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COMMUNITY BOARD NO. 2, MANHATTAN

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FULL BOARD MINUTES

DATE: July 18, 2019
TIME: 6:30 P.M.
PLACE: P.S. 41, 116 W. 11th St., Auditorium

BOARD MEMBERS PRESENT: Susanna Aaron, Keen Berger, Carter Booth, Chair; Katy Bordonaro, Anita Brandt, Amy Brenna, Richard Caccappolo, Valerie De La Rosa, Robert Ely, Kathleen Faccini, Mar Fitzgerald, Cormac Flynn, Joseph Gallagher, Jonathan Geballe, Wayne Kawadler, Susan Kent, Ryder Kessler, Patricia Laraia, Janet Liff, Edward Ma, Maud Maron, Daniel Miller, Brian Pape, Donna Raftery, Lois Rakoff, Bo Riccobono, Robin Rothstein, Rocio Sanz, Scott Sartiano, Shirley Secunda, Frederica Sigel, Shirley Smith, Chenault Spence, Cathy Sullivan, Antony Wong, Adam Zeldin

BOARD MEMBERS ABSENT WITH NOTIFICATION: Lisa Cannistraci, Ritu Chattree, Erik Coler, Doris Diether, Susan Gammie, Jeanine Kiely, Georgia Silvera Seamans, Susan Wittenberg

BOARD MEMBERS ABSENT: Tom Connor, Coral Dawson

BOARD MEMBERS PRESENT/ARRIVED LATE: David Gruber, Matthew Metzger, Kristin Shea

BOARD MEMBERS PRESENT/LEFT EARLY: Maud Maron, Sandy Russo, Frederica Sigel,

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

GUESTS: Robert Atterbury, Congressman Jerrold Nadler's office; Jacob Priley, Senator Brad Hoylman's office; Danielle Segall, Senator Brian Kavanaugh's office; Andrew Chang, Manhattan Borough President Gale Brewer's office; Charles Anderson, Assembly Member Deborah Glick's office, Claudia Zhu, Assembly Member Yuh-Line Niou's office; Patrice Comerford, Council Speaker Corey Johnson's office; Katie Loeb, Council Member Carlina Rivera's office; Rush Perez, Council Member Margaret Chin's office; Eric Gellman, Marie Dormuth, Andrew Cantu, Al Ranando, Michael Levine, Steve Wygoda, Mark Dicus, Jane Carey, Vanessa Baran, Victoria Baran, William Benesh, Darlene Lutz, C. Menkes, Jamyn Edis, Rachel Yarmolinsky, John Foo, Brandon Zwagerman, Dick Blodgett, Adam Taubman, Lannyl Stephens, Daniella Topol, Dan Hickey, Cobi levy, Sean Avery, Shari Casper, Noel Dennis, Jonathan Parker, Valerie Campbell, Renee Rockoff, Michael Kirk

MEETING SUMMARY

Meeting Date – July 18, 2019
Board Members Present – 34
Board Members Absent With Notification – 8
Board Members Absent - 2
Board Members Present/Arrived Late - 3
Board Members Present/Left Early – 3

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II. PUBLIC SESSION

Non-Agenda Items

Liquor Licensing and Work Spaces
Darlene Lutz spoke against these types of applications.

Rattlestick Theater
Daniella Topol and Lannyl Stephens spoke regarding the upcoming St. Vincent’s theater piece.

Building on Broadway
Sean Avery spoke regarding 770 Broadway.

Land Use & Business Development Items

419 Broadway-Application for special permit to allow ground floor retail and height and setback waivers
Eric Gellman and Adam Taubman spoke in favor of the special permit application.

Quality of Life Items

Whitney Museum of American Art
Jane Carey spoke regarding the museum’s street event happening on October 12th.

SoHo Broadway First Fridays – Weekend Walks

Mark Dicus, from the SoHo Broadway BID, spoke in favor of the proposed street closures.

Renee Rockoff, Michael Kirk, and Marie Dormuth, all spoke against the proposed events.

Prinkipas, LLC d/b/a Lola Taverna, 210 6th Ave., sidewalk café application with 22 tables and 48 chairs

Cobi Levy, the principal, spoke in favor of the sidewalk café application.

John Foo and Victoria Baran spoke against the proposed sidewalk café application.

Al Ranando and Dick Blodgett spoke regarding the sidewalk café application.

ADOPTION OF AGENDA

III. ELECTED OFFICIALS PRESENT AND REPORTING

Robert Atterbury, Congressman Jerrold Nadler’s office

Jacob Priley, Senator Brad Hoylman’s office

Danielle Segall, Senator Brian Kavanagh’s office;

Claudia Zhu, Assembly Member Yuh-Line Niou’s office

Charles Anderson, Assembly Member Deborah Glick'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

Katie Loeb, Council Member Carlina Rivera’s office

IV. ADOPTION OF MINUTES

Adoption of June minutes

V. BUSINESS SESSION

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

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

3. **Treasurer’s Report** Antony Wong reported

STANDING COMMITTEE REPORTS

LAND USE AND BUSINESS DEVELOPMENT

419 Broadway (on the corner of Canal St.) and also known as **301 Canal St.** – DCP 190250 ZSM is an application for a special permit pursuant to ZR Section 74-711 to facilitate the construction of a new eight-story commercial office building with ground-floor and cellar retail use and the preservation of a three-story federal-era row house; a modification of Section 42-14D(2)(b) to allow UG 6 below the second floor; and a modification of Section 43-43 to allow the proposed development to encroach within the initial setback distance above the maximum front wall height of 85 feet.

Whereas:

1. The project area is in an M1-5B zoning district that is in the SoHo-Cast Iron Historic District and the SoHo Historic District.
2. The tax lot in question was created in 2017 by merging three previously-existing tax lots, which correspond to three existing buildings: Lot 11 is a three-story, contributing building in the SoHo Historic District (known as 423 Broadway) with no Certificate of Occupancy (C of O) on record. Lot 1 is occupied by a two-story building with office over retail with no C of O; Lot 12 is occupied by a one-story retail building with a C of O.
3. The applicant proposes to demolish these last two buildings and construct a new eight-story building with internal connections to the historic building and containing UG 6 retail and UG 6 offices on the ground floor and UG 6 office above.
4. The proposed development would rise to its full height of eight stories, or 115 feet at the Canal St and Broadway street lines before setting back to accommodate mechanical and elevator bulkheads, hence the request for a modification of Section 43-43.
5. At completion, the FAR for the site would be 5, the maximum permitted for commercial uses in M1-5B.
6. The vast majority of properties within 600 feet of the development site date from the 19th century and have been improved with commercial or mixed-use residential and commercial buildings with retail on the ground floor.
7. The architect informed the committee that there will be 5,170sf of retail space on the ground floor, and 3,070sf of retail space in the cellar, excluding the lobby and mechanicals.
8. The Land Use committee favored the applicant's suggested division of the retail space into three smaller spaces with access on Broadway. However, the applicant suggested that deliveries would occur on Canal St., i.e., in front of the two subway entrances and the entrance to the office space. Not only is the sidewalk narrow all around the site, but it narrows further in front of the proposed delivery zone, and near the corner, it is encumbered with two subway staircases, two light posts and a fire hydrant--which already leads to bottlenecks and crowding.
9. The Canal St. subway stop of the N/Q/R lines has no ADA access; the nearest MTA elevator is at Lafayette and Canal Sts., which is more than 500' away and serves only the northbound line, offering no accessible transfer between the northbound and southbound platforms.
10. During the CPC Review Session for 419 Broadway, Commissioners Levin and de la Uz raised the issue of subway station access, calling the proposed plan that leaves subway stairs on the public sidewalk, a “missed opportunity.” The Commissioners noted that when possible, the Commission looks to include better access to the subway. Indeed, it is City policy as stated by MTA President Andy Byford and noted in the MTA's May 2018 [Fast Forward](#) Plan.
11. During the Land Use committee meeting, several members of the public spoke to the need to improve pedestrian circulation on the corner of Canal and Broadway and the need for ADA accessibility. CB2 received correspondence from the public on this subject as well.

Therefore, CB2, Man. recommends:

1. **Denial** of the modification (Section 42-14D (2)(b)) to allow UG 6 retail below the second floor unless the applicant agrees to insert provisions in the retail leases that:
 - a. Restrict deliveries to daytime hours and prohibits the retail tenants from blocking the sidewalk with garbage and deliveries.
 - b. Prohibit illuminated or animated signage in the retail spaces.
2. **Denial** of the bulk waiver (Section 43-43) unless the applicant works with the MTA to see that an entrance (preferably ADA-compliant) is incorporated into the building to ameliorate the worsening congestion that will be caused by the increased number of pedestrians directly generated by the retail and office uses of the proposed building.

Vote: Passed with 34 Board members in favor and 1 Board members opposed (J. Liff).

LANDMARKS AND PUBLIC AESTHETICS

1. PETITION *50 W. 12th St. – Petition seeking CB2, Man. support for the installation of a plaque designating this building as an individual landmark of author/illustrator Eric Carle

Whereas:

- A. Mr. Carle is a well-known graphic illustrator and later in his career he wrote and illustrated children’s books.
- B. The petitioner is requesting that the Board support designating the building where his apartment was for some years during which time he wrote many of his most notable works; and
- C. The building, while typical of the gold coast streets, is not especially distinguished; and
- D. No precedent was offered for the designation of a home’s being landmarked to honor a living person; now

Therefore, be it resolved that CB2, Man. recommends that instead of seeking landmark status for the building, the petitioner undertake the installation of a plaque on the building to honor Mr. Carle.

Vote: Unanimous, with 35 Board members in favor.

2. 15 7th Ave. – Application is to alter interiors, including partitions at two windows.

(To be reviewed at LPC staff level)

3. 85 Sullivan St. - Application is to renovate interior and restore exterior, including rebuilding of structurally damaged side and rear facades, and construct a 3,156 square foot 3-story addition

Whereas:

- A. The building proposed is a rear yard structure in the backyard of an individual landmark with a “connector” structure and modification of the rear façade of the row house; and

B. The application was heard earlier and has been improved only to the extent that the rear building is now presented as the same height as the row house and the frosted glass wall has been replaced by masonry and punched windows; and

C. The style of brick of the rear yard building, its color, and the plain single pane windows have no historical reference and are not in harmony with either the row house or the historic district; and

D. The rear building is out of character with the row house and with the neighborhood typography and its position on the site makes it clearly visible from the public thoroughfare (Sullivan Street) as illustrated in a photograph provided by a member of the public and the materials presented by the applicant make the new proposed building far less visible than the actual situation and the side alley which is part of this property affords a view of the building within the lot line of the property; and

E. The applicant has not sought a waiver from the Department of Buildings to permit that a separate back house structure be located where it was originally at the rear of the garden and without a built connection between the two structures; and

F. The portion of the rear façade of the row house that is not obscured by the connector is in material to simulate wooden siding revealed in probing; and

G. The design revisions, the modifications to the height, and the position of the rear building in the middle of the garden do not elevate the new design to an acceptable standard for this historic house and the district; now

Therefore be it resolved that CB2, Man. recommends

A. **Approval** of the materials for the north and east facades of the existing row house; and

B. **Denial** of the connector, as it obscures one third of the rear façade of the row house; and

C. **Denial** of the application as the proposed addition is unsuitable to the property in design, bulk, materials, and fenestration; and recommends that if any rear yard structure is permitted that it be located at the rear of the garden, no more than two stories high and be set back from the path of the alley.

Vote: Unanimous, with 35 Board members in favor.

4. *421 W. 13th St. – Application is to legalize the installation of signage without LPC permits.

Laid over.

5. *17 E. 9th St. - Application is to renovate the existing façade, modify the interior layouts from multi- to single-family, and rear yard and bulkhead additions.

Whereas:

A. The facade is reasonably intact apart from the stoop having been removed and replaced by a basement entry and three assorted rear additions, one of which compromises the required 30” depth of the rear yard.

B. The building is being joined together with the restored adjacent house and the front will be restored with windows replaced in kind and the ground floor and window detailing will be restored or replaced with cast stone; and

C. The rear additions will be removed and a new 8' extension extending the full height of the building is proposed with a non-historic pattern of four single hinged floor to ceiling windows/doors per floor and of equal height on different floors creating a too tall scale for the upper floors and each window/door has a glass railing and the proposed masonry is detailed with odd, non-historic horizontal banding of the brick; and

D. The full height addition completely obscures the rear façade, calls for the demolition of the historic building's entire rear wall, and a two or three story similar extension is typical and preferred to maintain the original rear cornice line and massing of the adjacent and original buildings and is typical of row houses in the district.

A. The rooftop bulkhead and structure are clearly visible from University Place a public thoroughfare; and

B. The cellar will be lowered three feet with underpinning on each side; and

C. There was public testimony opposing the rooftop extension as unsightly and unsuited to the neighborhood; now

Therefore be it resolved that CB2, Man. recommends:

A. **Approval** of the restoration of the front façade; and

B. **Approval** of the excavation provided that care is taken to ensure that the building and adjacent structures are monitored and that their integrity is assured; and

C. **Denial** of the rear extension bulk unless it is limited to the basement and parlor floor only with the rear façade above the extension restored with original materials and fenestration or replaced with replications; and

D. **Denial** of the rear extension's non-historic window configuration and non-historic style and size of the windows; and

E. **Denial** of the clearly visible bulkhead and roof structure.

Vote: Unanimous, with 35 Board members in favor.

6. *317 W. 11th St. and 319 W. 11th St. – Application is to install a rooftop addition, excavate to enlarge existing cellar, and modify the front façade, areaway, and existing rear yard addition.

Whereas:

A. The two buildings, 317 and 319 are distinctly separate row houses that are to be combined into a one family house and the 317 modifications are, in general, patterned after the recently approved and carried out work on 319.

- B. A tile roof from the 20''s and brick parapet are being removed and a new cornice patterned after 319 will be installed; and
- C. The entrance is to be removed, leaving the odd appearance of a row house without an entrance and the basement and parlor floors will have three matching windows on each level in place of an entrance door at the basement level; and
- D. The areaway, fencing and paving will be copied to 319 in design and materials; and
- E. The rear addition will have windows the entire width of the building to match 319 on the bottom three floors and punched single pane casement windows on the top floor; and
- F. The cellar is to be excavated 4'-1'' and extends 12'-3'' toward the rear; and
- G. The rooftop addition is setback 17'-3'' front the front façade and has a sloping roof to minimize its visibility; and
- H. The elevator bulkhead rises 10' above the new roof line with footprint of 8'-2'' x 8'-3'' and is aggressively visible from a public thoroughfare, appears massive on this small building, and this visibility is not mitigated by its being painted black in an effort to have it blend with a neighboring building; now

Therefore be it resolved that CB2, Man. recommends:

- A. **Approval** of the removal of the non-historic parapet and tile roof and areaway modifications; and
- B. **Approval** of the excavation provided that care is taken to ensure that the building and adjacent structures are monitored and that their integrity is assured; and
- C. **Approval** of the rear façade modification in that, though it is regrettably non-historic, does copy an approved rear façade on the adjacent building; and
- D. **Denial** of the replacement of the basement street entry doorway with a window, giving the odd appearance of a building without an entrance and making two historic row houses into a single mansion house; and
- E. **Denial** of any façade treatment that suggests that the two row houses are one building; and
- F. **Denial** of the overly large, highly visible elevator bulkhead that is not placed in a position that would afford minimal or no visibility.

Vote: Unanimous, with 35 Board members in favor.

QUALITY OF LIFE

1. **Revocable Consent to construct, maintain and use a Proposed ADA Ramp and Steps @ 541 Broadway, Manhattan, NY 10012 - Block 498, Lot 18**

Whereas, the applicant wishes to construct and maintain this ADA ramp to provide access for people with disabilities to the ground floor retail space at this location, currently occupied by LaCoste; and

Whereas, in February or 2017, CB2, Man. voted to recommend denial for this application to the Landmarks Preservation Commission stating, “although the Board supports and encourages implementing disabled access, the owner must find another method and location which will not severely compromise the landmark features and beauty of this building, and will not intrude on pedestrian travel on this exceedingly busy sidewalk;” and

Whereas, the applicant stated that the ramp had been approved by the Landmarks Preservation Commission; and

Whereas, the applicant stated that the proposed design was the most efficient use of space to install the ramp and the committee urged the applicant to find the least disruptive way of installing this ramp; and

Whereas, the committee feels the ADA ramp will improve the accessibility and quality of life for all who wish to enter this location; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the application for revocable consent to **construct, maintain and use a Proposed ADA Ramp and Steps @ 541 Broadway, Manhattan, NY 10012 - Block 498, Lot 18** provided that the application conforms with all applicable zoning laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 37 Board Members in favor.

2. New App. to Department of Consumer Affairs for Newsstand at Northeast Corner of 7th Ave. & West 11th St., (in front of 133 W. 11th St.) (7392-2019-ANWS)—Applicant Mohammad Ibrahim

Whereas, the applicant failed to appear regarding this application and the committee was unable to hear the specifics of this application; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of the application for New App. to Department of Consumer Affairs for Newsstand at **Northeast Corner of 7th Ave. & West 11th St., (in front of 133 W. 11th St.) (7392-2019-ANWS)—Applicant Mohammad Ibrahim.**

Vote: Unanimous, with 37 Board Members in favor.

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

3. Prinkipas, LLC d/b/a Lola Taverna, 210 6th Ave. with 22 tables and 48 chairs (6711-2019-ASWA)

Whereas, this establishment, a full-service restaurant offering Greek food and drink, is located in the ground floor of a mixed-use residential/commercial building and is targeted to open in the next few months; and

Whereas, the owner of this establishment also owns Little Prince, a restaurant at 199 Prince Street, and received three violations for unlicensed use of a sidewalk café in 2014-15; and

Whereas, the applicant appeared before the CB2 SLA committee in February and November of 2018 at which time the applicant expressed the intention of a sidewalk café of approximately 16 tables and 32 chairs and stipulated to the committee that any sidewalk café would be open no later than 10 PM from Sunday-Thursday and no later than 11 PM on Friday and Saturday nights; and

Whereas, the committee expressed concern that this proposed sidewalk café plan was much larger than what had been represented to the SLA committee and that the proposed plan did not leave enough pedestrian access on Prince Street; and

Whereas, the applicant stated that the gate surrounding the tree pit in front of the restaurant would be removed so that the tree pit would no longer be considered a sidewalk obstruction, due to a quirk in sidewalk café regulations, even though the tree would still create an obstruction for pedestrians; and

Whereas, the applicant stated that he needed to maximize tables and chairs in his sidewalk café in order to make this establishment financially viable but the applicant agreed he would revert back to a previous plan that kept an 8-foot clearance around the tree pit and would also remove several tables from the MacDougal Street sidewalk; and

Whereas, the previous operator, Souen, received recommendation for approval from CB2, Man. for a much smaller sidewalk café of 6 tables and 12 chairs; and

Whereas, a representative from the Charlton Street Block Association appeared in opposition to this application citing the large size of this sidewalk café application and its impediment to pedestrian traffic at this corner; and

Whereas, approximately 45 emails were received from neighboring residents of this proposed location expressing concerns about the size of this sidewalk café and the impact it will have on congestion and quality of life; and

Whereas, many neighboring residents appeared at the committee meeting of whom 7 spoke in opposition to the size of this proposed sidewalk café and none appeared in support of the application; and

Whereas, the applicant confirmed that all food and beverage in the sidewalk café would be served and cleared by waitstaff; 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 **denial** of the application for revocable consent to operate an unenclosed sidewalk café for **Prinkipas, LLC d/b/a Lola Taverna, 210 6th Ave. with 22 tables and 48 chairs (6711-2019-ASWA) unless** the applicant agrees to reduce the size of the café to **16 tables and 32 chairs and removes all tables and chairs from the MacDougal Street sidewalk and leave the tree guard intact and provided that** the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Passed, with 36 Board Members in favor, 1 Recusal (S. Sartiano).

4. Café Kitsune, Inc., d/b/a N/A, 550 Hudson St. with 8 tables and 16 chairs (7102-2019-ASWC)

Whereas, this establishment, a French-style café with coffee and small bites, is located in the ground floor of a mixed use building previously occupied by Le Pain Quotidien which operated a larger sidewalk café at this location; and

Whereas, the applicant appeared before the CB2 SLA committee in May 2019, at which time the applicant stipulated this sidewalk café would close before 10 PM, seven days a week; and

Whereas, the applicant stated that the café furniture would be stored inside the restaurant overnight and, while in operation, the café would be continuously monitored by staff; and

Whereas, the applicant confirmed that all tables and chairs would be stored off-premises, off-season, and that there would be no amplified sound within the sidewalk cafe; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Café Kitsune, Inc., d/b/a N/A, 550 Hudson St. with 8 tables and 16 chairs (7102-2019-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 37 Board Members in favor.

Street Activities Applications

5. 7/19/19 – 7/27/19 – Fila Pop Up Store Opening (Marty Barnes, Inc.): Howard St. between Broadway and Crosby St. [curb lane closure only]

Whereas, the applicant failed to appear on behalf of this application and a resident of Howard Street appeared in opposition to this application; and

Whereas, this event is to begin one day after the CB2, Man. meeting and illustrates problems with the SAPO application process because this event will proceed without community board input; now

Therefore, Be It Resolved that CB2, Man. recommends **denial** of **Fila Pop Up Store Opening (Marty Barnes, Inc.): Howard St. between Broadway and Crosby St. [curb lane closure only]** from **7/19/19 – 7/27/19**.

Vote: Unanimous, with 37 Board members in favor.

6. Saturday, August 17, 2019 – SDC 9th Ave. Pop-Up (Stonewall Democratic Club): Hudson St. between West 13th St. and West 14th St. [full street closure]

Whereas, this is the first application for an event on this block and was chosen after the Meatpacking BID asked the applicant to move the event from further north in CB4; and

Whereas, this block is not ideal for a street festival because of bus routes dependent on this block that service many elderly residents; now

Therefore, Be It Resolved that CB2, Man. recommends **denial** of **SDC 9th Ave. PopUp (Stonewall Democratic Club): Hudson St. between West 13 St. and West 14th St. [full street closure]** on August 17, 2019.

Vote: Unanimous, with 37 Board members in favor.

7. August 23, 2019-September 20, 2019 – New York Fashion Week: The Shows (IMG Worldwide Inc. DBA IMG Fashion): 1) Greenwich St. between King St. and West Houston St., 2) Varick St. between Watts St. and Grand St., 3) Varick St. between Grand St. and Canal St. [curb lane closure only]

Whereas, these events are part of New York Fashion Week and the applications are for curb lane closures for each listed block for the loading and unloading of delivery trucks, 40 Lexus automobiles, and pick up and drop off for participants, crew, and observers; and

Whereas, although the applicants stated that the curb lane closures will be used intermittently during the four weeks there will be no guidance to neighboring residents and businesses when these parking spots will be used and therefore the residents and businesses will not be able to rely on using any of the aforementioned blocks during these four weeks; and

Whereas, a letter was received and a representative was present from the Hudson Square BID, expressing concerns about the negative impact on traffic congestion that these curb lane closures have been observed to cause during past events; and

Whereas, the Hudson Square BID employs traffic monitors to help mitigate Holland Tunnel back-up traffic on Varick Street and these monitors observed that “barricaded areas were creating unnecessary traffic and cars were weaving in and out of the barricades, thereby holding up traffic” along the Varick Street corridor; and

Whereas, a neighboring resident appeared in opposition to these curb lane closures expressing that the past closures have had a negative impact on the quality of life of residential neighbors; and

Whereas, the traffic and congestion surrounding the Holland Tunnel cause this area to be uniquely unfit to absorb the impacts of NY Fashion Week and the applicants should look at other options going forward; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of **New York Fashion Week: The Shows (IMG Worldwide Inc. DBA IMG Fashion): 1) Greenwich St. between King St. and West Houston St., 2) Varick St. between Watts St. and Grand St., 3) Varick St. between Grand St. and Canal St. [curb lane closure only] from August 23, 2019-September 20, 2019.**

Vote: Unanimous, with 37 Board members in favor.

8. Friday, September 6, 2019 and Friday, October 4, 2019 – SoHo Broadway First Fridays – Weekend Walks (NYCDOT Weekend Walks – Kyle Gorman): Howard St. between Mercer St. and Crosby St. [full street closure]

Whereas, this applicant, the SoHo Broadway Initiative (a Business Improvement District); is partnering with the Department of Transportation to host these Weekend Walks; and

Whereas, “Weekend Walks” are multi-block, multi-day events on commercial corridors that promote the use of streets as public space. Community based organizations apply to close commercial streets and provide programming that highlights local businesses and New York City’s unique neighborhoods and they are intended to create opportunities for New Yorkers to gather and see their neighborhoods in a new way; and

Whereas, the applicant hosted a recycling event in April on Howard Street that, despite rain, was a success; and

Whereas, the applicant submitted letters of support for these events from the Chinatown BID and seven business owners from this stretch of Howard Street; and

Whereas, several residents from Howard Street appeared to express opposition to these events citing an issue with accessing their residence with a private car during the street closure in April and also worried about the congestion these events might create; and

Whereas, the applicant stated that there would be no amplified sound or food and drink sold at these events and the applicant would be providing comprehensive security and clean-up crews; and

Whereas, this is a temporary event and should not be regarded as a “pilot program” or pathway towards the permanent closure of Howard Street in the future; now

Therefore, Be It Resolved that CB2, Man. recommends approval of **SoHo Broadway First Fridays – Weekend Walks (NYCDOT Weekend Walks – Kyle Gorman): Howard St. between Mercer St. and Crosby St. [full street closure] on Friday, September 6, 2019 and Friday, October 4, 2019.**

VOTE: Passed with 32 Board members in favor, 5 in opposition (S. Smith, S. Kent, K. Berger, K. Bordonaro, P. Laraia).

9. Saturday, August 24, 2019 – Village Crosstown Trolley – Astor Place Festival: Astor Place between Broadway and Lafayette St. [full street closure]

Whereas, this application is for the 24th Annual Village Crosstown Trolley Astor Place Festival; and

Whereas, the non-profit applicant, Village Crosstown Trolley Coalition, was founded in CB2, Man. in 1994 by a group of neighborhood residents to develop community support for a river-to-river light-rail trolley line along 8th Street in the Village; and

Whereas, the representative of the coalition, George Haikalis, is an urban civil engineer and public member of Community Board 2’s Traffic and Transportation Committee, and stated that the Mayor’s plan for a light rail in Brooklyn and Queens has renewed interest in the village trolley; and

Whereas, CB2, Man. has previously recommended denial for this event citing the lack of appreciable value of this organization; and

Whereas, the Committee cited past street events that have received a recommendation of approval from CB2, Man. based on the organization’s geographical proximity to the community board district; and

Whereas, the Committee relies on Chapter 1-03(b) of Street Activity Permit Office Rules, in determining that each non-profit sponsor of a street fair is a “community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street or the community or both, for which the event is proposed,” and decided that this sponsor meets those criteria; and

Whereas, this event will be a traditional street fair with food, beverage, and discounted goods; now

Therefore, Be It Resolved that CB2, Man. recommends that the Village Crosstown Trolley – Astor Place Festival be denied.

VOTE: Passed, with 24 Board members in favor and 11 Board members in opposition (J. Gallagher, B. Pape, S. Secunda, J. Liff, A. Zeldin, W. Kawadler, E. Ma, R. Sanz, J. Geballe, C. Sullivan, A. Wong)

10. Saturday, October 12, 2019 — Kara Walker Katastwof Karavan (Whitney Museum of American Art): Gansevoort St. between West St. and Washington St. [full street closure]

Whereas, the Whitney Museum is applying to host a block party on this block which would feature a collaboration between artist Kara Walker and musician Jason Moran; and

Whereas, the art piece, Katastwof Karavan, is a train wagon equipped with a 32-note steam calliope, a keyboard instrument, that uses steam whistles to create musical notes; and

Whereas, the applicant intends to place the piece on Gansevoort Street near the intersection of West Street and install sod grass on Gansevoort Street to invite the entire neighborhood and all public to observe this piece in progress; and

Whereas, a full fire lane will be available at all times; and

Whereas, the calliope will be programmed to play music periodically through the afternoon starting around 1 PM and the event will end with a live performance by Jason Moran playing an original composition commissioned for the Katastwof Karavan; and

Whereas, the Whitney Museum is in close communication with the building manager of the residential building across the way from the Whitney and all residents will be notified in advance of this event and can coordinate directly with the Whitney if any issue arises; and

Whereas, the Whitney Museum hosted a block party on this block in 2015 with no complaints and have coordinated with the High Line and the meat coop for this event and will provide full security and sanitation crews; now

Therefore, Be It Resolved that CB2, Man. recommends **approval** of **Kara Walker Katastwof Karavan (Whitney Museum of American Art): Gansevoort St. between West St. and Washington St. [full street closure] on October 12, 2019.**

Vote: Unanimous, with 37 Board members in favor.

SLA LICENSING

1. K&K Grand Corp., d/b/a SoHo Thai, 141 Grand St. 10013 (OP – Restaurant | Corporate Transfer)

i. Whereas, applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a corporate change to the existing restaurant wine license (SN 1278344) for their Thai cuisine restaurant located in a M1-5B zoned for-story, mixed-use 1920 building on Grand Street between Lafayette and Crosby Streets (block #233/ lot #12) in the NYC Landmarks Preservation Commission designated SoHo-Cast Iron Historic District; and,

ii. Whereas, the interior 1-story premises are 1,350 sq. ft., and has a total of 15 tables with 46 seats and one service bar (no seats); and applicant has Letter of No Objection to use the space as a food and drinking establishment from the NYC Department of Buildings; and,

iii. Whereas, the applicant signed and notarized a new stipulations agreement with CB2, Man. incorporating these commitments and previous stipulations, which includes the following:

1. Premise will be advertised and operated as a Thai cuisine restaurant.
2. The hours of operation will be: 11:30 a.m. to 11:30 p.m Sunday-Thursday, and 11:30 a.m. to 12:00 a.m Friday and Saturday. No patrons will remain after stated closing time.
3. Will operate full service restaurant, specifically a Thai restaurant, 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 not have sidewalk café now or in the future.
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 9 p.m. every night and anytime there is amplified music, live music or a DJ.
10. Will not install or have French doors, operable windows, or open façades.
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.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine license for **K&K Grand Corp., d/b/a SoHo Thai, 141 Grand St. 10013**, **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA License.

Vote: Unanimous, with 35 Board members in favor.

2. Marie Adrienne, LLC d/b/a The Ship, 158 Lafayette St. 10013 (OP – Cocktail Bar/Tavern | Alteration)

i. Whereas, applicant and attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for an alteration to the existing on premise license (SN 1301319) for their cocktail lounge located in a M1-5B zoned five-story 1915 commercial building on Lafayette Street between Grand and Howard Streets (block #233/lot #17); and,

ii. Whereas, the interior two-story premises is 2,730 sq. ft., with 980 sq. ft. on the ground floor and 1,750 sq. ft., no floor plan was provided for the ground floor; and is said to have 13 tables with 56 seats and one (1) bar with seven (7) seats, for a total of 63 seats, but this could not be verified by the floor plans provided, which, though incomplete, appear to show differently; and, there is no sidewalk café; and total occupancy is 137; and applicant has a Certificate of Occupancy and necessary Public Assembly Permit; and,

iii. Whereas, applicant is seeking an alteration to extend the operating hours from the current 5 PM to 1 AM on school nights (Sunday-Thursday) and 6PM to 3 AM on weekends (Friday & Saturday) to a proposed 5 PM to 4 AM, seven (7) days a week; and, further, to add DJs to the method of operation; and,

iv. Whereas, applicant voluntarily confessed that since taking control of operations, he has routinely violated his existing stipulation not to have DJs or entertainment level music; and, said stipulation that was integral to the asserted character and method of operation that persuaded the Community Board to support the granting of a license in the first place; and,

v. Whereas, under questioning it also emerged that the applicant has been violating current licensed serving hours, providing private party events with alcohol service before the stipulated 5 PM opening hour; the applicant having advertised such events on the Internet and then described in detail to the committee what was characterized by the applicant as “a number” of such events; and,

vi. Whereas, applicant also asserted that the establishment regularly accommodated crowds of sizes that proved, upon referencing of the Certificate of Occupancy, in excess of maximum legally allowed numbers of persons, creating legitimate concerns about public safety; and,

vii. Whereas, the applicant proactively denied any financial hardship resulting from current hours and instead asserted that his motivation for seeking later hours was to accommodate large numbers of current patrons at last call and the large number of potential late night patrons being forced to leave other drinking establishments when they close; and further asserted a public benefit resulting from his removal from the street of inebriated people leaving other serving establishments via their arrival at his premises; and, Internet searches of social media tools did not support his contention that his establishment was crowded at current closing hours; and,

viii. Whereas, the current hours are late for the neighborhood and were only supported by CB2, Man. as part of a package concept of a low-key, high-end, soft music, conversation focused experience where people sipped responsibly; and, such a method of operation having been proposed by applicants (the previous owners) with an established track record of integrity, responsible, professional operations, and community responsiveness; and, 4AM hours are not consistent with this concept; and, both DJs and entertainment level music are anathema to the previously presented concept; and,

ix. Whereas, the current applicant’s record in the community could not be more different; applicant is a principle with significant ownership of the “No Fun Bar” (SN 1254662) at 161 Ludlow Street, a premises notorious for its detrimental quality of life impact on local residents and businesses, and its hostile relationship with community groups; that has been reported in the press as having “a brawl breaking out in front of the bar,” and being “part of” creating a street atmosphere of “drunken crowds and crime on weekend nights,” in the vicinity; and, the media reported in May 2018 that a 25-year old patron died in hospital shortly after collapsing on the premises from too much alcohol and alleged cocaine use; and,

x. Whereas, the applicant did not volunteer their ownership in “No Fun Bar,” and when asked, first minimized it and denied being a principal, and, upon being presented with State Liquor Authority documents to the contrary disputed their accuracy and then gave conflicting and shifting accounts of what percentage of the business he currently owned before asserting that, notwithstanding being a principal in the “No Fun Bar,” he should not be held responsible for the way it operated or met its legal obligations under the NYS liquor law because he was not involved in day-to-day management; and,

xi. Whereas, the applicant did not engage in any noticeable community outreach or engagement before appearing; and, representatives from local community resident associations appeared before the committee to oppose the granting of the alteration because they felt the proposed 4AM close was much too late for the neighborhood and would lead to a serious deterioration of the quality of life; and,

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the on-premises license for **Marie Adrienne, LLC d/b/a The Ship, 158 Lafayette St. 10013**, on its application seeking an on-premise liquor license; and

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

Vote: Unanimous, with 35 Board members in favor.

3. 153 Elizabeth Street Hotel, LLC d/b/a Nolitan Hotel, 30 Kenmare St. 10012 (On Premise – Hotel/Restaurant | Alteration to license to add exterior rooftop lounge)

i. Whereas, applicant and attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for an alteration to their existing On Premise liquor license (SN 1232135) to allow service in a rooftop lounge located atop a C6-1 zoned 9-story, 2011 hotel building on Elizabeth Street between Kenmare and Broome Streets (block #479/lot #29—Building is also known as 30 Kenmare Street) in the NYC Department of Planning designated Special Little Italy District; and,

ii. Whereas, the proposed rooftop premises are 1,871 sq. ft., with 2,000 sq. ft., and would have a total of 25 tables with 96 seats and one service bar (NO seats, service only); and the proposed occupancy is 120; and applicant does not currently have a valid Certificate of Occupancy or Public Assembly Permit for the space, but intends to file for same; and, there was no evidence to suggest obtaining that such permits could be difficult; and,

iii. Whereas, meeting with the Bowery alliance of Neighbors, applicant sought hours closing at 11PM, seating through reservations only, a limit of one special event per month, and professional certification that background music “will not escape the rooftop area,” and to end music at 10PM; and, applicant further offered to reduce patron capacity to 80 seats from the planned 96; and,

iv. Whereas, applicant further committed to a number of stipulations standard and customary for restaurants and hotels in CB2, Man. such as eschewing promoted events, scheduled performance, live music, DJs, pub crawls, sidewalk queueing, no outdoor heaters, etc.; and,

v. Whereas, applicant affirms that they undertook a professional community outreach effort, including meetings with local elected officials and four local community organizations representing residents and businesses, and presented form letters from 29 people, most of them from the immediate neighborhood,

attesting to their good character and supporting in general terms the idea of a rooftop bar at 153 Elizabeth Street; and, a petition with 270 unverified signatures, mostly from the surrounding or adjoining neighborhoods, supporting the license application was also presented; and,

vi. Whereas, notwithstanding applicant’s assertions, a number of local residents, some prominent in the neighborhood, appeared at the meeting to dispute the substance of applicant’s community outreach effort and expressed strong opposition to the application; and, asserted that large numbers of local parents would have appeared in opposition if the hearing had not been held during the summer recess and prime vacation time; and,

vii. Whereas, applicant plans to install a professional sound amplification system with an extensive network of 16 speakers on the rooftop premises, creating the ability to generate quite a large volume of sound; and, when questioned about the specific nature of their commitment to prevent sound from “escaping the rooftop area,” applicants representatives explained that they did expect sound to be audible in nearby residents, but to be no louder than other sources of noise such as the street traffic; and,

viii. Whereas, members of the community expressed skepticism that sounds coming from an open rooftop could be contained in any event—stating that they can currently hear noise from an existing hotel rooftop bar some ten blocks away; and, applicant’s confidence that sound impact on nearby residences would negligible was further belied by applicant’s intent to put a 6’ glass partition wall along one side of the roof to shield patrons traffic noise; and, in response to community concerns, applicant offered to forgo music altogether on the rooftop; and,

ix. Whereas, a brand new residential tower has recently been completed at 152 Elizabeth, across the narrow street from the proposed rooftop premises and is increasingly occupied, and applicant stated that they had reached out only to the tower developer but not the new residents or new owners who have purchased units and expect to move in over the next few months; and,

x. Whereas, directly adjacent to the proposed premises to the South and West are Old Law tenements mostly with unimproved, single pane windows, that neighbors said was mostly occupied by vulnerable populations of non-English speaking citizens; and those tenements have windows that face the back courtyard shared with the hotel and are likely to hear noise flowing down from the rooftop premises; and,

xi. Whereas, suggestions that noise impacts for neighbors could be mitigated by extending the proposed 6’ glass partition all the way around the space was not taken up by the applicant; and, in any event, neighbors and the committee were skeptical that such a measure would be adequate to protect neighbors from the noise; and,

xii. Whereas, the rooftop has no kitchen facilities and the only access to the roof top space is through either of two public elevators, and applicant proposes to use these elevators, shared by and accessible to guests and the public for moving food prepared on the ground floor up to the roof top restaurant, and garbage down the same way; and, such arrangements appear to be impractical and raise a number of food safety and hygiene concerns and increase the risk that, as a result of such difficulties, the roof top space will evolve to be more focused on alcohol and less on food; and,

xiii. Whereas, the applicant stipulated to CB2, Man. in July 2009 that “they would not seek a rooftop On Premise license;” and, CB support of an On Premise license for the hotel, the lobby lounge, and the second floor—as well as subsequent support for licensing of their sidewalk café—was contingent on this commitment; and,

xiv. Whereas, the committee heard from a number of sources that the applicant routinely violates the current stipulations on their sidewalk café, habitually expanding the foot print beyond the legally authorized despite the long effort the community put into trying to ensure that such encroachment didn't happen on the narrow street; and,

xv. Whereas, the committee heard in person testimony opposing the application from seven local residents who primarily expressed concerns about noise; and, testimony in support of the application from one local resident and one commuter who works in the nearby, who both felt that the proposed rooftop addition would quickly become a desirable destination location, bringing more patrons to the neighborhood; and, the committee found all the community members civil, helpful, and credible;

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the on-premises license for **153 Elizabeth Street Hotel, LLC d/b/a Nolitan Hotel, 30 Kenmare St. 10012**, on its application seeking an on-premise liquor license; and

THEREFORE, BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB#2, Man, respectfully requests that this item be Calendared to appear before the Full Board of the SLA.

Vote: Passed, with 34 Board members in favor, and 1 recusal (M. Metzger).

4. Le An Hospitality, Inc. d/b/a Sage Collective, 398 Broome St. 10013 (Tavern Wine – Café)

i. Whereas, applicant appeared before Community Board 2, Manhattan's SLA Licensing committee to present an application for a new tavern wine license for their Tea Café located in a previously unlicensed space in a C6 zoned 11-story, 1913 dormitory building on Broome Street between Mulberry Street and Cleveland Place (block #481/lot #1; building is alternately known as: 398-400 Broome St., 1-11 Cleveland Pl., and 100 Kenmare St.) in the NYC Department of Planning designated Special Little Italy District; and,

ii. Whereas, the interior 1-story premises is 1,920 sq. ft., and has a total of 18 tables with **40** seats and one (1) bar 10th 13 seats, for a total of 53 interior seats; there is no sidewalk café; and applicant has a Certificate of Occupancy allowing this usage from the NYC Dept. of Buildings; and,

iii. Whereas, the applicant signed and notarized a new stipulations agreement with CB2, Man. incorporating these commitments and previous stipulations, which includes the following:

1. Premise will be advertised and operated as a Tea Café with craft beer and wine.
2. The hours of operation will be: 9AM to 12AM Sunday–Thursday, 9AM to 1AM Friday–Saturday. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate a full-service restaurant, specifically a Tea 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.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café)
7. Will not have sidewalk café now or in the future.

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 9 p.m. every night and anytime there is amplified music, live music or a DJ.
10. Will not install or have French doors, operable windows, or open façades.
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.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine license for **Le An Hospitality, Inc. d/b/a Sage Collective, 398 Broome St. 10013**, **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA License.

Vote: Unanimous, with 35 Board members in favor.

5. Petaling Corp. d/b/a Nyonya, 199 Grand St. 10013 (RW – Restaurant)

i. Whereas, applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a restaurant wine license (SN 1298688) for their family operated Malaysian cuisine restaurant located in a C6 zoned seven-story 1900 commercial building on Grand Street between Mulberry and Mott Streets (block #237/lot #14) in the NYC LPC designated South Village Historic District; and,

ii. Whereas, the interior two-story premises is 3,900 sq. ft., with 2,900 sq. ft. on the ground floor and an additional 1,000 square feet in the basement, and the basement is staff only without patron access; and there are 35 tables with 122 seats and no bar, for a total of 122 interior seats; there is no sidewalk café; and applicant has a valid Certificate of Occupancy from the NYC Department of Buildings; and,

iii. Whereas, the applicant signed and notarized a new stipulations agreement with CB2, Man. incorporating these commitments and previous stipulations, which includes the following:

1. Premise will be advertised and operated as a Malaysian cuisine restaurant.
2. The hours of operation will be: 11AM to 11:30 PM Sunday–Thursday; 11AM to 12AM Friday–Saturday. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate a full-service restaurant, specifically a Malaysian cuisine restaurant, 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 not have sidewalk café now or in the future.
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 9 p.m. every night and anytime there is amplified music, live music or a DJ.
10. Will not install or have French doors, operable windows, or open façades.
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.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine license for **Petaling Corp. d/b/a Nyonya, 199 Grand St. 10013, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA License.

Vote: Unanimous, with 35 Board members in favor.

6. Dobra Café Sotto, Inc., d/b/a Despana Fine Foods & Tapas Café, 408 Broome St. 10013 (RW – Café)

i. Whereas, applicant’s corporate representative and attorney appeared before CB2, Manhattan’s SLA Licensing committee to present an application for a new restaurant license to facilitate new ownership from the same family of an existing, previously licensed (SN 1254391), Tapas Café within a Fine Food Store located in a C6 zoned seven-story, 1900 mixed-use building on Broome Street between Cleveland Place and Lafayette Streets (block #482/lot #7501) in the NYC Planning designated SoHo-Cast Iron Historic District; and,

ii. Whereas, the two-story premises include a ground floor of 2,200 sq. ft., as well as a staff only basement inaccessible to patrons; there are with 4 tables with 28 seats and there is no bar; there is no sidewalk café; and applicant has a valid Certificate of Occupancy; and,

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

1. Premise will be advertised and operated as a Fine Food Store and Tapa Café.
2. The hours of operation will be: 12 p.m to 6 p.m. Sunday; 10 a.m. to 7 p.m. Monday to Thursday; 11 a.m. to 10 p.m. Friday and Saturday. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate a full-service restaurant, specifically a Tapas Café within a Fine Food store, 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 not have sidewalk café now or in the future.
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 9 p.m. every night and anytime there is amplified music, live music or a DJ.
10. Will not install or have French doors, operable windows, or open façades.
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.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the Restaurant Wine license for **Dobra Café Sotto, Inc., d/b/a Despana Fine Foods & Tapas Café, 408 Broome St. 10013, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA License.

Vote: Unanimous, with 35 Board members in favor.

7. Caffe Valdino, Inc., d/b/a V Bar, 225 Sullivan St. 10012 (Upgrade to On Premise — Bar)

i. Whereas, The applicant and his attorney appeared before CB2, Manhattan’s SLA Licensing committee for the purpose of seeking to upgrade its existing restaurant wine license (SN 1029155) to an On Premise license for their small mid-block café and wine bar located in a R7-2 residentially zoned 5-story 1900 multi-dwelling Old Law Tenement building on Sullivan Street between West 3rd Street and Bleecker Street (block #539/lot #9), in the NYC LPC designated South Village Historic District: and,

ii. Whereas, the premises consist of a 500 sq. ft. ground floor and a 500 sq. ft. basement; and the basement is used for storage and has not patron access; and, there are 3 tables with 16 seats, and one (1) bar with 9 seats, for a total of 25 seats; and, there is no sidewalk café; and, applicant asserted a valid Certificate of Occupancy but did not provide a copy to the committee as requested in the application questionnaire; and,

iii. Whereas, the applicant said they had been doing business at their current location for 19 years; and, V-Bar has a loyal following in the neighborhood and the wider city related to its European-style charm and bohemian character; and, applicant submitted petitions with 94 unverified signatures, mostly appearing to come from the immediate surrounding community; in support of their application; and the applicant is recognized by the committee as an important asset to the Greenwich Village community; and,

iv. Whereas, the committee heard from a representative of the Bleeker Area Merchants and Residents Association (BAMRA), which supported the application conditionally if the applicant replaced the existing street vault door with new double doors fitted with guard rails and committed to ensuring it would not be left open unattended; and, also appearing in support was a longtime commuter patron of V-Bar and an employee of V-Bar, both of whom attested to the uniqueness and value of the café/bar; and, the committee also heard from a neighbor who lives across from the premises and was representing 11 other neighbors who had signed a petition shortly before the meeting opposing the application on the grounds that “V-Bar frequently keeps its front doors and windows open well past 10:00 PM” allowing “the sound of loud patrons and music” to be a “nuisance;” and, further, “leaves their cellar doors open and unguarded for hours at a time, day and night, which presents a danger to pedestrians;” and,

v. Whereas, the applicant sought closing hours of 2AM Sunday—Thursday and 4AM Friday—Saturday, but offered to stipulate instead to 1AM Sunday—Wednesday and 2AM Thursday—Friday; and offered to close windows by 9 PM each evening; but asserted that windows were already closed by 10PM each evening, a statement contradicted by both neighbors and the direct observations of committee members; and,

vi. Whereas, the premises are located midblock on a narrow residential block in a historic landmarked district; and there has never been an on premise license at this location at any point in the past; and the building is surrounded by residences and the focus of frequent current complaints about late night noise; and, there are a number of on premises licenses on the cross streets of West 3rd and Bleeker that the premises lies between, and addition of an on premise license at this location is likely to have the effect of stretching the often noisy and rowdy character of those cross streets into the quiet residential atmosphere of Sullivan Street; and,

vii. Whereas, applicant previously sought an upgrade in 2017, with CB2 voting to recommend denial when applicant declined to address community concerns about the safety of the street hatch, the late evening noise from the wide opening windows of the store infill, and the late night hours, and the paucity of the food offerings in the kitchen-less premises—despite strong committee efforts to find a path to approval; and, applicant has not been proactive in addressing those community concerns or seeking to engage with neighbors’ concerns on these issues in the months since; and

viii. Whereas, applicant asserts a maximum legal occupancy of 74 and a proposed occupancy of 25 including staff, but has seating for 25 patrons, not including staff; and, in any event, the current Certificate of Occupancy obtained through public record search of the NYC Department of Buildings gives the maximum legal occupancy as only 15, raising public safety concerns in the absence of a revised C.O or a Letter of No Objection from the NYC Department of Buildings, neither of which were provided by applicant; and,

ix. Whereas, the only access to the basement storage is through a street vault hatch on the narrow sidewalk and it is the habit of the applicant to leave the hatch open nearly continuously through the business day to facilitate staff access to supplies; created public safety concerns in a neighborhood of busy and distracted pedestrians, as well as local residents with mobility issues; and, applicant was willing to stipulate to replacing landmarked vault hatch with safer, more modern design if possible; and,

x. Whereas, applicant’s stated reasons for seeking an upgrade were speculative: lease renewal was approaching and he wanted to see what was possible before he made plans; and, establishment of an On Premises license in such a rare and prime mid-residential-block location would increase the value of the space, potentially undermining the current business model of V-bar and increasing the chances of a licensed premises with a very different character in the future; and,

xi. Whereas, the committee desires to sustain V-Bar presence in our community in its current business model, albeit while making its operations safe to pedestrians and less disruptive to neighbors; and, believes that an upgrade would alter the business model and the character of Sullivan Street to the detriment of the community;

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the on-premises license for **Caffe Valdino, Inc., d/b/a V Bar, 225 Sullivan St. 10012**, on its application seeking an on-premise liquor license; and

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

Vote: Passed, with 34 Board members in favor, and 1 in opposition (R. Sanz).

8. Root Nolita, LLC d/b/a ShooShoo Nolita, 371 Broome St. – Basement 10013 (On Premise – Bar/Tavern)

i. Whereas, applicant and attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new on-premises license for their “Bar/tavern featuring Mediterranean dishes and specialty cocktails” located in a C6 zoned six-story 1900 mixed-use walk-up apartment building on Broome Street between Mulberry and Mott Streets (block #471/lot #43 – Building is also known as 173 Mott Street) in the NYC Department of Planning designated Special Little Italy District; and,

ii. Whereas, the interior basement premises is 1,100 sq. ft.; and there are 3 tables with 12 seats and 1 bar with 10 seats, and 12 “lounge seats,” for total of 34 seats; there is no sidewalk café; and applicant has a Letter of No Objection for this usage from the NYC Department of Buildings; and,

iii. Whereas, the premises will be operated by the owner of the premises directly above and have a similar menu; and a disc jockey and occasional live music, and music will be higher than background levels, but not audible in the street, and live music will not occur more than twice a week at most, and all DJs and live music will stop by 11 p.m.; and,

iv. Whereas, in response to concerns raised by community members prior to the meeting, applicant had reduced their hours from their initial request and made other assurances and stipulations to assuage neighbors; and, the committee heard from two members of the community, both of whom expressed concerns about the closing hours and preferred closing hours or 11PM weeknights and 12PM weekends; and, one further said opposed an On Premise license at all as inappropriate for the space; and,

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

1. Premise will be advertised and operated as a Tavern featuring Mediterranean dishes and specialty cocktails.
2. The hours of operation will be: 10 a.m to 12 a.m Sunday through Thursday; 10 a.m. to 1 a.m. Friday and Saturday. 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 a Mediterranean Tavern and Cocktail Bar, with the kitchen open and full menu items available until closing every night.
4. Will not operate as a 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 not have sidewalk café now or in the future.
8. Will close all doors & windows at 9 p.m. every night and anytime there is amplified music, live music or a DJ.
9. Will not install or have French doors, operable windows, or open façades.
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, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
16. Live music no more frequent than twice a week.
17. Live music to end by 11 p.m.
18. Music will not intrude into the street.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the Restaurant Wine license for **Root Nolita, LLC d/b/a ShooShoo Nolita, 371 Broome St. – Basement 10013**, unless the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA License.

Vote: Unanimous, with 35 Board members in favor.

9. Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome St. (Store C-104 Upstairs) 10013 (Upgrade to On Premise – Restaurant)

i. Whereas, applicant and attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to upgrade their existing restaurant wine license to an on-premise liquor license for their “classic luncheonette” located in a M1-5B zoned six-story 1900 mixed-use building on Broome Street between Sullivan and Thompson Streets (block #476/lot #19) in the Nolita neighborhood; and,

ii. Whereas, the interior one-story premises are 930 sq. ft.; and there are 5 tables with 20 seats and 1 bar with 15 seats, for total of 35 seats; there is no sidewalk café; and applicant has a Letter of No Objection from the NYC Department of Buildings for the usage; and,

iii. Whereas, the applicant currently is licensed separately for the basement space at this address, and seeks license the ground floor space now in part to facilitate disabled patrons who cannot access the basement; and,

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

1. Premise will be advertised and operated as a classic luncheonette.

2. The hours of operation will be: 10 a.m. to 12 a.m. Sunday; 11 a.m. to 12 a.m. Monday through Thursday; 11 a.m. to 1 a.m. Friday and Saturday. Premises will open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate a full-service restaurant, specifically a classic luncheonette, 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 have no more than 3 televisions, each not more than 40”.
6. Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café).
7. Will not have sidewalk café now or in the future.
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 9 p.m. every night and anytime there is amplified music, live music or a DJ.
10. Will not install or have French doors or open façades.
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. Will ensure ADA compliance/disabled access (subject to approval of permits).
18. Can continue use of existing operable windows, as long as closed by 9PM each evening.

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the Restaurant Wine license for **Broome Street Food and Drink, LLC d/b/a Black Tap, 529 Broome St. (Store C-104 Upstairs) 10013, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA License.

Vote: Unanimous, with 35 Board members in favor.

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

10. Gino Sorbillo, LLC d/b/a Gino Sorbillo, 334 Bowery St. 10012 (RW – Pizzeria/Restaurant | corporate structure change)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #1 Meeting on July 9th, 2019, the Applicant requested to **withdraw** this application for a license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade, or other changes to the existing license for **Gino Sorbillo, LLC d/b/a Gino Sorbillo, 334 Bowery St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

11. 151 Bleecker, LLC d/b/a Red Lion, 151 Bleecker St. 10012 (OP – Bar/Tavern with live music and sidewalk café)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee #1 Meeting on July 9th, 2019, the Applicant requested to **withdraw** this application for a license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade, or other changes to the existing license for **151 Bleecker, LLC d/b/a Red Lion, 151 Bleecker St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

12. Bloomingdale's, Inc., d/b/a Forty Carrots, 504 Broadway 10012 (On Premise Alteration — to extend and expand license foot print from current café to all six floors of retail department store and add bars)

Whereas, during their appearance before CB2, Manhattan's SLA Licensing Committee #1 Meeting on July 9th, 2019, but before the committee had taken any vote, the Applicant requested **to layover** this application to August/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, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade, or other changes to the existing license for **Bloomingdale's, Inc., d/b/a Forty Carrots, 504 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: Unanimous, with 35 Board members in favor.

13. Brkn Ccnt, LLC d/b/a Broken Coconut, 15 E. 4th St. 10003 (RW – Restaurant with Sidewalk Cafe)

Whereas, after their appearance before CB2, Manhattan’s SLA Licensing Committee #1 Meeting on July 9th, 2019, but before the committee had taken any vote, the Applicant requested to **withdraw** this application for a license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade, or other changes to the existing license for **Brkn Ccnt, LLC d/b/a Broken Coconut, 15 E. 4th St. 10003** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

14. 558 Broadway, LLC d/b/a Museum of Ice Cream, 558 Broadway 10012 (On Premise – Bar/Tavern with live music)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee #1 Meeting on July 9th, 2019, the Applicant requested to **withdraw** this application for a license and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, class change, alteration, transfer, upgrade, or other changes to the existing license for **558 Broadway, LLC d/b/a Museum of Ice Cream, 558 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: Unanimous, with 35 Board members in favor.

15. Compass Group USA, Inc. d/b/a N/A, 60 Washington Square South, 10th Fl., 10012 (OP – Catering Facility for Private Events Only)

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 to it of an existing On-Premise License currently held by Aramark Educational Services, LLC to enable the Applicant to provide alcoholic beverages as part of the catering services it has contracted to provide to New York University (NYU);

ii. Whereas, the catering facility will be operated under new management but will continue to function as an in-house provider of food and drink services for private, invitation-only events hosted by NYU on university premises; and

iii. Whereas, the Applicant will provide catering services at the instruction of NYU for on-site university-sponsored events scheduled between the hours of 7:00 AM to 12:00 AM seven (7) days a week; 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 on-premise license, with those stipulations as follows:

1. The Applicant will operate a full-service catering facility on the NYU premises.
2. The Applicant's hours of operation will be 7:00 PM to 12:00 AM seven (7) days a week.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
4. Will not operate a backyard garden or any outdoor area for commercial purposes.
5. Will play quiet ambient recorded background music only; no music will be audible in any adjacent residences at any time.
6. Will not install or utilize French doors, operable windows or open facades.
7. Will comply with the NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
8. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
9. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
10. Will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, or velvet ropes or metal barricades.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the transfer of the op-premises license to **Compass Group USA, Inc., 60 Washington Square South, 10th Fl. 10012** **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: Unanimous, with 35 Board members in favor.

16. Riomar Corp., d/b/a Kana, 324 Spring Street 10013 (OP – Corporate Change)

i. Whereas, the Applicant and its attorney appeared before Community Board 2, Manhattan's SLA Committee #2 to present an application for a corporate change to an existing On-Premise License to continue to operate a full-service restaurant serving Spanish cuisine (tapas) in a C6-2A zoned four-story, mixed-use building constructed in 1900 on Spring St. between Greenwich and Washington Sts. (Block #595/Lot #72); and

ii. Whereas, the restaurant will operate under new ownership but will continue to function as a full-service restaurant which will continue to serve lunch and dinner in a licensed premises of approximately 1000 sq. ft., with the interior space having 17 tables with 37 seats and one (1) stand-up bar with 12 seats, and the unenclosed sidewalk café having four (4) tables and 13 seats, for a total of 62 seats in the premises; there is one (1) entrance/exit and two (2) restrooms; and

iii. Whereas, the Applicant’s agreed-to interior hours of operation are 5:00 PM to 12:00 AM on Sundays, 4:00 PM to 1:00 AM Mondays through Thursdays, and 4:00 PM to 4:00 AM Fridays and Saturdays, with the sidewalk café closing at 9:00 PM Sundays through Thursdays and at 10:00 PM on Fridays and Saturdays; music will be quiet background only; there will be no DJ’s, no promoted events, no live music or scheduled performances, no cover fees, and no more than two (2) TV’s of no more than 40” in size; and

iv. Whereas, although this application has already been approved by the SLA, the Applicant has shown good faith with the community by appearing before the SLA committee and agreeing to certain stipulations 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. The premises will be advertised and operated as a full-service restaurant serving Spanish cuisine (tapas).
2. The hours of operation will be from 5:00 PM to 12:00 AM on Sundays, from 4:00 PM to 1:00 AM Mondays through Thursdays and from 4:00 PM to 4:00 AM on Fridays and Saturdays; the sidewalk cafe will close at 9 PM Sundays through Thursdays and at 10:00 PM on 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 more than two (2) televisions no larger than 40 inches in size.
5. Will not operate a backyard garden or any outdoor area for commercial purposes, except for the licensed sidewalk café.
6. The premises will play quiet ambient, recorded background music only; no music will be audible in any adjacent residences at any time.
7. Will close all doors and windows by 10:00 PM every night.
8. Will comply with the NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
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 appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
12. Will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, or security personnel/doormen (except for Friday & Saturday nights).

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the corporate change application for an existing on-premise liquor license to **Riomar Corp., d/b/a Kana, 324 Spring Street 10013** **unless** the statements of the Applicant 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: Unanimous, with 35 Board members in favor.

17. Adina, LLC d/b/a Babu Ji Restaurant, 22 E. 13th Street 10003 (OP – Alteration to Add New Service Bar)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Committee #2 to present an application for an alteration to an existing On-Premise License to add a service bar to its full-service restaurant serving Indian cuisine in a C6-1 zoned four-story, mixed-use building constructed in 1920 on E. 13th St. between Fifth and Sixth Aves. (Block #570/Lot #16); and

ii. Whereas, aside from the addition of a service bar the restaurant in all respects will continue to operate as a full-service restaurant in a licensed premises of approximately 1,148 sq., the ground floor being approximately 889 sq. ft. and the basement being approximately 259 sq. ft.; with the new service bar replacing one (1) table with four (4) seats, there will now be 29 tables with 76 seats and one (1) stand-up bar with 10 seats indoors, and two (2) tables with six (6) seats in the outdoor patio/deck area that exists within the property line, for a total of 92 seats in the premises; there remains one (1) entrance/exit and two (2) restrooms; and

iii. Whereas, the Applicant’s agreed-to interior hours of operation will remain 11:00 AM to 11:00 PM on Sundays, 4:00 PM to 12:00 AM Mondays through Wednesdays, and 4:00 PM to 1:00 AM Thursdays through Saturdays; the Applicant will continue to abide by the stipulations it agreed-to in October 2018 permitting quiet background music only and prohibiting, among other things: DJ’s, promoted events, live music or scheduled performances, cover fees, and TV’s; and

iv. Whereas, a resident, who has resided for the past 15 years directly behind the Applicant’s premises at 15½ E. 12th Street, Apt. 1, spoke against recommending approval of this Application due to the Applicant’s failure to remedy a long-existing noise problem that she stated had gotten even worse in the past six months to the point that she is now unable to hear conversations within her apartment even with her windows closed; and

v. Whereas, the Resident presented a copy of a Stipulations Agreement agreed-to by The Mess 13th, LLC, the Applicant’s predecessor at 22 E. 13th St., and incorporated into the Method of Operations of its On-Premise License, which license was subsequently transferred to the Applicant and requires it, among other things, to use its best efforts to soundproof the premises and to hire a certified acoustical consultant to ensure that any exterior equipment installed and operated will not violate NYC Noise Code guidelines for residential areas; and

vi. Whereas, the Applicant expressed resentment with the Resident’s complaint, rejecting the claim that the situation could be improved; the Applicant further claimed that according to professionals previously hired, all exterior equipment currently in use was operating properly; and

vii. Whereas, it is unclear whether the Applicant is in compliance with the conditions of its On-Premise License, if in-fact it has used its best efforts to remediate the noise problem identified by the complainant and is not in violation of the NYC Noise Code;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **Adina, LLC d/b/a Babu Ji Restaurant, 22 E. 13th Street 10003** on its application seeking an alteration to its On-Premise License to add a service bar until it can be determined that he is in compliance with all of its previously agreed stipulations and noise abatement agreements as it relates to the Restaurant’s mechanical systems; 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: Unanimous, with 35 Board members in favor.

18. A Not for Profit Entity to be formed by SoHo Works, d/b/a SoHo Works, 415 W. 13th Street, 7th and 8th Floors, 10014 (CW – Co-working Offices)

i. Whereas, the Applicant and its Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a Club Wine License to operate a co-working office space on the seventh and eighth floors of an M1-5 zoned five-story mixed use building constructed in 1900 on W. 13th St. between Washington St. and Ninth Ave. (Block #646/Lot #7501), which building is located within NYC LPC’s Gansevoort Market Historic District; and

ii. Whereas, the premises is approximately 5,500 sq. ft. on each floor, for a total of 11,000 sq. ft., with access between the floors by both elevator and stairs; there will be 60 tables with 183 seats, and two (2) stand-up bars with a total of 12 seats, for a total of 195 seats; the premises has two (2) entrances, four (4) exits, and ten (10) restrooms; and

iii. Whereas, the proposed hours of operation are 7:00 AM to 12:00 AM Mondays through Saturdays and 9:00 AM to 12:00 AM Saturdays and Sundays; the Applicant has stated that there will be no promoted events, no scheduled performances, no cover fees and no TV’s, but anticipates allowing private parties; and

iv. Whereas, the Applicant presented to the SLA Committee a certificate of occupancy that identified the Permissible Use and Occupancy for the seventh and eighth spaces as being Use Group 6A, but did not specifically permit eating and drinking in this location which has never been licensed previously for the service of alcohol or operated in the manner being proposed; there will be a menu with sandwiches, bakery items, soups and salads but there will be no full-service kitchen and no exterior areas in which alcohol will be served; and

v. Whereas, the Applicant is seeking to operate a for-profit business providing co-working spaces for monthly fee-paying clients but is applying for a Club Wine License, which NYS ABC law makes available exclusively for a “club,” defined by the statute as “an organization of persons incorporated pursuant to the provisions of the not-for-profit corporation law . . . which does not traffic in alcoholic beverages for profit and is operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose **but not for pecuniary gain** (NYS ABC Law § 3(9), [bold added]); and

vi. Whereas, the Applicant intends to register the entity it will form as a not-for-profit under NYS Not-For-Profit Corporation law, but by its own characterization of the business seeks to operate it as a for-profit operation for the pecuniary benefit of its owner and not as a true “Not-for-Profit” entity as defined as “(1) . . . exclusively for a purpose or purposes, not for **pecuniary profit or financial gain**, for which a corporation may be formed under this chapter . . . and (2) no part of the assets, income or profit of which is distributable to, or enures to the benefit of, its members, directors or officers except to the extent permitted under this statute.” NYS NFP Corp. Law § 103(5) [bold added]), and as such it cannot be said with clarity that the premises to be licensed here “[will] not traffic in alcoholic beverages for profit and is operated . . . not for pecuniary gain.” [NYS ABC Law § 3(9)]; and

vii. Whereas, the Applicant has acknowledged the proposed occupancy use is not currently permitted and that it will seek a change in occupancy for both the seventh and eighth floor premises to allow the use it intends, there remain unresolved questions as to whether 1) whether eating and drinking is permissible in the manner being proposed, 2) the service of alcohol is consistent with traditional use and occupancy of office space, 3) the proposal that eating and drinking use/occupancy is accessory when the design for the premises which features a large central lounge space and several other spaces designed with lounge-type configurations, when NYC Zoning Law defines “accessory use” as “a use which is **clearly** incidental to, and **customarily found** in connection with, the principal use.” (NYC Zoning Reso. Art. 1 Ch. 2 § 12-10 [bold added]), there being no precedent for recognizing the service of alcohol as an incidental and customary accessory use to office space; and

viii. Whereas, the Applicant had appeared before the SLA Committee last month with an application for a Club Wine License for space on the third and fifth floors of 875 Washington St. to be used for the same purpose, for which application the SLA Committee recommended denial because it presented the same problems as those connected with the application now under review; and

ix. Whereas, 1) the immediate area having been greatly impacted over the last 15 years from a significant increase in alcohol licensing, which has resulted in unanticipated negative consequences due to a failure to properly vet and limit such operations, will only be further burdened by the addition of another license, this time in an 11,000 sq. ft. location, a size traditionally appropriate for office uses only, 2) the method of operation being proposed is not yet recognized by NYS law, 3) there being no legislation for licensing such a large premise on multiple upper floors of an office building as proposed and no real guidance from the NYS Liquor Authority permitting such a license, 4) the proposed reasoning from the Applicant being inconsistent with a plain reading of existing NYS ABC and Not-For-Profit Corporation law and 5) neither Applicant nor his Attorney provided a coherent path to achieve the changes necessary to allow eating and drinking in the designated office space; and,

x. Whereas, CB2, Man. remains open to the advent of co-working spaces, especially in light of changing times where co-working office space provides a new market for self-employed professionals and those who have non-traditional work situations, and further understands the need and purpose for licensing for-profit businesses, but to permit the Applicant in this case — whom it is reasonable to expect is only the first of numerous like operations that will appear in the future — to operate under a classification

inconsistent with its true purpose represents a dangerous precedent, when what is needed are new laws/regulations providing specific guidance that will address the permissibility of alcohol service in a for-profit operation of the type presented in this application.

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial for a not-for-profit entity to be formed by **SoHo Works, d/b/a SoHo Works, 415 W. 13th Street, 7th and 8th Floors, 10014** on its application seeking a new Club Wine License; and

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

Vote: Unanimous, with 35 Board members in favor.

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

19. Entity to be formed by William Bishop, d/b/a N/A, 333 Sixth Ave. 10014 (RW – did not appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 11, 2019 the Applicant failed to appear and provided no further information regarding this application to CB2 Manhattan;

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 **Entity to be formed by William Bishop, d/b/a N/A, 333 Sixth Ave. 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

20. Restaurant Associates, LLC d/b/a N/A, 100 Ave. of the Americas, Floors 2-16 10013 (OP – Catering Facility: Private Events Only) (New OP – laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 11, 2019 the Applicant requested to layover this application to August/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 B2, 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 **Restaurant Associates, LLC d/b/a N/A, 100 Ave. of the Americas, Floors 2-16 10013** (OP – Catering Facility: Private Events Only) until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

20. Restaurant Associates, LLC d/b/a N/A, 100 Ave. of the Americas, Floors 2-16 10013 (OP – Catering Facility: Private Events Only) (New OP – laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 11, 2019 the Applicant requested **to layover** this application to August/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 B2, 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 **Restaurant Associates, LLC d/b/a N/A, 100 Ave. of the Americas, Floors 2-16 10013 (OP – Catering Facility: Private Events Only) until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

21. Restaurant Associates, LLC d/b/a N/A, 101 Ave. of the Americas, Floors 15-23 10013 (OP – Catering Facility: Private Events Only) (New OP – laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 11, 2019 the Applicant requested **to layover** this application to August/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 B2, 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 **Restaurant Associates, LLC d/b/a N/A, 101 Ave. of the Americas, Floors 15-23 10013 (OP – Catering Facility: Private Events Only) until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

22. Bruschetta Bar 1, LLC d/b/a Bruschetta Bar, 94-96 Christopher St. 10014 (New On Premise license for Restaurant with outdoor patio/deck- failed to appear)

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on July 11, 2019 the Applicant **failed to appear** and provided no further information regarding this application to CB2 Manhattan;

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 **Bruschetta Bar 1, LLC d/b/a Bruschetta Bar, 94-96 Christopher St. 10014 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has

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

Vote: Unanimous, with 35 Board members in favor.

23. Entity to be formed by Roberto Passon, d/b/a Ariccia, 14 Bedford St. 10014 (New Restaurant Wine – Laid over at Meeting)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 11, 2019 the Applicant requested **to layover** this application to July/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 **Entity to be formed by Roberto Passon, d/b/a Ariccia, 14 Bedford St. 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

24. Entity to be formed by Elena Liao, d/b/a N/A, 32 Jones St. 10014 (New OP – laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 11, 2019 the Applicant requested **to layover** this application to July/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 **Entity to be formed by Elena Liao, d/b/a N/A, 32 Jones St. 10014 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

25. Sushi Nakazawa, LLC d/b/a Sushi Nakazawa, 23 Commerce St. 10014 (RW – Alteration to add adjacent storefront)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on July 11, 2019 the Applicant requested **to layover** this application to August/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 **Sushi Nakazawa, LLC d/b/a Sushi Nakazawa, 23 Commerce St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 35 Board members in favor.

SOCIAL SERVICES

Resolution in support of stronger enforcement of rules in Washington Square Park

WHEREAS:

- 1) Noise in Washington Square Park, both during and after closing hours, is a longstanding pervasive problem and source of misery to nearby residents; and
- 2) Skateboard use and bicycle riding is rampant and illegal within the park and constitutes a large portion of the summonses NYPD issues within the park; and
- 3) PEP officers in the park cannot use decibel readers for noise enforcement unless they are legally certified to do so, and most PEP officers assigned to the park are not certified; and PEP officers appear to be most effective at enforcing park rules when they establish relationships with frequent visitors to the park, whether these be musicians, skateboarders, homeless individuals, or distributors of expressive matter, but are often reassigned to other locations.

THEREFORE, BE IT RESOLVED that CB2, Man.

- 1) Requests that at least some portion of PEP officers assigned to Washington Square Park be trained and certified in the use of decibel readers to enforce noise regulations; and
- 2) Requests that PEP officers be given longer-term assignments to Washington Square Park to permit them the opportunity of establishing and retaining relationships with frequent park users, in the interest of better enforcement of park rules and improving park conditions.

VOTE: Unanimous, with 35 Board Members in favor.

Respectfully submitted,

Keen Berger
Secretary
Community Board #2, Manhattan