicles entering the Central Business District (CBD), including tolls on the East River Bridges and added surcharges to Taxis and For-Hire-Vehicles, especially a trawling charge on unoccupied For-Hire-Vehicles, *subject to all of the monies being collected going into a locked-box dedicated to MTA NYC Transit upgrades and repairs;* and

Be it further resolved that CB2, Man. urges the New York State Governor and Legislature to work quickly and efficiently to pass a comprehensive congestion pricing plan in the first quarter of this year.

Vote: Passed, with 38 Board Members in favor, 2 in opposition (K. Bordonaro, R. Sanz) and 2 in Abstention (R. Rothstein, R. Kessler)

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan