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COMMUNITY BOARD NO. 2, MANHATTAN

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

FULL BOARD MINUTES

DATE: June 20, 2013
TIME: 6:00 P.M.
PLACE: Scholastic Building, 557 Broadway, Auditorium

BOARD MEMBERS PRESENT: Daniel Ballen, Keen Berger, Tobi Bergman, Carter Booth, Katy Bordonaro, Anita Brandt, William Bray, Richard Caccappolo, Heather Campbell, Lisa Cannistraci, Denise Collins, Tom Connor, Terri Cude, Coral Dawson, Maria Passanante Derr, Doris Diether, Cristy Dwyer, Robert Ely, Jonathan Geballe, Robin Goldberg, Sasha Greene, David Gruber, Chair; Jo Hamilton, Anne Hearn, Susan Kent, Jeanine Kiely, Arthur Kriemelman, Edward Ma, Florent Morellet, Judy Paul, Lois Rakoff, Robin Rothstein, Rocio Sanz, Wendy Schlazer, Maury Schott, Arthur Z. Schwartz, Shirley Secunda, Federica Sigel, Chenault Spence, Richard Stewart, Sean Sweeney, Susan Wittenberg, Antony Wong, Robert Woodworth, Elaine Young

BOARD MEMBERS EXCUSED: Joshua Frost, Robert Riccobono, Shannon Tyree

BOARD MEMBERS ABSENT: Susanna Aaron, Dodge Landesman, Alexander Meadows

BOARD STAFF PRESENT: Bob Gormley, District Manager, and Florence Arenas, Community Coordinator

GUESTS: Celine Mizrahi, Congressman Jerrold Nadler's office; Robert Atterbury, Senator Brad Hoylman's office; Mary Cooley, Senator Daniel Squadron's office; Hannah Friedman, Man. Borough President Scott Stringer's office; Sarah Malloy-Good, Assembly Member Deborah Glick's office; John Ricker, NYC Comptroller's office; Allie Nudelman, Council Speaker Christine Quinn's office; Victoria Hervas-Castaneda, Council Member Rosie Mendez's office; Amy Varghese and Matt Viggiano, Council Member Margaret Chin's office; Arlene Peralta, Nina Buesing, C. Lewis, M. Gladstone, Jon Dee, N. Shipman, Christina Nenov, Jim McKeon, Cathryn Swan, Emily Folpe, Claire Martheleur, Gigi Bolt, Priscilla Loke, Cynthia Marks, Judith Callet, Hellen Osgood, Harvey Osgood, Thomas Rock, Will V. Rogers, Rob Hollander, Madeleine H. Schreiber, Richard Lam, Edith Penty, Ned Sublette, Sarah Neilson, Walter Elyon, Matthew Silver, Jody Berenblatt, Herbert Folpe, Ed Freen, Anna Pelavin, Christine Calabrese, Douglas Evans, Mary Ann Arisman, Richard Dodd, Margery Perlmutter, Jordy Mark, Veronica Bulgari, Peter Davies, James Magnell, Harry Pincus, Mary Johnson, Judy Staudenmaier, Rhea Sohne, Jenifer Rajkumar, Maurice Thomas, John Morchowe, Constance Christopher, P.O. Martin Baranski, D.I. Elisa Cokkinos, Ling Lui, Mirianm Kaplan, Andrea Swalec, Catherine Lee, Celssy Losada, Robert Gladstone, Stephany Gladstone, Dr. Gil Horowitz, Susan Wells, Howard Negrin, Enid Braun, Beth Sopko, Jill Bredei, Patricia McCarthy Freeman, Philip Calabrese, Rex Freeman, Laura –Jeanne Menahos, Mary Torras, Starr Raven Hawk, Spencer Rhoda, Alexander Jarreau, Davide Gentile, Benjamin Tiedeman, Brett Wolfe, Hectuba Hestia, Jerry Morgan, Gwen Evans, Tequila Minsky, Allan Sperling, Cesar Cotes, Wayne Beta, Peter Leonardi, Micki McGee, Anne Marie Sumner, Georgia Seamans,

GUESTS continued: Sara Jones, Michele Volino, Adam Janos, G. Bedrosian, Jim Fouratt, Johanna Field, Nancy Kolbert, Nicholas Christopher, Lara Iden, Dale Van Dyke, Betsy Eh, Jim Marnell, Sharon Woolums, Andrew Berman

MEETING SUMMARY

Meeting Date – June 20, 2013

Board Members Present – 44

Board Members Excused–3

Board Members Absent - 3

I. SUMMARY AND INDEX

ATTENDANCE	1
MEETING SUMMARY	2
SUMMARY AND INDEX	2
PUBLIC SESSION	2
ADOPTION OF AGENDA	3
ELECTED OFFICIALS' REPORTS	4
ADOPTION OF MINUTES	4
EXECUTIVE SESSION	4
STANDING COMMITTEE REPORTS	4
ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH	4
LANDMARKS AND PUBLIC AESTHETICS	5
LAND USE & BUSINESS DEVELOPMENT	8
NOMINATING	11
PARKS/WATERFRONT	12
SIDEWALKS/STREET ACTIVITIES	14
SLA LICENSING	19
TRAFFIC AND TRANSPORTATION	47

II. PUBLIC SESSION

Non-Agenda Items

Washington Square Park Music Festival

Lois Rakoff and Doris Diether announced that the music festival is holding free concerts in the park every Tuesday in July.

Present Danger Law

Christina Nenov spoke regarding this topic.

Parking Meters

Peter Davies spoke in favor of parking meters on Broadway.

75 Morton Building

Peter Lombardi spoke against this topic.

Citibikes

Jordy Mark spoke regarding citibikes.

Land Use and Business Development Items

120-140 Ave. of Americas (aka 72-80 Sullivan St.). Application to BSA for modification of use and parking regulations to facilitate development of 4 residential townhouses and a mixed-use building
Andrew Berman spoke regarding the proposed modification of use.

Jordy Mark spoke against the proposal.

Margery Perlmutter, representing the applicant, Harry Pincus, Lara Iden and Micki McGee, spoke in favor of the proposal.

Parks/ Waterfront

Washington Square Park Conservancy

Dr. Gil Horowitz, Edith Penty, Herb Folpe, Douglas Evans, Mary Torras, Mary Ann Arisman, Sara Jones, Betsy Eh, Veronica Bulgari, Allan Sperling, Gwen Evans, Sarah Nielson, and Anne Marie Sumner, spoke in favor of the proposed organization.

Howard Negrin, Jordy Mark, Georgia Seamans, Sharon Woolums, N. Shipman, Mary Johnson, Cathryn Swan, and Johanna Field, spoke against the proposed conservancy.

Jim Fouratt spoke regarding the proposed conservancy.

Sidewalks/Street Activities Items

BMT Operations, LLC d/b/a Betel, 49 Grove St. (btw Bleecker St & 7th Ave S), with 9 tables & 16 seats
Benjamin Tiedeman, the proprietor, spoke in favor of the sidewalk café renewal.

6/29/13-WitchsFest USA, Astor Place bet. Broadway & Lafayette St. (new location)
Hectuba Hestia and Starr Raven Hawk, the applicants spoke in favor of the proposed street event.

SLA Licensing Items

Automatic Slim's Inc., 733 Washington St.

Walter Elyon and Susan Wells spoke against the renewal of the establishment's liquor license.

Traffic and Transportation Items

Dept. of Transportation proposal for pedestrian and bicycle enhancements on University Pl. bet.

Washington Sq. No. and E. 14th St.

Richard Dodd, Davide Gentile, Jim Marnell, Judy Staudenmaier, Dale Van Dyke, Nicholas Christopher, Claire Martheleur, Gigi Bolt, Constance Christopher, Nancy Kolbert, and Cynthia Marks, spoke against the proposal.

Co-naming the corner of Elizabeth and Kenmare Sts. "Janet Freeman Way"

Enid Braun spoke in favor of the street co-naming proposal.

III. ADOPTION OF AGENDA

IV. ELECTED OFFICIALS PRESENT AND REPORTING

Celine Mizrahi, Congressman Jerrold Nadler's office

Robert Atterbury, Senator Brad Hoylman's office

Mary Cooley, Senator Daniel Squadron's office;

John Ricker, NYC Comptroller's office;

Hannah Friedman, Man. Borough President Scott Stringer's office

Sarah Malloy-Good, Assembly Member Deborah Glick's office

Allie Nudelman, Council Speaker Christine Quinn's office

Amy Varghese and Matt Viggiano, Council Member Margaret Chin's office;

Victoria Hervas-Castaneda, Council Member Rosie Mendez's office,

V. ADOPTION OF MINUTES

Adoption of April minutes and distribution of May minutes.

VI. EXECUTIVE SESSION

1. **Chair's Report** David Gruber reported

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

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

STANDING COMMITTEE REPORTS

ENVIRONMENT, PUBLIC SAFETY & PUBLIC HEALTH

Resolution in Favor of Smoking Disclosures in Multi-Unit Residential Buildings

Whereas, the United States Surgeon General has stated that there is no safe level of exposure to second hand smoke; and

Whereas, legislation (Intro Bill 0833/2012) has been proposed in New York City but never placed on an agenda before the City Council obligating owners of multiple-unit residential buildings to disclose their building's smoking policy to prospective tenants or purchasers; and

Whereas, such an obligation on owners would still give owners the freedom to create their own smoking policies based on their own specific circumstances; and

Whereas, smoking disclosure policies will allow New Yorkers, including the vast majority who don't smoke, to make an informed choice as to where they want to live; and

Whereas, smoking disclosure policies will help to protect the health of children, the elderly and chronically ill who typically spend more time inside their home, thus increasing their exposure to secondhand smoke; and

Whereas, such legislation would not ban smoking or prohibit smoking in private homes; and

Whereas, smoking disclosure policies have already been implemented successfully statewide in Oregon and Maine, and at the municipal level, in Buffalo and Rockland County, NY; and

Whereas, existing laws have addressed similar health hazards such as lead-based paint and radon by requiring disclosure in real estate transaction documents, which has reduced exposure to these health hazards; and

Whereas, a majority of New Yorkers already support smoke-free housing and smoking disclosure policies which will allow them to know whether they're moving into a smoke-free building; and

Whereas, smoking disclosure policies can help landlords avoid tenant complaints and conflicts about secondhand smoke drift;

Therefore be it resolved, CB#2, Man. urges the NY City Council to pass legislation requiring the disclosure of smoking policies in Multiple Dwelling Residential Building in the City of New York.

Vote: Passed, with 35 Board members in favor, and 9 in opposition (A. Brandt, L Cannistraci, M. Derr, S. Greene, J. Hamilton, F. Morellet, J. Paul, R. Sanz, C. Spence).

LANDMARKS AND PUBLIC AESTHETICS

1ST LANDMARKS MEETING

1 - LPC Item:13 - 210 West 11th Street (Waverly/7th) - Greenwich Village Historic District An Italianate style rowhouse built in 1856. Application is to construct a stoop and a rooftop bulkhead and deck, and alter window openings at the rear façade.

Whereas, the restoration is commendable, and the rooftop bulkhead deck is barely visible, so will not detract from the building or the district; and

Whereas, we usually object to any major reconfiguration of the rear facade, and also to removal of any historic materials therein: however, this project retains much of the original materials and symmetry, especially in the upper two floors, and the work on the bottom portion of the rear facade is sympathetic to the building; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 44 Board members in favor.

2 - 34 King Street (Varick/6th) - Charlton-King-Vandam Historic District A Greek Revival style rowhouse built in 1846. Application is to construct rooftop and rear yard additions, and replace the windows and entry door. Zoned R6

Whereas, the proposed restoration of the front facade, entry door, windows, lintels is commendable; but Whereas, the applicant provided no mock-up to show us whether the proposed rooftop addition would be visible from the street; and

Whereas, likewise, the applicant provided no images of the doughnut for us to judge the effect the alterations on the backyard spaces; and

Whereas, images of the proposal for the rear yard showed that the historic material will be completely removed; now

Therefore, be it resolved that CB#2, Man. recommends approval of the work proposed for the front, but denial of the work at the rear, not just because of the applicant's failure to provide a mock-up of the roof addition or images of the proposal's effect on the doughnut, but also because the rear facade work will completely destroy the historic material.

Vote: Unanimous, with 44 Board members in favor.

3 - LPC Item:16 - 817-821 Washington Street, aka 71-73 Gansevoort St. - Gansevoort Market H. D. A Queen Anne style French Flats building with stores designed by James W. Cole and built in 1886-87, later altered into three-story market buildings in 1940. Application is to legalize the installation of signage without Landmarks Preservation Commission permits.

Whereas, this business blade sign was the first to go up on the block, and it was installed without a permit, and is 50% greater than the permitted dimensions, which are 2'x3'; and

Whereas, subsequent businesses followed suit, thus causing a series of oversized, illegal blade signs in that row; so, the applicant's argument that this sign is smaller than the other signs doesn't really hold water; and

Whereas, this series of buildings on this block could use a Master Plan regarding signage; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application and suggests a Master Plan for future signage in keeping with the standard 2' x 3' for blade signs.

Vote: Unanimous, with 44 Board members in favor.

4 - 183 West 4th Street (Jones/Barrow) -Greenwich Village Historic District A neo-Federal style building designed by Ferdinand Savignano and built in 1917. Application is to replace windows

Whereas, this thoughtful proposal will not detract from the building or the historic district; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 44 Board members in favor.

2ND LANDMARKS MEETING

5 - LPC Item:18 - 317 West 12th Street, aka 611 Hudson Street-Greenwich Village H.D. A Greek Revival style residence, built in 1842, and altered in the late 19th century. Application is to modify the storefront and the enclosed sidewalk cafe and install signage and lighting.

Whereas, the proposed modification of the storefront, as well as the proposed signage and lighting, are in harmony with the historic district; and

Whereas, the sidewalk cafe modification will expose the hidden cornice and will be an improvement over the existing sidewalk café enclosure; but

Whereas, the applicant did not present any photos of the building taken at designation or a permit from LPC post-designation to show that the existing structure is permitted; and

Whereas, the proposed French doors are simply incompatible with an American historical district, there being none of these type doors in the Village until the 1970s; now

Therefore, be it resolved that CB#2, Man. recommends denial of this application, despite its moving the facade closer to its historical architecture, unless the applicant provides documentation that the structure is permitted in the first place; and

Further, be it resolved that CB#2, Man. recommends denial of French doors in such a quintessential American historic district as Greenwich Village, especially since there were none of these style doors that we know of prior to designation, they being, in fact, a modern, trendy, incongruous addition.

Vote: Unanimous, with 44 Board members in favor.

6 - LPC Item:19 - 393 Bleeker Street-Greenwich Village Historic District An Italianate style rowhouse built in 1853. Application is to replace windows.

Whereas, the proposed windows will improve the appearance of the building and are in style with the building and the district; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 44 Board members in favor.

7 - LPC Item:20 - 393 Bleeker Street-Greenwich Village Historic District An Italianate style rowhouse built in 1853. Application is to remove balconies.

Whereas, although quaint, the balconies are not original and are not really in style with the typical Greenwich Village rear façade; and

Whereas, we believe that the applicant raised a legitimate security concern for removing them; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 44 Board members in favor.

8 - LPC Item:21 - 395 Bleecker Street-Greenwich Village Historic District An Italianate style rowhouse built in 1853. Application is to remove balconies.

Whereas, although quaint, the balconies are not original and are not really in style with the typical Greenwich Village rear façade; and

Whereas, we believe that the applicant raised a legitimate security concern for removing them; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 44 Board members in favor.

9 - 444 Broadway (Grand/Howard) - SoHo-Cast Iron Historic District A warehouse building with neo-Grec style details built 1876-77. Application is to alter the storefront.

Whereas, we commend the applicant for the solution for ADA access and for returning two bays to match historical bays; and

Whereas, the project will enhance the building and the district; now

Therefore, be it resolved that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 44 Board members in favor.

LAND USE AND BUSINESS DEVELOPMENT

1. Flood Resiliency. This is a proposal from the City Planning Commission for initial changes to the zoning resolution to enable flood-resilient building construction in designated flood zones and to enable property owners to meet requirements for obtaining flood insurance.

Whereas:

1. The New York City Department of City Planning is proposing a text amendment to enable flood-resilient building construction throughout designated 100-year flood zones because current NYC zoning and building code regulations are sometimes in conflict with FEMA standards.
2. The text amendment would address issues such as the height of the base of buildings, building access above grade, locating mechanical systems above flood levels, improving streetscape, accommodating flood zone restrictions on ground floor uses, and accommodating off-street parking above grade.
3. The purpose of this text amendment is to remove regulatory barriers that would hinder or prevent the reconstruction of properties damaged by Hurricane Sandy and to enable compliance with building standards that could reduce insurance premiums.
4. Some properties in the Community Board 2 Manhattan district (along the West Side Highway and above Canal Street) are identified as being in the 100 year flood zone and therefore will be affected by this text amendment.
5. Concerns were expressed about the impact of such regulations on construction and changes to NYC designated historic buildings and the role of the Landmarks Preservation Commission in assuring that changes encouraged by the new regulations can be coordinated with requirements for certificates of appropriateness.

6. Representatives from DCP stated that this text amendment is necessary at this time to facilitate rapid recovery from the damages of Hurricane Sandy, but that there will continuous re-evaluation of this amendment with further changes introduced as necessary.

Therefore it is resolved that CB#2, Man.

1. Recommends approval of Zoning Text Amendment N 130331 ZRY.
2. Urges the Department of City Planning and the Landmarks Preservation Commission to address concerns about impacts to landmarked districts and structures and to ensure that any building work on historic properties and in historic districts does not compromise the integrity and intent of the Landmarks designations, and that property owners have access to needed guidance.

Vote: Unanimous, with 44 Board members in favor.

2. 120-140 Avenue of the Americas (aka 72-80 Sullivan Street). Application #162-13 BZ to the Board of Standards and Appeals pursuant to ZR 72-21 requesting modification of use and parking regulations to facilitate development in an M1-5B zone of four residential townhouses and a mixed-use building containing retail use on the ground floor and basement and residential use on floors 2 through 18.

Whereas:

(Regarding application information.)

1. The proposed mixed-use condominium project is for a narrow 16,313 square foot triangular site between Sullivan Street and Avenue of the Americas currently consisting of a former car wash facility and a vacant lot previously occupied by a gas station.
2. The location is within the final portion of the proposed South Village Historic District, a designation that is a high and long-standing CB2 priority.
3. The four-story single-family townhouses would face Sullivan Street with rear yards separated from the Avenue of the Americas sidewalk by a brick wall.
4. A 253-foot tower (including bulkhead) would rise 15 stories above a three story base on the south end of the site.
5. The base would include a commercial store at the cellar and first floor with the entrance proposed for the south tip of the building.
6. The base would also include a total of twelve residential units on the second and third floors with an entrance on Sullivan St..
7. Floors 4-18 would include a mix of floors with single units, duplexes, and a triplex.
8. The Environmental Assessment noted significant impacts of shadows on Soho Square and Vesuvio Playground, and while the incremental impacts as compared to a sample as-of-right project are short duration, sunlight in parks and playgrounds is a high value resource on winter days, and no comparison was provided for a different building massing for a residential project.
9. Unique conditions affecting the site include its narrow triangular shape and steep grade differential between the two long sides, site proximity to the Subway impacting design and requiring special construction precautions, and unknown underground environmental conditions related to the prior gas station use.
10. The financial analysis purports to justify the proposed 5 FAR, which happens to correspond to the underlying manufacturing zoning district.
11. The application is for three variances:
 - a. to allow residential use in an M-1 district;
 - b. to allow retail use below the floor level of the second story in an M1-5B district;

c. to increase to allowed number of accessory parking spaces for 31 residential units from six to eleven.

(Regarding applicant statements and community response.)

1. The applicant's team was represented by Margery Permuter of Bryan Cave, Robert Gladstone of Madison Equities, Richard Lam of Property Markets, and Cary Tamarkin Vernon Roether, and Jenny Shoukimas of Tamarkin Co.
2. The applicant presented arguments to defend the decision to provide a mix of low rise and high-rise structures, stating that the site is transitional between the South Village areas to the north and east, and areas to the south and west with taller structures.
3. The applicant stated that the design seeks to "heal the wound" created by the extension of 6th Avenue and construction of the subway.
4. The applicant called attention to the high quality of the building detailing including curved glass and detailed brickwork, as well as the use of detailing referencing the industrial history of the block as well as the industrial character of many nearby structures.
5. The hearing was well-attended, with 28 people signing the attendance sheet.
6. There was a mix of positive and negative reaction, with a strong majority speaking against the height of the tower.
7. Comments generally welcomed development of the site, favored the proposed residential use, approved of the four town houses, praised the quality of the design and proposed materials, but objected strongly to the height of the tower, considering it inappropriate for the South Village.
8. The Greenwich Village Society for Historic Preservation opposed the tower as inappropriate for the proposed landmark South Village area and stated with the proposed tower height the project would negatively impact the character of the neighborhood.
9. There was some praise for the tower, especially for its role in allowing other parts of the site to be low-rise, but even there the common objection was that the proposed height is too great for the area.
10. The tower height was criticized as excessive, even for the Sixth Avenue border of the South Village, especially because it would stand taller than any of the other buildings of similar height in the immediate area.
11. Residents on the block where the site is located and on the east side of Sullivan Street facing the site spoke in favor of non-hotel and limited retail uses, and the plan to keep the north portion of the site low to limit the impact on adjacent residential buildings.
12. CB2 received 19 emails recommending approval be contingent upon reduction of the project FAR.
13. Committee members spoke favorably regarding
 - a. Proposed residential and limited commercial uses;
 - b. Inclusion of the four townhouses;
 - c. Narrow profile and location of the tower;
 - d. High quality of proposed materials;
 - e. The open area to the south of the tower, while suggesting a more public feel and the addition of trees and gardens, and encouraging public participation in the design process for the space
14. Committee members opposed
 - a. The height of the tower, as generally out of keeping with and harmful to the character of the South Village where low and mid-rise residential buildings are predominant, even at its edge, and specifically for towering above even the tallest of the nearby non-residential tall buildings immediately to the northwest, west, and south.
 - b. The proposed location of the retail entrance at the southern tip giving it an undesirable presence on the residential block of Sullivan Street;
 - c. The 5 FAR which was seen as related to the underlying zoning instead of the minimum variance requirement;

- d. The barrenness of the treatment of the ground level façade on 6th Avenue, suggesting the need for planting areas between the rear yard wall of the townhouses and the sidewalk.
- e. The inclusion of a small number of apartments smaller than 1200 square feet.
14. Concern was expressed that the applicant presented only hotel development as an alternative in assessing need for the variance and impact on neighborhood character.
15. There were no comments supporting or objecting to the uniqueness finding.
16. There were no objections to the variance for increased accessory parking.

Therefore it is resolved that CB#2, Man.

1. Recommends approval of the residential development of this site, which for too many years has supported uses that are detrimental to the largely residential character of Sullivan and Broome Streets.
2. Recommends approval of the proposed limited basement and ground level retail uses on this site.
3. States no objection to the proposed increase in allowed accessory parking.
4. Urges the Board of Standards and Appeals to assure that this project strictly conforms to the requirement of the minimum variance and recommends reduction of the FAR to 3.44 typical of South Village residential zones or to the lowest financially feasible level to allow development of the site, using any reduction of FAR to reduce the height of the tower.
5. Requests further reduction of the overall height of the tower to the extent possible by elimination of the penthouse and reducing ceiling heights, and a more creative approach to location of rooftop mechanical equipment.
6. We strongly believe the FAR should be reduced to 3.44, assuming this meets the BSA financial means test. Should that not be the case, we urge the BSA to protect the character of the proposed South Village Historic District by limiting the height of 100 Avenue of the Americas (198'), the closest building of similar height on the east side of Avenue of the Americas.
7. In accordance with commitment from the applicant, requests that BSA prohibit eating and drinking establishments on the site.
8. In accordance with commitment from the applicant, requests reduction of the rear yards of the townhouses to allow the brick wall on Sixth Avenue to be set back from the sidewalk to create a triangular fenced viewing garden between the sidewalk and the wall.
9. In accordance with commitment from the applicant, requests that the retail entrance be moved onto the Avenue of Americas façade, thus protecting the residential character of Sullivan Street and creating a more public character for the small plaza area south of the tower.
10. In accordance with commitment from the applicant, requests that the design for plazas and gardens be presented to CB2 for review prior to final design approval.
11. In accordance with commitment from the applicant, requests that the quality of design and materials as presented in the application be included as a condition of approval for the project.

Vote: Unanimous, with 44 Board members in favor.

NOMINATING

Five applicants were interviewed and one applicant who could not attend submitted information requested by the Committee. The Committee voted unanimously to select a slate.

The Nominating Committee is presenting the following slate:

Chair	David Gruber
1st Vice Chair	Bo Riccobono
2nd Vice Chair	Jo Hamilton
Treasurer	Antony Wong
Secretary	Susan Kent
Assistant Secretary	Keen Berger

The results of the balloting are as follows:

Chair	David Gruber	42 votes
1st Vice Chair	Bo Riccobono	42 “
2nd Vice Chair	Jo Hamilton	41 “
Treasurer	Antony Wong	42 “
Secretary	Susan Kent	42 “
Assistant Secretary	Keen Berger	41 “

PARKS/ WATERFRONT

Washington Square Park Conservancy

WHEREAS

1. Betsey Ely, Gwen Evans, Veronica Bulgari and Justine Leguizamo came before CB2’s Park Committee to describe their plan to create a private 501C-3 charitable organization named the Washington Square Park Conservancy (“WSPC”), whose mission will be to raise funds and organize volunteers in support of Washington Square Park; and have sought public comment and Community Board approval for their plan; and
2. Commissioner William Castro of the New York City Department of Parks and Recreation (“Parks”) confirmed that WSPC will have no formal agreement with Parks – neither License Agreement, Memorandum of Understanding, nor Contract – now or in the future, and that Parks will maintain its authority and operational jurisdiction over WSP; and
3. Funds raised by WSPC will be allocated for Washington Square Park expenses in a separate budget line and will not be used for Parks’ overall budget or mixed with the City general fund, and the City commitment to funding park operations will not be reduced as a result of the availability of private funds; and
4. For the sake of administrative efficiency, the Washington Square Park Administrator - a City employee whose salary is paid entirely by Parks now and in the future - will also serve as Executive Director of WSPC, but in all instances and at all times will be an employee of Parks and will represent foremost the interests and policies of Parks; and
5. Parks will maintain its authority in permitting activities in the park and will not generate revenue for WSPC through concessions, promotions, advertising, or corporate branding or activities that limit public access or commercialize the park; and
6. WSPC will not have a role in policy, planning or event creation, and all policies concerning the park will continue to be set by Parks with input from CB2; and

7. Public comment included concerns regarding process, transparency, control, and accountability, where noted and thusly addressed in this resolution; and
8. Additionally, public comment included concerns that, without private support, Parks would be unable to provide sufficient maintenance of the recent \$40 million renovation to the park, especially to trees, shrubs, lawns, and gardens; and
9. Washington Square Park serves as our community's "flagship" park and also as an important regional attraction, world-renowned landmark, and historic point of interest attracting hundreds of thousands of visitors annually; and
10. The special character of the park and its intense use creates a need for enhanced maintenance and security beyond what can be funded through the City's expense budget; and
11. Parks agreed, as recorded in the "Gerson-Quinn Letter" to Commissioner Adrian Benepe on October 6, 2005, that "In the event that a conservancy-type organization is established to raise funds for the park, the Parks Department will encourage this entity to include a representative of CB#2, Man. as well as the local Council Members as ex-officio members," and the representatives of WSPC have agreed to this stipulation as well;

THEREFORE, BE IT RESOLVED THAT CB#2, MAN.

1. Appreciates and endorses the effort of this group of private citizens to create an organization to build community stewardship of the park, raising additional funds for maintenance, plantings, horticultural activity, increased PEP presence, and organizing volunteers and the like;
2. Strongly encourages the WSPC to work with other established organizations - especially the Washington Square Association, the Friends of Washington Square Park, the Village Alliance, and others - for the benefit of the park and the community;
3. Encourages the WSPC, once it establishes itself, to support other smaller parks in the city that do not have equally dynamic fundraising abilities or infrastructure;
4. Insists that this organization incorporate into its by-laws the terms of the agreement represented in the "Gerson-Quinn Letter";
5. Insists that WSPC make public its budget and activities;
6. Insists that its by-laws include a stipulation that WSPC appear periodically (or at the request of either WSPC or CB2) before the Community Board to apprise the community of its plans and activities; and that the by-laws be submitted to the Community Board to verify compliance and be posted on its website; that
7. WSPC come before the Community Board and seek its approval and consent in the event of any changes in the above-noted agreements.

VOTE TO POSTPONE THIS RESOLUTION: Failed, with 18 Board members in favor, and 25 in opposition (D. Ballen, T. Bergman, A. Brandt, W. Bray, R. Caccappolo, L. Cannistraci, H. Campbell, D. Collins, C. Dawson, M. Derr, R. Ely, S. Greene, D. Gruber, J. Hamilton, S. Kent, J. Kiely, A. Kriemelman, E. Ma, F. Morellet, J. Paul, R. Sanz, M. Schott, A. Schwartz, S. Secunda, A. Wong.

See ensuing vote below.

Vote: Passed with 31 Board members in favor and 13 in opposition (Rakoff, Young, Hearn, Sweeney, Connor, Booth, Berger, Rothstein, Bordonaro, Greene, Diether, Goldberg, Dwyer).

SIDEWALKS/STREET ACTIVITIES

Renewal App. for revocable consent to operate an Unenclosed sidewalk cafe for:

1. Cevicheria Grove, Inc. d/b/a Mercadito Grove, 100 7th Ave. South (SW corner Grove St), with 19 tables & 44 seats DCA# 1202961

Block:591 Lot:10	Lot Frontage:86.5' Lot Depth:117.92	Year Built:1910(estimated)
Number of Buildings:1;	Number of Floors:3 Residential Units:6	Total # of Units:8 Zoning:C4-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for several years by this applicant with a couple known issues, and

Whereas, the applicant was cited by DCA on 8/25/12 for not providing 9’ clearance to the corner and for having extra chairs and tables, but has committed to ensuring the required clearances are maintained, and

Whereas, the applicant has been using an a-frame sign outside the café, but has committed to removing the sign or placing it flush against the café barrier as required,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Cevicheria Grove, Inc. d/b/a Mercadito Grove, 100 7th Ave. South (SW corner Grove St), with 19 tables & 44 seats DCA# 1202961**

CONDITIONAL UPON the conditions noted in Whereas 3 & 4 being consistently resolved

Vote: Unanimous, with 44 Board members in favor.

2. Buona Notte, Inc., 120 Mulberry Street (btw Canal St & Hester St), with 6 tables and 12 seats, DCA # 1135217

Block:205 Lot:11	Lot Frontage:25' Lot Depth:100.33	Year Built:1910(estimated)
Number of Buildings:1;	Number of Floors:5 Residential Units:8	Total # of Units:9 Zoning:C6-2G

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s representative, Michael Kelly, was present, and

Whereas, this café has been operated for several years by this applicant with few known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Buona Notte, Inc., 120 Mulberry Street (btw Canal St & Hester St), with 6 tables and 12 seats, DCA # 1135217**

Vote: Unanimous, with 44 Board members in favor.

3. BMT Operations, LLC d/b/a Betel, 49 Grove St. (btw Bleecker St & 7th Ave S), with 9 tables & 16 seats, DCA# 1347560

Block:591 Lot:40 Lot Frontage:73.33' Lot Depth:117.75 Year Built:1900(estimated)
Number of Buildings:1; Number of Floors:6 Residential Units:46 Total # of Units:56 Zoning:C1-6C4-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the new primary applicant, Christina Piechowski, was present, and

Whereas, this café has been operated for two years by this applicant, primarily through another partner, with consistent issues with the operation, and

Whereas, the applicant's restaurant was shuttered for two days in May 2013 by DCA for continuing issues with the sidewalk café, and

Whereas, the applicant stated that the original managing partner is no longer involved with day-to-day management and they are in negotiation to terminate that partner's involvement, and

Whereas, as the committee initially expected when the café was approved, the amount of seating is not practical and has actually never been used (at least properly) by the restaurant, and

Whereas, Ms. Piechowski agreed to provide a new plan to DCA reducing the seating to 7 tables & 14 seats, which is a more appropriate amount of seating for the 38' of available space, and

Whereas, the committee noted the use of several planters that are not on the approved plans, two of which are approximately 4' high with 8' high stands of bamboo, and these must be removed completely from the sidewalk;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **BMT Operations, LLC d/b/a Betel, 49 Grove St. (btw Bleecker St & 7th Ave S), with 9 tables & 16 seats, DCA# 1347560**

UNLESS the applicant:

- provides DCA with a new print showing the seating reduced to 7 tables & 14 seats
- removes all planters, signage and any other items not shown on the approved plans

Vote: Unanimous, with 44 Board members in favor.

4. Village Cantina Corp. d/b/a Bamboleo, 170 Bleecker St. (SW corner Sullivan St), with 2 tables & 4 seats, DCA #1313487

Block:526 Lot:64 Lot Frontage:46.75' Lot Depth:98 Year Built:1900(estimated)
Number of Buildings:2; Number of Floors:6 Residential Units:23 Total # of Units:25 Zoning:R7-2;
Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for several years by this applicant with few known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Village Cantina Corp. d/b/a Bamboleo, 170 Bleecker St. (SW corner Sullivan St), with 2 tables & 4 seats, DCA #1313487.**

Vote: Unanimous, with 44 Board members in favor.

Renewal App. for revocable consent to operate an Enclosed sidewalk cafe for:

5. Oliver King Enterprises, Inc. d/b/a Empire Szechuan Village, 173 7th Ave. South (NE corner Perry St), with 11 tables & 22 seats DCA# 1007220

Block:613 Lot:62 Lot Frontage:70.25' Lot Depth:45.58 Year Built:1915(estimated)
Number of Buildings:2; Number of Floors:2 Residential Units:0 Total # of Units:1 Zoning:C2-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for several years by this applicant with few known issues,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this RENEWAL application for revocable consent to operate an Unenclosed sidewalk café for **Oliver King Enterprises, Inc. d/b/a Empire Szechuan Village, 173 7th Ave. South (NE corner Perry St), with 11 tables & 22 seats DCA# 1007220.**

Vote: Unanimous, with 44 Board members in favor.

New App. for revocable consent to operate an Unenclosed sidewalk cafe for:

6. City Winery New York, LLC, City Winery, 155 Varick St. (SW corner Vandam St), with 11 tables & 22 seats, DCA# 1464516

Block:579 Lot:68 Lot Frontage:142.33' Lot Depth:86.83 Year Built:1910(estimated)
Number of Buildings:1; Number of Floors:2 Residential Units:0 Total # of Units:2 Zoning:M1-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's General Manager, David Richter, and architect, Chris Warnick, were present, and

Whereas, this café is proposed for a site with a sidewalk width of 20'0" which has no legal obstructions further limiting the size of the café, with a café depth of 8'9" and length of approximately 42', and

Whereas, all service to the café will take place via an existing ramp from the restaurant entrance near the south end of the café, and no service will take place from an emergency exit, which is just north of the café,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **City Winery New York, LLC, City Winery, 155 Varick St. (SW corner Vandam St), with 11 tables & 22 seats, DCA# 1464516.**

Vote: Unanimous, with 44 Board members in favor.

7. Whitehall NYC, LLC d/b/a Whitehall Bar + Kitchen, 19 Greenwich Ave. (btw Christopher St & W. 10th St), with 4 tables & 8 seats, DCA# 1464847

Block:610 Lot:54

Lot Frontage:25' Lot Depth:86

Year Built:1920(estimated)

Number of Buildings:1;

Number of Floors:5

Residential Units:12 Total # of Units:13

Zoning:C1-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, but neither the applicant nor a representative was present, and

Whereas, this café is proposed for a site with a sidewalk width of 18'0" that has no legal obstructions further limiting the depth of the cafe, with a café depth of 6'0" and length of 10'9 1/2", as the length is constrained by the required 3' clearance from a Siamese connection at the west end of the façade, and

Whereas, appearance before the Community Board is a critical part of the sidewalk café process, particularly in consideration of a new café license,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Whitehall NYC, LLC d/b/a Whitehall Bar + Kitchen, 19 Greenwich Ave. (btw Christopher St & W. 10th St), with 4 tables & 8 seats, DCA# 1464847**

Vote: Unanimous, with 44 Board members in favor.

8. G Chew, LLC, d/b/a Ciccio, 190 6th Avenue, with 6 tables & 12 seats, DCA# 1464338

Block:504 Lot:11

Lot Frontage:75' Lot Depth:100

Year Built:1900(estimated)

Number of Buildings:3;

Number of Floors:6 Residential Units:53

Total # of Units:59 Zoning:R7-2;

Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there was one community member present regarding this application, but neither the applicant nor a representative was present, and

Whereas, this café is proposed for a site with a sidewalk width of 14'10" as established by obstructions consisting of a tree-pit railing and a park bench, with a total café depth of 6'10", and

Whereas, one tenant in the building appeared in opposition to the café to state there were already issues with noise and cigarette smoke from the restaurant, even without a sidewalk café, and

Whereas, 2/3 of the seating is dependent on a service aisle that crosses directly in front of the front steps to the residential entrance, and

Whereas, the remainder of the seating is sited with the backs of two of the four seats directly next to the entrance steps down to the restaurant entrance which has no railing creating an unsafe, and almost definitely illegal, situation, and

Whereas, appearance before the Community Board is a critical part of the sidewalk café process, particularly in consideration of a new café license,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **G Chew, LLC, d/b/a Ciccio, 190 6th Avenue, with 6 tables & 12 seats, DCA# 1464338**

Vote: Unanimous, with 44 Board members in favor.

9. Jack's Coffee IV, 10 Downing Street, with 6 tables & 12 seats, DCA # 1466246

Block:527 Lot:27 Lot Frontage:157.67' Lot Depth:284.83 Year Built:1940(estimated)
Number of Buildings:1; Number of Floors:7 Residential Units:115 Total # of Units:125 Zoning:R7-2R6;
Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Jack Mazzola, was present, and

Whereas, this café is proposed for a site with a sidewalk width of 16'0" as established by an obstruction consisting of a tree-pit railing, with a café depth of 8' at the south end and 10' at the north, and

Whereas, the proposed seating includes 2 tables & 4 seats to the left of the entry door that are beyond the restaurant's frontage, and the applicant has committed to provide DCA with an updated print removing that seating, and

Whereas, the outer edge of the café cannot step out the additional 2' at the northern end of the café as this would use more than half of the 16' distance from the façade to the tree pit fence, and

Whereas, the committee suggested to the applicant that even with the reduction in depth to 8', further seating could be accommodated in the remaining area, but no decision was reached and the applicant will look at that option in drawing the modified plan submitted to DCA,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this NEW application for revocable consent to operate an Unenclosed sidewalk café for **Jack's Coffee IV, 10 Downing Street, with 6 tables & 12 seats, DCA # 1466246**

UNLESS the seating proposed for beyond the business frontage is removed as noted in Whereas 3, which unless the applicant adds seating in the remaining area, would reduce the seating to 4 tables & 8 seats

Vote: Unanimous, with 44 Board members in favor.

Applications for Street Activities Permits

Whereas, CB#2, Man. attempts to determine within its ability that each sponsor is a community-based, not-for-profit organization, association, or the like, which has an indigenous relationship to the specific street, community or both, and

Whereas, the areas were posted, community groups notified and the applicants were present regarding the first three applications below, the first two of which are new, single-block events, and

Whereas, the remaining items – noted as FYI – Renewals below – have been held for 3 or more years, and after the areas were posted, community groups notified and the items were published on the CB2 Calendar of Meetings, no members of the community requested a public hearing be held regarding them,

10. 6/29/13 WitchesFest USA, Astor Place bet. Broadway & Lafayette St. (new location)

Whereas, the committee was evenly split on whether this group has any "indigenous relationship" to Astor Place or the broader CB#2, Man. community,

THEREFORE the committee makes no recommendation on this street fair on **Astor Place bet. Broadway & Lafayette St.**, however the application was approved by the Full Board.

Vote: Unanimous, with 44 Board members in favor.

11. 8/3/13 Lt. Joseph Petrosino Lodge Picnic, 113 Baxter St. bet. Canal & Hester Sts. (new)

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **APPROVAL** of this street fair on **Baxter St. bet. Canal & Hester Sts.**

Vote: Unanimous, with 44 Board members in favor.

12. 10/3/13 NYU Wellness Expo, Washington Pl. bet. Washington Sq. East & Greene St.

Whereas, the committee continues to question why NYU is allowed to close neighborhood streets so often rather than use its own property,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **DENIAL** of this street fair on **Washington Pl. bet. Washington Sq. East & Greene St.**

Vote: Unanimous, with 43 Board members in favor.

(FYI)-Renewals:

13. 9/1/13 Cooper Union Fall Orientation, Cooper Sq. bet. E.5th & E.8th Sts.

14. 9/21/13 CVBA Block Party, Cornelia St. bet. Bleecker & W. 4th Sts.

Vote: Unanimous, with 44 Board members in favor.

SLA LICENSING

1. 98 Kenmare Restaurant Group, LLC, d/b/a Civetta Ristorante, 98 Kenmare aka 187-189 Mulberry St. 10012 – Renewal of OP

Whereas, the applicant did not appear before the committee but sent their legal representative; and,

Whereas, this is a renewal of a license that was placed into “safe keeping” and then recently removed from “safe keeping” after supposedly correcting violations which resulted in severe fines from the SLA for not actually running a full service restaurant as stated in their “method of operation”; and,

Whereas, CB#2, Man. requested the licensee come before our hearing committee on June 11th, 2013 to confirm CB2’s records regarding method of operation, floor plans, hours of operation, and legal occupancy, but their attorney did not consider it necessary to fill out the CB2 questionnaire and gave us no details on this operation other than to say it would be whatever was on the record before even though he did not have the information nor did he know what was on record; and,

Whereas, CB#2, Man. had previously approved the original application in February 2007 as a “white table cloth restaurant” with a “celebrity” chef which did not include the significant bar/lounge operation in the basement; and,

Whereas, CB#2’s February 2007 resolution which was submitted to the Liquor Authority is as follows:

2. 98 Kenmare Restaurant Group LC, 86-98 Kenmare St., NYC

WHEREAS, the applicant appeared before the committee; and,

WHEREAS, this application is for an On Premise license for a white table cloth restaurant, with an internationally known chef, in the location previously licensed as Nolita’s, and for decades before that as Patrissy’s, in a 3300 s.f. premise in a mixed use building, with the entrance on Kenmare Street between Cleveland Place and Mulberry Street, with 160 table seats, 2 bars with 24 seats, and a maximum legal capacity of 249 persons; and

WHEREAS, the applicant appeared before the committee in December with operating hours until 4 a.m. and a more lounge style seating arrangement on the basement floor; that application was denied by the committee and the Full Board of CB#2, Man.; the applicant has canvassed the area and changed the operating plan and application accordingly, hoping to fit in the neighborhood as a restaurant only, at a location that has been a restaurant for roughly 80 years; and

WHEREAS, the applicant stated the hours of operation would be 8:00 a.m. – 1:00 a.m. Sunday-Wednesday and 8:00 a.m. – 2:00 a.m. Thursday-Saturday; in light of community concerns, applicant stipulated to reduce the hours for the ground level floor to 12:00 a.m. on weekdays and 1:00 a.m. on weekends; there will be a sidewalk café application but not a backyard garden; music will be background only; applicant and chef are contracted to purchase two residential units in the building, with applicant to live there as primary residence; and

WHEREAS, two members of the community appeared in opposition, citing potential noise and overcrowding issues, as well as the close proximity of other similar licensed establishments; and

WHEREAS, the landlord, who appeared before the committee, agreed to stipulate that applicant’s lease reflect restaurant use only;

THEREFORE, BE IT RESOLVED that CB#2, Man. objects to the approval of an On Premise license to **Kenmare Restaurant Group LC, 187-189 Mulberry Street, NYC**, unless the conditions pertaining to hours of operations in the 4th “**WHEREAS**” above are incorporated in the Method of Operation on the SLA license application.

Vote: Passed, with 27 Board members in favor, 7 in opposition, and 2 abstentions.

Whereas, subsequent to the original application to the February 2007 resolution the committee and the Full Board has previously recommended denial of a number of applications on this residential block and in the immediate area with proposed late night operations because of license density and the simple issue

that there are a number of establishments in the area with such types of operations such as this which have had a “method of operation” drift from restaurant to bar/lounge use which contribute significantly to quality of life and traffic issues; and,

Whereas, the committee has strong concerns with this large establishment operating a restaurant **and** basement lounge in a tenement building who did not originally present this concept; and,

Whereas, this operator apparently purchased the existing LLC from a previous owner who appeared in February 2007 at which time the entire space was presented as a full service restaurant and then operated a bar/lounge in the basement without seeking any consideration from members of the community or CB#2, Man.; and,

Whereas, the original application in February 2007 was for an On Premise license for a 3,300 s.f. **restaurant** located in a mixed use building on Kenmare at Cleveland Place, with 167 table seats and 2 bars with 16/8 seats; and a maximum legal capacity of 249 persons; and,

Whereas, the hours of operation were 8:00 a.m. – 1:00 a.m. from Sunday – Wednesday and 8:00 a.m. - 2:00 a.m. from Thursday – Saturday; and,

Whereas, in January 2010 the existing Licensee applied for an alteration of the current hours to be able to close at 4:00 a.m. 7 days a week for which CB#2, Manhattan recommended denial, but was approved by the SLA, but the proposed application at the time to CB2 made no indication of any changes to any other aspects including “method of operation” or the subsequent use of a significant portion of the premises (the basement) for bar/lounge use; and,

Whereas, at the time of the proposed alteration of hours to 4 a.m. closing in January 2010, which was controversial, the applicant agreed to the following stipulations irrespective of CB2’s recommendation:

1. The applicant has agreed to close French doors and window facing the street at all times.
2. The applicant has agreed to provide menu and food items available up to 1 hr prior to closing.
3. The applicant has agreed to prohibit the use of third party promoters.
4. The applicant has agreed to revert to its original operating hours in the event the existing LLC is transferred, sold, modified or dissolved; and,

Whereas, a the existing LLC has recently been modified by adding an additional principle; and,

Whereas, since February 2007 the “trade name” has changed at least 3 times with no notification to the Liquor Authority (From Civetta to Kenmare to Maisono) and the method of operation has appeared to have changed several times in style of food service to no food service and there has never been an alteration presented to CB2 to include a basement lounge, in fact there have been no alterations presented to CB2 with the exception of changing the hours of operation, which is why CB2 requested that the Licensee appear at this renewal to explain the current application; and,

Whereas, the Licensee’s attorney basically told CB2’s SLA Committee on June 11th, 2013 that the SLA approved taking the license out of safe keeping and without any input from CB#2, Man. approved of the previous method of operation including a significant bar/lounge operation over a large portion of the premises, and that the community board was not needed in this process nor was CB2’s input relevant and that the Licensee did not need to come before us on this renewal and as such was advised by the attorney

not to appear which was taken as an offensive slap to the volunteers that work hard on this committee and to members of the community who rely on good faith communications with Licensees in an attempt to mitigate as many issues as possible through good faith discussions and efforts; and,

Whereas, CB2's SLA Committee does not feel that this is a renewal because we do not believe that the method of operation is consistent with the original application and as such the renewal should not be approved and instead an alteration application should be submitted prior to renewal; and,

Whereas, many community members / neighbors appeared before this hearing and are concerned that there was NO outreach to inform anyone on the reopening at this location and since they have re-opened this establishment within the last week prior to this meeting there are already complaints about lack of managing their patrons, venting issues, traffic issues and quality of life issues which CB2 is surprised that the Licensee is not willing to appear and address if in fact they feel that there "method of operation" is in keeping with what is currently on file with the Liquor Authority; and,

Whereas, an eye witness viewed the installation of a D.J. booth into their basement bar/lounge area prior to this hearing (June 11th, 2013) which would clearly be a violation of their **original agreement in their method of operation** (February 2007) as stated by their lawyer, which was to be background music only; and this would seem to be the beginning signs that these operators are still disregarding promises to the community and to the Liquor; and,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal of the On Premise license for **98 Kenmare Restaurant Group, LLC, d/b/a Civetta Ristorante, 98 Kenmare aka 187-189 Mulberry St. 10012;**

THEREFORE BE IT FURTHER RESOLVED, that CB#2, Man. requests that this renewal application be placed on a future calendar of the Full Board of the Liquor Authority prior to renewal so that the Commissioners of the Liquor Authority can review this item directly; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. recommends that the Liquor Authority review the "method of operation" on file for this Licensee and consider asking this applicant to actually appear before CB#2, Man. prior to renewal with an alteration application to reflect their actual current method of operation and hours of operation along with a completed CB2 Liquor License questionnaire.

Vote: Unanimous, with 44 Board members in favor.

2. NY Tacumi, Inc. d/b/a Ramen Takumi, 1 University Place, 10003 - New Beer and Wine

Whereas, the principals appeared before the committee; and,

Whereas, this application is for a Beer and Wine license in a mixed-use building located on the corner of University Place and Washington Square North (Block #548/lot #0001), with a 1,300 sq. ft. premise with 16 tables and 64 seats and 1 bar with 10 seats and the maximum occupancy is 74 people, there is no sidewalk café and no backyard garden; and,

Whereas, the applicant states that the hours of operation will continue to be Sunday through Saturday 11:00 a.m. – 11:00 p.m.; the establishment is a Japanese Noodle restaurant, there will be quiet background music only, there will be no scheduled performances or events with a cover charge, private parties or

promoted events but will have 2 TV's to show food menu on one and TV programming on the other with no or low sound; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are from 11:00 a.m. to 11:00 p.m. 7 days a week.
2. Will operate a full service restaurant only.
3. Will close all doors and windows at 9 p.m. every night.
4. Will not have D.J.'s, live music, promoted events, events with a cover charge or performances.
5. Will have background music only.
6. There will be no patron use of the basement and will be for storage only.
7. Will not have sandwich board advertisement on the sidewalk.
8. Will not have karaoke.

Whereas, there were no community members in opposition to this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to a new Beer and Wine license for **NY Tacumi, Inc. d/b/a Ramen Takumi, 1 University Place, 10003** **unless** those conditions and stipulations agreed to by the applicant relating to 4th "whereas" clause above are incorporated into the "Method of Operation" on the SLA license.

Vote: Unanimous, with 44 Board members in favor.

3. Adam Rosatti on behalf of entity d/b/a Burgerfi, 704 Broadway – New Beer and Wine

Whereas, the applicant appeared before the committee for a second time; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building, located on Broadway between East 4th Street and Washington Place (Block #545/lot#7502), for a 8,891 sq. ft. premise, there would be 32 tables 130 seats and no bar, and a maximum occupancy of 110 between the ground floor and mezzanine but will be proposing a new maximum occupancy of 195; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation would be Sunday to Wednesday from 9:00 a.m. to 1:00 a.m. and Thursday to Saturday from 9:00 a.m. to 2:00 a.m.; music will be background only, there is no d.j., there will be no scheduled performances or events with a cover charge; and,

Whereas, CB#2, Man.'s SLA committee previously requested that the applicant lay over this application in order to fully complete and execute a community agreement with local residents which was presented by both the Applicant's Attorney and an attorney retained by Community Members as almost complete; and,

Whereas, the residents of the building established a list of stipulations presented by their attorney to the applicant reflecting oral agreements that were made between them at the previous presentation of this application that the applicant chose not to agree to or sign claiming that the wording was too restrictive and that they agreed to most of the stipulation but that the attorney for the residents was unwilling to compromise; and,

Whereas, there were 20 letters from residents of the building and neighbors presented in opposition and 10 community members/ residents that spoke in opposition stating concerns for their school age children and health problems caused by 2nd hand smoke and the noise pollution from patrons which will cause interrupted sleep for the entire family, traffic concerns and quality of life concerns among others; and,

Whereas, the residents of the building were opposed to a 9:00 a.m. opening and had requested an 11:00 a.m. opening instead; and,

Whereas, there was one person who spoke in support of the application who was the landlord for the commercial condo retail space;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the Beer and Wine license for **Adam Rosatti on behalf of entity d/b/a Burgerfi, 704 Broadway;** and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. respectfully requests that this item be placed on the calendar at a future Full Board meeting of the Liquor Authority in order for the Commissioners to review this matter and make a final determination; and,

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. is very concerned with any license going into such a large, 8,891 sq. ft. location with so many family residents living above and around the location and would respectfully ask that the SLA consider the following stipulations which are not out of line with what other similar establishments in CB2 have agreed to if the SLA does grant this license as requested by community members and which are as follows (from an agreement proposed by community members to the applicant):

1. **License Application.** Burger FI New York (BFNY) agrees to downgrade its license application from a full liquor license to a restaurant wine and beer license.

2. **Method of Operation.** BFNY agrees to the following terms and conditions regarding its method of operation:

Hours of Operation - Opening hours shall be 11 a.m. seven days per week. Closing hours shall be on or before 11 p.m. on Sunday and Monday; on or before midnight on Tuesday and Wednesday; and on or before 1 a.m. on Thursday, Friday and Saturday.

Music- BFNY shall not permit DJs or live music in the Premises. Music shall be background music only and shall be played at a level that will be determined by an independent acoustics expert to be reasonable and not disturbing to the peace, comfort or repose of the residents above.

Televisions – The number of televisions on the Premises will be limited to two. The size of each of the televisions will be limited to 42 inches. The televisions shall be played on mute or a level that will be determined by an independent acoustics expert to be reasonable and not disturbing to the peace, comfort or repose of the residents above.

Doors and Windows - To minimize sound escaping from the interior of the premises, all exterior doors and windows on the Premises shall not be left open. If any windows are to be added or replaced, they are to be added or replaced with non-operable windows. If any doors are to be added or replaced, they are to be added or replaced with doors that are solid enough so as to limit sound from escaping from the interior of the premises.

Outdoor Sound: BFNY shall not operate any outdoor speakers or sound amplification and shall not deliberately direct any sound outside of the premises.

General Business Operations- The premises shall be operated as restaurant and will maintain a full working kitchen on premises serving a full menu until closing. BFNY will not operate the premises as nightclub, bar, sports bar, lounge and will not have bouncers, DJs, live amplified music, outside promoters or allow promoted third party events. BFNY shall not offer any discounted or drink specials. All alcohol shall be sold at full price at all times.

Prohibited Uses- No dancing shall be permitted. BFNY shall not apply for a cabaret license. BFNY shall not establish any outdoor service or outdoor seating (including benches) or seek to obtain permission for any outdoor service or outdoor seating, including, but not limited to, any unenclosed sidewalk café permit. BFNY shall not attempt to steer the public from the sidewalk into the premises and shall not distribute any fliers on the sidewalk or street.

Sanitation—BFNY shall not store garbage or garbage dumpsters outside of the premises. BFNY shall schedule daily garbage pickup during reasonable hours so as not to disturb the residents above. BFNY shall not place refuse at the curb. Any garbage that is stored on the Premises in advance of the daily garbage pick-up must be contained in an area that is maintained and protected against vermin. BFNY shall take immediate steps to call in a licensed exterminator in the event of any infestation of rodents or insects. BFNY will actively engage to keep the sidewalks in front of the Premises free of debris and waste.

Signage and Exterior Lighting – BFNY shall not install any banners or flags on the façade. No signage which emits light shall be permitted. Lights may be mounted to illuminate any signage provided that the lighting is directed downward at the façade of the establishment and not outward or upward so as to disturb the residents above. Signage and exterior lighting shall comply with Landmark and other local zoning requirements.

HVAC and Kitchen Venting Systems—All HVAC and Kitchen Venting Systems shall be code compliant and installed by licensed, insured contractors. All plans and specifications for these systems shall be subject to the prior written approval of the Condominium Association. Upon the commencement of operations, BFNY shall insure that smells shown to be emanating from the premises do not disturb the residents above and will maintain documentation to demonstrate that the equipment is being maintained and/or serviced in accordance with the manufacturer’s recommended maintenance and repair program . Upon request, BFNY shall implement whatever measures necessary to abate any extant odor issues emanating from the operation of the premises.

Soundproofing—BFNY shall install soundproofing for both the interior of the premises and for its internal and external mechanical equipment, including HVAC and Kitchen Venting Systems. All plans and specifications for soundproofing shall be subject to the prior approval of the Condominium Association, which approval shall not be unreasonably withheld or delayed. Upon the commencement of operations, BFNY shall insure that sounds and noise shown to be emanating from the premises do not disturb the residents above. Upon request, BFNY shall implement whatever measures necessary to abate any sound and noise issues emanating from the operation of the premises.

Patron Control—BFNY will provide staff with supervisory authority on premises during all hours of business. BFNY will designate staff to monitor the sidewalk to discourage patrons and others from loitering in front of the premises during business hours, particularly at closing time.

Basement – The Premise’s basement shall not be used to seat or serve patrons.

Capacity – BFNY shall ensure that the capacity of the Premises, including patrons and staff, will not exceed 110, which is the capacity permitted by the current Certificate of Occupancy.

Freight Elevator – Deliveries shall be made through the front door of the Premises and taken down to the basement through the stairway. In accordance with the standard practice of the condominium, the freight elevator shall only be used for large, heavy items. The freight elevator is only available for use during weekdays and on at least 24-hour advance notice to the superintendent/operator of the elevator. Unauthorized persons may not operate the freight elevator.

Liability – The Condominium Association shall be added as an additional insured party on BFNY’s liability insurance policy.

3. **Relations with Condominium Association.** BFNY will provide a telephone number of the local BFNY manager and/or representative who works at the Premises and has supervisory authority of the Premises for building residents to contact during hours of operation to quickly resolve any immediate problems. BFNY representatives shall meet with representatives from the Condominium board upon reasonable request to discuss and resolve any on-going issues.

4. **Binding Stipulation.** BFNY agrees that this Agreement shall be attached as a binding stipulation to BFNY’s license application to the Authority and to any license issued there from. The stipulation shall be considered a material representation as to the manner in which it will operate its establishment.

5. **Withdrawal of Opposition.** In consideration of BFNY’s agreement to abide by the terms and conditions embodied in this Agreement, the Condominium Association agrees to withdraw any opposition to the grant of the RW license to BFNY. The Condominium Association, however, reserves the right to file a complaint with the Authority and/or to seek court relief in the event of a future breach by BFNY of this Agreement.

6. **Corporate Successor.** In the event that the Condominium Association incorporates itself under the same or similar name, such entity shall be considered to be a successor to the Condominium Association under this Agreement with the same rights, privileges and obligations. BFNY shall not seek to transfer its wine and beer license to new principals without prior written notification to the Condominium Association and a written commitment on the part of the new principals to fully comply with the stipulations contained herein and the conditions attached the license.

7. **Entire Agreement.** This Agreement contains the entire understanding and agreement of the parties concerning the operation of the Premises, and supersedes all prior oral and written understandings and agreements.

8. **Amendment.** This Agreement may be modified or amended only by a written instrument signed by BFNY and the Condominium Association.

9. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

Vote: Unanimous, with 44 Board members in favor.

4A. No Moore Oysters & Maritime, LLC, d/b/a Smith & Mills, 137 Sullivan St. 10012 – Beer and Wine Transfer

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the transfer of a Beer and Wine license (#1217142) in a mixed-use building, located on Sullivan Street between Prince and Houston (Block #517 / lot #3), for a 1,165 sq. ft premise (765 sq. ft. on ground floor and 400 sq. ft. in the basement) with 18 tables and 48 seats and 1 bar with 10 seats and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Wednesday from 11:30 a.m. to 1:00 a.m. and Thursday to Saturday from 11:30 a.m. to 2:00 a.m.; music will be background only, there will be no scheduled performances or events with a cover charge, no live music and no DJ's, no outside promoters and no use of any televisions; and,

Whereas, the applicant submitted a petition with 20 signatures in support but the petition does not mention the hours of operation; and,

Whereas, the applicant agreed to the following stipulations:

1. Will not operate as a nightclub.
2. Will close all doors and windows no later than 9:00 p.m. everyday.
3. The hours of operation will be Sunday to Wednesday from 11:30 a.m. to 1:00 a.m. and Thursday to Saturday from 11:30 a.m. to 2:00 a.m., at closing time no patrons will remain in the premises without exception.
4. Music will be background only, there will be no scheduled performances or events with a cover charge, no outside promoters. no live music and no DJ's.
5. Will not have any TV's.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** to the transfer of a Beer and Wine license for **No Moore Oysters & Maritime, LLC, d/b/a Smith & Mills, 137 Sullivan St. 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 5th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

A SUBSTITUTE RESOLUTION WAS SUBMITTED AT THE FULL BOARD. PLEASE SEE BELOW.

4B. No Moore Oysters & Maritime, LLC, d/b/a Smith & Mills, 137 Sullivan St. 10012 – Beer and Wine Transfer

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for the transfer of a Restaurant Beer and Wine license (#1217142) in a mixed-use building, located on Sullivan Street between Prince and Houston (Block #517/lot #3), for a 1,165 sq. ft. premise (765 sq. ft. on ground floor and 400 sq. ft. in the basement) with 18 tables and 48 seats and 1 bar with 10 seats and a maximum occupancy of 74; there is no sidewalk café and no backyard use; and,

Whereas, the hours of operation will be Sunday to Wednesday from 11:30 a.m. to 1:00 a.m. and Thursday to Saturday from 11:30 a.m. to 2:00 a.m.; music will be background only, there will be no scheduled performances or events with a cover charge, no live music and no DJ's, no outside promoters and no use of any televisions; and,

Whereas, the applicant submitted a petition with 20 signatures in support but the petition does not mention the hours of operation; and,

Whereas, the applicant agreed to the following stipulations:

1. Will not operate as a nightclub.
2. Will close all doors and windows no later than 9:00 p.m. everyday.
3. The hours of operation will be Sunday to Wednesday from 11:30 a.m. to 1:00 a.m. and Thursday to Saturday from 11:30 a.m. to 2:00 a.m., at closing time no patrons will remain in the premises without exception.
4. Music will be background only, there will be no scheduled performances or events with a cover charge, no outside promoters. no live music and no DJ's.
5. Will not have any TV's.

Whereas, there was significant concern from CB#2, Man. that while this is a "transfer" application and there were no stipulations in place with the prior operation, the new operation will be substantively different, namely that the method of operation was for that of a neighborhood French restaurant serving fine French Cuisine at this location for over 20 years with advertised hours of operation 5:30 pm to 11 pm daily and the location will now be an oyster bar with beer and wine service with much later hours of operation than the previous operations in this residential area; and,

Whereas, the issuance of a temporary license and subsequent new license is contrary to the spirit of a transfer license in that the operation will not be recognizable to the past operation and that the hours of operation are significantly different and therefore this should in fact be filed as a brand new license and no temporary license should be issued, and,

Whereas, while CB#2, Man. understands that the Principals in this transfer application are involved in some other licensed premises that do not have adverse histories, the dramatic change in hours over the previous/existing licensee at this location is of significant concern given the past operating history of one of the Principals in this "transfer" in regards to the Beatrice Inn (SN#1179615), which was located within CB#2, Man. in a highly residential neighborhood which had a documented history of creating significant quality of life violations among other issues and that the operation that was presented original to CB#2, Man. for that license did not reflect the actual operation of the premise (operating contrary to their presented method of operation) and there is concern here at this location on Sullivan Street which is also a highly residential neighborhood given the potential for significant quality of life issues in conjunction with the hours of operation and that the applicants for this transfer application were not forthcoming in their community outreach as to their hours of operation;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the "transfer" of a Restaurant Beer and Wine license for **No Moore Oysters & Maritime, LLC, d/b/a Smith & Mills, 137 Sullivan St. 10012; and**

THEREFORE BE IT FURTHER RESOLVED that CB#2 Man. respectfully requests that should the Liquor Authority consider granting this license as a new license or as a transfer license that the Stipulations outlined in the “5th Whereas” clause above be incorporated into the new license and that the Liquor Authority consider adding an additional stipulation that the closing hours be limited to 12 am (midnight) 7 days a week for the reasons outlined above.

Vote: Unanimous, with 44 Board members in favor.

5. Mamigia, Inc., 173 Mott St. 10013 - New Beer and Wine

Whereas, the applicant appeared before the committee for a new restaurant wine license; and,

Whereas, this application is for an Italian owned, family style Caffè with an unpretentious setting, the cooking is earthy, and the welcome is genuine; and,

Whereas, this application is for a new Beer and Wine license in a mixed-use building located on Mott Street between Grand and Broome Street (Block #471/lot #43), for a 1,150 sq. ft. premise (1000 sq. ft. on the ground floor and 150 sq. ft. in the basement for accessory use only – basement access will be through a non-exclusive shared stairwell) with 17 tables with 34 seats and 1 bar with 3 seats; the maximum occupancy is 74 people, there will be no sidewalk café and no backyard use; and,

Whereas, the hours of operation for the restaurant are Sunday to Wednesday from 11:00 a.m. to 11:00 p.m. and Thursday to Saturday from 11:00 a.m. to 12:00 a.m.; music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), no DJ’s, there will be no outside promoters, no velvet ropes, no movable barriers and there will be no TV’s; and,

Whereas, the principle in this operation is a principle of several other operations including one within CB#2, Man. which operates very similarly to the proposed operation for this location with no complaints; and

Whereas, this premises is located in a corner building and there is the Most Holy Crucifix Church at 378 Broome Street which is within 200 ft. of this location so the operators may not be able to upgrade at any time to a full On Premise license; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are Sunday to Wednesday from 11:00 a.m. to 11:00 p.m. and Thursday to Saturday from 11:00 a.m. to 12:00 a.m.
2. Will operate as a full service restaurant.
3. All Doors and Windows will be closed by 10:00 p.m.
4. Music will be background only.
5. There will be no DJ’s, no outside promoters, no velvet ropes, no movable barriers and no TV’s.
6. There will be no sidewalk café.
7. There will be no seating in the street front windows.
8. There will be no patrons in the basement.

Whereas, there were 2 community members in support of this application and no one opposed;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the New Beer and Wine license for **Mamigia, Inc., 173 Mott St. 10013** **unless** those conditions and stipulations agreed to by the applicant relating to 6th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Unanimous, with 44 Board members in favor.

6. Laduree SoHo, LLC, TBD, 396-398 West Broadway 10012 – New OP

Whereas, the applicant appeared before the committee for a second time to present the concept of a restaurant, tea salon and Patisserie and Chocolatier similar to their operations in Paris; and,

Whereas, this application is for a new On Premise license in a mixed-use building, located on West Broadway between Broome and Spring Street (Block #488/lot #23 and Lot#12), for a 6,500 sq. ft. premise (3,000 sq. ft. on ground floor and 3,500 sq. ft. in Basement) with 40 tables and 110 seats inside and 95 additional seats in the backyard and 1 service bar inside and 1 standup bar in the backyard; a maximum occupancy of 120 with a proposed occupancy of 205 to include backyard; there is no sidewalk café use; and,

Whereas, the hours of operation for the inside will be Sunday through Thursday from 7:30 a.m. – 12:00 a.m. and Friday and Saturday from 7:30 a.m. to 1:00 a.m. and the hours of operation for the backyard will be Monday through Thursday from 7:30 a.m. to 11:00 p.m. and Friday and Saturday from 7:30 a.m. to 12:00 a.m. music will be background only, there will be no DJ or live music, no scheduled performances and no outside promoters but will have private parties; and,

Whereas, the applicant agreed to the following stipulations:

1. Hours of operation are for the inside will be Sunday through Thursday from 7:30 a.m. – 12:00 a.m. and Friday and Saturday from 7:30 a.m. to 1:00 a.m. and the hours of operation for the backyard will be Monday through Thursday from 7:30 a.m. to 11:00 p.m. and Friday and Saturday from 7:30 a.m. to 12:00 a.m.
2. Will close all doors and windows no later than 10:00 p.m.
3. Will have background music only.
4. Will close backyard no later than 11:00 p.m. while entertaining Private Parties.
5. There will be no DJ or live music, no scheduled performances and no outside promoters.
6. There will be no TV’s inside.
7. Will not permit smoking in backyard space.
8. There will not be a sidewalk café.

Whereas, one CB2 Board member attended the hearing and acknowledged that there was a meeting between the operator and possibly 15 neighborhood residents to discuss closing hours and noise mitigation; and,

Whereas, no one from the community appeared at the hearing and opposed this application;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** to the New On Premise license for **Laduree SoHo, LLC, TBD, 396-398 West Broadway 10012** **unless** those conditions and stipulations agreed to by the applicant relating to 4th “whereas” clause above are incorporated into the “Method of Operation” on the SLA license.

Vote: Passed, with 43 Board members in favor, and 1 in opposition (D. Diether).

7. South Village Hospitality Group, LLC d/b/a Carroll Place, 157 Bleecker St 10014 – Cabaret

Whereas, the applicant appeared before the committee; and,

Whereas, this application is for a Cabaret License for a full service Bistro/Club in a mixed use building for a 5,500 sq ft premise (2,200 sq ft ground floor and Basement and 1,100 sq ft mezzanine) on Bleecker Street between Thompson and Sullivan Street (block # 539 / lot # 36), there will be no sidewalk café and no use of a backyard garden, there will be 54 tables and 140 seats and 1 bar with 20 seats for a total of 170 seats with a proposed occupancy of 180 or less and the maximum occupancy for the premise will be 180; and,

Whereas, the applicant indicated that the hours of operation would be Sunday to Wednesday from 11:00 a.m. to 2:00 a.m. and Thursday to Saturday from 11:00 a.m. to 4:00 a.m.; and,

Whereas, CB2 has established stipulations which this operator agreed to and should still be active regardless of the change to an additional Cabaret License which are the following:

- The establishment will close at 2:00 a.m. Sunday through Wednesday nights.
- The establishment will close at 4:00 a.m. Thursday through Saturday nights.
- The kitchen will be open until 2:00 a.m. all nights of the week.
- All doors and windows will be closed by 10:00 p.m. every night of the week.
- All doors and windows will be closed when any sporting event is being played on televisions in the establishment.
- All doors and windows will be closed when any live music is being played in the establishment.
- A professional sound test using a decibel meter will be conducted across Bleecker street from the establishment to determine the level at which background music can be played without exceeding New York City noise code decibel limits. A limiter and compressor and any other means necessary will be installed in the establishment's sound system to prevent background music from ever exceeding this level.
- Sound system controls will be locked, with access limited to owners and managers who agree to abide by all New York City noise codes, the levels set by the results of the sound test described above. Sound levels will be regularly tested with decibel meters to ensure compliance, and records of those tests will be kept.
- Only four televisions, no larger than 42 inches, will be installed in the establishment: two on first floor behind the bar and two on the mezzanine.
- Televisions will never operate with sound, and no speakers will ever be connected to those televisions.
- No line for any event in venue will ever be formed on sidewalks or any part of Bleecker Street or any other street in the BAMRA area. All such lines will be formed within the establishment.
- All ventilation, exhaust and air conditioning systems will meet or exceed New York City codes.
- No neon will be used for signage; and if any of the lighting used for signage is too bright in any resident's dwelling, that lighting will be dimmed.
- No owner, manager or any other employee of the establishment will allow the establishment to participate in or host any "pub/bar crawl" or any similar bar-to-bar, organized drinking event.

- The establishment will have no live act end later than 11:00 p.m. on Wednesday.
- The establishment will have no live act end later than 12:00 a.m. on Thursday.
- The establishment will have no live acts ending later than 2:00 a.m. on Friday and Saturday nights.
- The establishment will have small jazz groups on occasion during brunches and dinners as background music only, and playing only at background volume levels.
- The establishment will employ one person as security on Wednesday and Thursday nights and two people for security on Friday and Saturday nights.
- Insulated glass will be installed in all storefront windows.
- The establishment will install a dropped ceiling or isolation hangers with effective soundproofing material in the ceiling cavity.
- All speakers in the establishment will be “directional speakers” (i.e., speakers specifically built to prevent sound leaking out of the back of the speaker), will hang no higher than three-quarters of the distance from the floor to ceiling and will be installed on isolation brackets
- There will be a holding area or vestibule inside the establishment to contain overflow so to keep the lines off the sidewalks.
- Staff will leave after closing and not loiter in front of the building.

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to the approval of a Cabaret License to **South Village Hospitality Group, LLC d/b/a Carroll Place, 157 Bleecker St. 10012.**

Vote: Unanimous, with 44 Board members in favor.

8. ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill, 184 Bleecker St. 10012

Whereas, after this month’s CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant’s attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a Corporate Change;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Corporate Change for **ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill, 184 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 44 Board members in favor.

9. 31 Great Jones Restaurant Corp. d/b/a Five Points, 31 Great Jones St. 10012

Whereas, prior to this month’s CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant’s attorney requested to lay over the application from consideration; and,

Whereas, this application is for a Corporate Change;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed Corporate Change for **31 Great Jones Restaurant Corp. d/b/a Five Points, 31 Great Jones St. 10012** until the applicant has presented their application in front of CB2’s SLA Licensing Committee

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

Vote: Unanimous, with 44 Board members in favor.

10. James Hudolfston or Entity to be formed, 173 Mott St. 10013

Whereas, prior to this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to withdrawn the application from consideration; and,

Whereas, this application is for a new On Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny the proposed On Premise license for **James Hudolfston or Entity to be formed, 173 Mott St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

11. Rockin Raw, LLC, 171 Sullivan St. 10012

Whereas, prior to this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to lay over the application from consideration; and,

Whereas, this application is for a new Beer and Wine license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine license for **Rockin Raw, LLC, 171 Sullivan 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 44 Board members in favor.

12. RV Partners, 190 Bleecker St. 10012

Whereas, during this month's CB2, Man. SLA Licensing Committee meeting on June 11th, 2013, the committee requested that the applicant layover the application from consideration until the operator could return to New York City and meet with the committee; and,

Whereas, this application is for a new Beer and Wine;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed Beer and Wine for **RV Partners, 190 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 44 Board members in favor.

13. Manhattan Maharaja, TBD, 138 W. Houston St. 10012

Whereas, prior to this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Manhattan Maharaja, TBD, 138 W. Houston 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 44 Board members in favor.

14. Michael Orecchio d/b/a Baby Grand, 161 Lafayette St. 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **Michael Orecchio d/b/a Baby Grand, 161 Lafayette St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

15. The Juke Group, LLC, 170 Mott St. 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any proposed On Premise license to **The Juke Group, LLC, 170 Mott St. 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

16. Mafray Corp., 45 W. 8th St. 10011

Whereas, at this month's CB2 SLA Licensing Committee meeting on June 11th, 2013, the committee requested to layover the application from consideration until further community outreach had been done; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **Mafray Corp., 45 W. 8th St. 10011** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

17. Pacific 4, LLC, d/b/a The Broome, 431 Broome St., 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the committee requested to layover the application from consideration until further community outreach had been done; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **Pacific 4, LLC, d/b/a The Broome, 431 Broome St., 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

18. WeWork Retail, LLC, d/b/a/ TBD, 154 Grand St., 10013

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **WeWork Retail, LLC, d/b/a/ TBD, 154 Grand St., 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

19. 199 Prince Chod, LLC, TBD 199 Prince St., 10012

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to withdraw the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **199 Prince Chod, LLC, TBD 199 Prince 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 44 Board members in favor.

20. WeWork 175 Varick, LLC, d/b/a TBD, 175 Varick St., 10014

Whereas, at this month's CB#2, Man. SLA Licensing Committee meeting on June 11th, 2013, the applicant's attorney requested to layover the application from consideration; and,

Whereas, this application is for a new On-Premise license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any proposed On Premise license to **WeWork 175 Varick, LLC, d/b/a TBD, 175 Varick 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 44 Board members in favor.

21. Automatic Slim's Inc., 131 Bank St. AKA 733 Washington St., 10014 (OP Renewal – SN1025457)

Whereas, the licensee was requested to appear before CB2's SLA licensing committee at the request of the committee; and,

Whereas, Automatic Slims Inc., DBA Automatic Slims was originally licensed in 1986 at this location; and,

Whereas, the principal appeared before the committee and completed CB2's SLA Licensing Questionnaire which indicated that the establishment is a "neighborhood bar/restaurant" located on the corner of Bank St. and Washington St. in a 1,500 sq ft premise (1,100 sq ft ground floor and 400 sq ft. basement – accessory use only) in a mixed use commercial/residential building with 8 tables and 24 seats and 1 bar with 15 seats for a total of 40 seats, there is no sidewalk café or outdoor seating, the maximum occupancy is less than 75; and,

Whereas, the current method of operation includes operating hours of Sunday from 1 p.m. to 11 p.m., Tuesday to Wednesday from 5:30 p.m. to 2 a.m., Thursday from 5:30 p.m. to 3 a.m. and Friday to Saturday from 5:30 p.m. to 4 a.m., there is 1 t.v., music is from ipod/cd's at entertainment level, there is no d.j., there is existing sound proofing, there are occasional private parties; and,

Whereas, residential neighbors submitted a petition against renewing the license with 32 signatures from the immediate area and 5 residents appeared, including those who live in the same building and those who directly abut the premise and lodged complaints about the licensed premise, including loud music audible both in apartments above the establishment and in adjoining residential buildings (specifically bass level music and an independent professional sound engineer was hired by one resident who stated noise levels were above NYC regulations but test results were not available at the meeting), loud and unruly patrons in front of the premises specifically Thursday-Saturday evenings between 10 p.m. and 4 a.m., allegations of over-serving patrons, traffic conditions resulting from taxi's stopping in front of and waiting in front of the premises causing traffic issues, and similar quality of life issues that had been ongoing for many years; and,

Whereas, there was lengthy testimony from those opposed to the renewal of the license who asked that the principal agree to certain stipulations in order to mitigate sound and unruly crowds in front of the premises; and,

Whereas, the principle presented a petition with 79 signatures in support and several others appeared in support but did not speak and the principle of the establishment outlined steps that he has undertaken over the last several years to mitigate sound and explained that he currently employed 2 licensed security guards on the weekends, one inside the establishment and one checking id's, sound mitigation has included adding sound proofing materials and reduction in the number of speakers as well as having a sound meter on premises, but no sound limiters were installed, and the principle stated just in the last few weeks the regular sound volume had been reduced and that he has added a dedicated cellular phone for residential neighbors to call with complaints but conceded that it was up to employees to hear the phone and answer it and he also stated that he was not at the premises on Thursday to Saturday nights when the majority of complaints have been made ; and,

Whereas, the applicant conceded that there was room for some improvement and was willing to accommodate residents requests for improved efforts; and,

Whereas, the principle agreed to execute a stipulations agreement with CB#2, Man. that he agreed would be attached and incorporated in to the existing method of operation on the existing SLA license going forth from the current renewal date stating that:

1. The Licensee will retain Acoustilog, Inc. or comparable audio professional to return to establishment and calibrate existing sound equipment and/or install new sound attenuation devices in music system and calibrate them to ensure 100% compliance at all times with NYC Noise Code both outside the premises and in neighboring residential units.
2. The Licensee will provide additional training to all staff regarding noise issues and sound issues and how to appropriately respond to complaints.
3. The Licensee will add an additional security person dedicated exclusively to outdoor area surrounding establishment (in addition to interior security person and security person who checks id) for Friday and Saturday nights from 10 p.m. to 4 a.m. for a total of 3 security guards on and immediately outside the premises at those times.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the renewal application for **Automatic Slim’s Inc., 131 Bank St. AKA 733 Washington St., 10014 (OP Renewal – SN1025457)** **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 9th “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA On-Premise license.

Vote: Unanimous, with 44 Board members in favor.

22. 70 Super Noodle, Inc. d/b/a Old Town Hot Pot, 70 7th Ave. South, 10014 (RW Corporate Change – SN1253342)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a “corporate change” removing the existing 100% principal, Tao An and replace with a new 100% Principal, NFN Yixiniule for the existing restaurant wine license SN1025457, which is for a “family restaurant that will focus on serving lunch and dinner”, there are no other changes; and,

Whereas, this application is for a corporate change to an existing RW license and the following information was presented for the existing license to which the new applicant was willing to add stipulations to the existing license as noted in a further “Whereas” clause; the location is in a 1 story commercial building in a mixed use district located on the ground floor on 7th Avenue South between Bleecker and Commerce St. for a roughly 610 sq. ft premise on one floor with 8 tables and 32 seats in the interior, for a grand total of 32 seats, there will be one service bar only, there is no sidewalk café and no outdoor areas for patrons, There is an existing “Letter of No Objection” issued by the NYC Department of Buildings; and,

Whereas, the hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m. (midnight) music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors or operable windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.’s; and

Whereas, the proposed new 100% principal Yixiniule executed a stipulations agreement with CB2 that they agreed would be attached and incorporated in to the existing method of operation on the existing SLA license stating that:

1. The premise will be advertised and operated as a restaurant/noodle shop/
2. The hours of operation will be Sunday to Thursday from 11 a.m. to 11 p.m. and Friday to Saturday from 11 a.m. to 12 a.m. (midnight)
3. The establishment will be operated as a full service restaurant only.
4. There will be no backyard garden or sidewalk café.
5. There will be background music only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music).
6. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions in the establishment.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a corporate change for **70 Super Noodle, Inc. d/b/a Old Town Hot Pot, 70 7th Ave. South, 10014 (RW Corporate Change – SN1253342)** adding Yixiniule as a 100% Principle **unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA Restaurant Wine license.

Vote: Unanimous, with 44 Board members in favor.

23. 45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Corporate Change – SN1266901)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a “corporate change” removing an existing 25% owner, Jaime Reixach with the result being that the existing 75% owner, Francesco K. Barosi will now be a 100% Owner; and,

Whereas, there was also an additional “alteration application” for this license which was submitted separately at the same time and is not included in this resolution, but which CB#2, Man. recommended denial; and,

Whereas, the premises has had no changes to the existing method of operation and there are no changes from the previous Licensee from which this application was “transferred” at this time; and,

Whereas, in June 2012, at CB2’s SLA Committee meeting the Licensee agreed with CB#2, Man. at their initial application for a “transfer application” to continue and maintain the existing stipulations in effect for the previous Licensee, Rambla, LLC and that the new Licensee would abide by all the negotiated and agreed upon stipulations negotiated with the NoHo Bowery Stakeholders in a similar agreement; the fully executed in a Memorandum of Agreement dated June 14, 2012 includes the following stipulations:

1. 45 Bond Street LLC will not at any time seek a sidewalk café license at this location.
2. 45 Bond Street LLC will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.
3. 45 Bond Street LLC will also seek review through CB#2 Manhattan should the principals of the corporation change.
4. 45 Bond Street LLC at 45 Bond St., will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:
 - a. The establishment will close at 12:00 a.m. Sunday through Wednesday, and 1:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.
 - b. The inside capacity and Public Assembly Permit will reflect the following usage: 39 tables and 104 seats with no more than 120 patrons on the premises.
 - c. The establishment will provide for dedicated entrance personnel to manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk in front of this establishment, Thursday through Saturday from 8:00 p.m. to closing.
 - d. The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of metal containers in which to store garbage until third-party pick up.
 - e. Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage and design.

5. Any change in the method of operation, notwithstanding any requirements or lack thereof of the State Liquor Authority, will be submitted and reviewed for approval through CB#2 Manhattan, and will include NoHo-Bowery Stakeholders, Inc. as representatives of the community and be contingent on the full Board's approval.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a corporate change application for **45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Corporate Change – SN1266901)** **unless** those conditions and stipulations agreed to in June 2012 relating to the 4th “whereas” clause continue to be incorporated into the “Method of Operation” on the existing SLA On-Premise license.

Vote: Unanimous, with 44 Board members in favor.

24. 45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Alteration – SN 1266901)

Whereas, the Licensee appeared before CB#2's SLA Licensing committee to present an alteration application to add a sidewalk café with 4 tables and 8 seats to the existing on-premise license; and,

Whereas, there was also an additional application for corporate change application to this license which was submitted separately and is not included in this resolution, but which CB#2, Man. recommended approval; and,

Whereas, when the Licensee originally appeared before CB#2, Man. in June 2012, the recommendation to the Liquor Authority from CB2 was to deny the application unless the Licensee agreed to certain stipulations, which they did and executed a Memorandum of Understanding; and,

Whereas, in June 2012, at CB2's SLA Committee meeting the Licensee agreed with CB#2, Man. to abide by all the negotiated and agreed upon stipulations negotiated with the NoHo Bowery Stakeholders; the fully executed in a Memorandum of Agreement dated June 14, 2012 includes the following stipulations:

5. 45 Bond Street LLC will not at any time seek a sidewalk café license at this location.
6. 45 Bond Street LLC will not seek to transfer this license to a third party without seeking consent through hearing at the SLA Committee of CB#2 Manhattan.
7. 45 Bond Street LLC will also seek review through CB#2 Manhattan should the principals of the corporation change.
8. 45 Bond Street LLC at 45 Bond St., will include the following in their Method of Operation attached to this On-Premise License application to the State Liquor Authority:
 - f. The establishment will close at 12:00 a.m. Sunday through Wednesday, and 1:00 a.m. on days of operation beginning on Thursdays, Fridays and Saturdays.
 - g. The inside capacity and Public Assembly Permit will reflect the following usage: 39 tables and 104 seats with no more than 120 patrons on the premises.
 - h. The establishment will provide for dedicated entrance personnel to manage patron street activity (entering, leaving, congregating or smoking) on the sidewalk in front of this establishment, Thursday through Saturday from 8:00 p.m. to closing.
 - i. The establishment will actively engage in all efforts to keep the sidewalk and gutters free of debris and waste at all times, including the provision of metal containers in which to store garbage until third-party pick up.
 - j. Abide by all the regulations of the Dept of Buildings and the Landmark Preservation Commission in the operation of their business at this address, including, but not limited to the Certificate of Occupancy, the Public Assembly Permit and exterior signage and design.

5. Any change in the method of operation, notwithstanding any requirements or lack thereof of the State Liquor Authority, will be submitted and reviewed for approval through CB#2 Manhattan, and will include NoHo-Bowery Stakeholders, Inc. as representatives of the community and be contingent on the full Board's approval.

Whereas, the premises was subject to the "500 ft. rule" at the time of the original application and therefore the agreement to stipulations was a critical factor in CB#2 Manhattan's recommendation; and,

Whereas, the applicant has **failed to comply with item #1 in the existing stipulations** by applying for a New York City Department of Consumer Affairs Sidewalk Café License and by applying for this alteration to add a sidewalk café consisting of 4 tables and 8 seats, additionally the applicant was unable to show any support from neighbors or from the Noho Bowery Stakeholders indicating that any change to the existing stipulations was supported by the community; and,

Whereas, the applicant has **failed to comply with item #4 e. in the existing stipulations** in that there is currently no active Certificate of Occupancy, the most recent *temporary* Certificate of Occupancy, CO Number 104588135T003 expired on 8/17/2008 and as such there is no active Public Assembly Permit (occupancy by more than 74 persons) which is a significant safety concern and at the time of the Licensee's appearance in front of CB2 in June 2012 the Licensee emphatically stated that this would be in place prior to operation and that it was "an easy fix" which would be addressed immediately; and,

Whereas, CB#2, Man. respectfully requests the Liquor Authority to **review whether this on-premise license was issued and activated in error** as the Licensee could not have provided a current Certificate of Occupancy as required at the time of filing with the Liquor Authority on 10/25/2012 or at the time of the issuance of the license on 1/14/2013; and,

Whereas, the President of the Noho Bowery Stakeholders appeared in opposition to this alteration application citing the existing Memorandum of Understanding and Stipulations, stating that those were still in effect and that in the past month representatives of the Licensee had met with members of the community to discuss adding the exterior sidewalk café but there was no community support whatsoever; and

Whereas, a representative of an adjoining building stated that the recently constructed building as a consequence of strong input from the local community had constructed the building with Ground Floor Residential use, in part because there was an understanding that the agreement of no sidewalk café for this Licensee was in place and stated strongly that there was strong opposition that this alteration application be granted;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of the application for a license alteration for **45 Bond Street, LLC d/b/a Circolo, 45 Bond St. 10012 (OP Alteration – SN 1266901)**; and

THEREFORE BE IT FURTHER RESOLVED that CB#2, Man. requests that the Liquor Authority investigate how this license was issued without the Licensee having appropriate NYC Building Department Certifications namely a valid and current Certificate of Occupancy and valid Place of Assembly Permit which is of **significant** safety concern given the multi floor and high occupancy nature of this location.

Vote: Unanimous, with 44 Board members in favor.

25. 11 Carmine Tacos, LLC, d/b/a Dos Toros, 11 Carmine St., 10014 (RW Alteration – SN1254722)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for an alteration to an existing Restaurant Wine License SN1254722 to add a sidewalk café to the existing premise and agreed to stipulations for the existing “fast casual taqueria specializing in Mexican food”; and,

Whereas, this application is for an alteration to an existing Restaurant Wine license to add a sidewalk café with 4 tables and 8 seats (plans indicate 6 tables and 12 seats but the applicant indicated this was an error) and the following information was presented for the existing license to which the new applicant was willing to add stipulations as noted in a further “Whereas” clause; the premises is in a 5 story mixed commercial/residential building in a mixed use district located on the ground floor on Carmine St. between Bleecker St. and Sixth Ave. for a roughly 2,000 sq. ft premise on two floors (1000 sq ft ground floor and 1,000 sq ft basement – accessory use only not for patron use) with 3 tables and 12 seats in the interior, 3 counter seats at the front window and 1 stand up bar with 0 seats, for a grand total of 15 interior seats, this alteration application also includes the addition of a sidewalk café with 4 tables and 8 seats, There is an existing “Letter of No Objection” issued by the NYC Department of Buildings; and,

Whereas, the hours of operation, which were modified from the submitted questionnaire, will be Sunday to Friday from 11:30 a.m. to 11 p.m. and Saturday from 12 p.m. to 11 p.m., music will be quiet background only consisting of music from ipod/cd’s (i.e. no active manipulation of music – only passive prearranged music), there are existing accordion windows, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.’s; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their existing method of operation on their current SLA restaurant wine license stating that:

1. The premise will be operated as a full service restaurant only.
2. There is no backyard garden.
3. All doors and windows will be closed by 10 p.m. every night.
4. There will be no live music, dj’s, promoted events, scheduled performances or any events for which a cover fee is charged
5. Music will be quiet background only from an ipod dock.
6. Licensee will provide waiter service for alcohol/beer & wine service in the sidewalk café in order to comply with NYC Department of Consumer Affairs Sidewalk Café regulations.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of license alteration for **11 Carmine Tacos, LLC, d/b/a Dos Toros, 11 Carmine St., 10014 (RW Alteration – SN1254722) to add the sidewalk café with 4 tables and 8 seats unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the new principle relating to the 4th “whereas” clause above are incorporated into the “Method of Operation” on the existing SLA Restaurant Wine license.

Vote: Passed, with 42 Board members in favor, and 2 in opposition (K. Berger, R. Sanz).

26. Bubby's MP, LLC d/b/a Bubby's MP, 73 Gansevoort St. 10014 (New OP)

Whereas, the applicant appeared before CB#2, Man.'s SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license for a "family style diner operating in the same fashion as our sister restaurant Bubby's at 120 Hudson St. which has been [operating] since 1990"; and,

Whereas, this new on-premise application is for a previously licensed premises (not a "transfer") for a roughly 3,020 sq. ft premise, 1,920 sq. ft on the ground floor and 1,100 sq ft in the basement for accessory use only with 30 tables and 74 seats and 1 stand up bar with 14 seats for a grand total of 88 interior seats, there is no sidewalk café included in this application but there will be a sidewalk café application in the future, there is no rear yard, the applicant will renew the currently expired Temporary Certificate of Occupancy prior to Operating which states a maximum occupancy of 137 and will obtain a Place of Assembly permit; and,

Whereas, the hours of food operation will be Sunday to Thursday from 6 a.m. to 4 a.m. seven days a week and the hours of alcohol service will end at 1 a.m. seven days a week, music will be quiet background only from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there maybe private dining parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, there will be French doors; and,

Whereas, there are at least 29 full on premise licenses within 500 feet, many of those venues are large multi floor locations with significant capacities; and,

Whereas, the applicant met with many members of the community and as a consequence of that dialogue was able reach agreement with a significant number of members of the community on the proposed "method of operation" and stipulations the applicant is willing to enter into; and,

Whereas, this address has a history of operating outside of the scope of the established method of operation and previous licensees have appeared numerous times before the Full Board of the Liquor Authority and there is a high level of concern by members of the community that this not be repeated of which the current applicant is fully aware; and,

Whereas, notwithstanding any community support, there are still concerns in regards to any "new" on premises licenses in the area due to the significant volume of licenses, the high number of quality of life issues and complaints, existing crime levels in the area, the existing noise levels and existing traffic situation in the Meat Packing Area and lack of Police resources to address these issues on an ongoing basis; and,

Whereas, CB#2, Man. received a large number of email correspondence outlining residents concerns; and

Whereas, several members of the community testified that they saw no public interest in issuing the liquor license if food was served 24 hours a day and that they preferred that food service cease at 4 am and that the premises be closed from 4 a.m. to 6 a.m. daily to facilitate easing quality of life and traffic concerns by not encouraging patrons at area Meat Packing Area venues from remaining in the vicinity; and

Whereas, after extensive dialogue, the applicant was willing to agree to stipulations in order to gain area residents support; and

Whereas, the applicant will execute a stipulations agreement with CB#2, Man. that they agree will be attached and incorporated in to their method of operation on their SLA on-premise license as a condition to CB#2 Manhattan’s support stating that:

1. The establishment will be operated as a full service restaurant only.
2. The establishment will be operated similarly to the Principles “sister” restaurant Bubby’s at 120 Hudson St.
3. Service of all alcohol will stop at 1:00 AM every night without any exception.
4. Food Service hours will be from 6 a.m. until 4 a.m.
5. The Premises will be closed from 4 a.m. to 6 a.m. seven days a week without exception (from 1:00 a.m. to 4 a.m. there will be no alcohol service)
6. All doors and windows (including French Doors) will be closed no later than 10 p.m. seven days a week.
7. No music will be audible from more than 25 feet from the premises at any time.
8. Music will be background only.
9. There will be no live music, dj’s (active manipulation of music), promoted events or promoters, scheduled performances or any events for which a cover fee is charged and there will be no dancing.
10. There will be no velvet ropes and no exterior patron waiting. Patrons will either wait inside or be notified when a table is available by remote messaging system in order to prevent congregating outside the premises.
11. If there is an ownership change of greater than 40%, the licensee agrees to present the Corporate Change Application to the Liquor Authority in front of CB2’s SLA Licensing Committee prior to submitting the Corporate Change Application to the Liquor Authority.
12. CB2 and residents have no objection after 1 year of operation to discussing the extension of food service hours (not alcohol service which will continue to end at 1 a.m.) from 4 a.m. to 5 a.m. on Friday, Saturday, and Sunday mornings in conjunction with an opening time of 7 a.m. on those same days. There is no representation that CB2 or members of the community will support such a change to the stipulations at that time.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new on-premise liquor license for **Bubby’s MP, LLC d/b/a Bubby’s MP, 73 Gansevoort St. 10014 (New OP) unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 14th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license and CB2, Manhattan receives an executed copy of the stipulations agreement prior to the submission of this application to the Liquor Authority.

Vote: Unanimous, with 44 Board members in favor.

27. An entity to be formed by Kurt Gutenbrunner, 713 Washington St., 10014 (New OP)

Whereas, the applicant appeared before CB#2, Man.’s SLA Licensing committee to present an application to the Liquor Authority for a new on premise liquor license for a “New England style fish restaurant”; and,

Whereas, this application is for a new premises which includes a previously licensed restaurant wine space (same principal) in conjunction with an adjoining store front in the same building located in a mixed use building Washington St. between Perry St. and West 11th St. for a roughly 900 sq. ft premise on the ground floor with 11 tables and 58 seats and 1 stand up bar with 8 seats for a grand total of 66

seats, there is no sidewalk café included in this application, there is no rear yard and no other outdoor areas for patrons, a new Certificate of Occupancy is being applied for from the NYC Department of Buildings to reflect the newly created combined space; and,

Whereas, the hours of operation will be Sunday to Thursday from 10 a.m. to 1 a.m. and Friday to Saturday from 10 a.m. to 2 a.m., music will be quiet background only from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), there will be no d.j., no promoted events, there maybe private dining parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s, the applicant will be adding new sound dampening materials to the ceiling; and,

Whereas, the applicant presented a petition with 20 signatures in support from area residents; and,

Whereas, the principal is also a principal in 5 other licensed premises in New York City including an adjacent Schatzi Corp DBA Wallse which is located next door; and

Whereas, there are 11 licensed premises within 500 feet of this location; and,

Whereas, the applicant executed a stipulations agreement with CB#2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA on-premise license stating that:

1. The hour of operation will be will be Sunday to Thursday from 10 a.m. to 1 a.m. and Friday to Saturday from 10 a.m. to 2 a.m.
2. The establishment will be operated as a full service restaurant only.
3. There will be no backyard garden.
4. There will be background music only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music).
5. There will be soundproofing installed in the premises.
6. There will be no live music, dj's, promoted events, scheduled performances or any events for which a cover fee is charged.
7. There will be no televisions in the establishment.

THEREFORE BE IT RESOLVED that CB#2, Man. recommends **denial** of a new on-premise liquor license for **An entity to be formed by Kurt Gutenbrunner, 713 Washington St., 10014 unless** the statements the applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the 7th “whereas” clause above are incorporated into the “Method of Operation” on the SLA On Premise license.

Vote: Unanimous, with 44 Board members in favor.

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

28. Sushi Nakazawa, LLC, 23 Commerce St. 10014 (New RW)

Whereas, at this month's CB2, Man.'s SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant requested to **layover** this application for a new restaurant wine license because they had not fully complied with CB2's requested information specifically including floor plans and food menu, did not provide a certificate of occupancy or proof from the Department of Buildings of the proposed change in use/occupancy from a Hair Solon to Sushi Restaurant in a premises where no liquor license had ever

existed before or on an entire residential block where no liquor license had ever been issued before and because there was no evidence of community outreach performed on this very residential block for a previously unlicensed location even though the applicant had appeared the previous month and observed the CB2 process for hearing license applications and they will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Sushi Nakazawa, LLC, 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 44 Board members in favor.

29. Fortuna Realty Hotel Realty, LLC, 523-525 Greenwich Street, 10013 (New OP – Hotel)

Whereas, the applicant did not appear appeared before CB#2, Manhattan's SLA Licensing Committee Meeting #2 on June 13th, 2013 as requested to do so after the applicant submitted a 30 day notice to CB2, and no attempt to contact CB2 was made requesting an adjournment or layover of consideration of the application for a Hotel Liquor License and multi floor venue prior to the meeting;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, hotel liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Fortuna Realty Hotel Realty, LLC, 523-525 Greenwich Street, 10013** until the applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 44 Board members in favor.

30. Can Carlos NYC LLC, 5 Bleeker St. 10012 (Layover – New RW)

Whereas, prior to this month's CB2, Man.'s SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant's representative requested to **layover** this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA **deny** any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Can Carlos NYC LLC, 5 Bleeker 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 44 Board members in favor.

31. Manhattan Food Consulting, LLC, d/b/a Sushi Nakajima, 120 Christopher St., 10014 (Layover – New RW)

Whereas, prior to this month’s CB#2, Manhattan’s SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant’s representative requested to layover this application and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting should they proceed;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, transfer, upgrade or changes to any existing license for **Manhattan Food Consulting, LLC, d/b/a Sushi Nakajima, 120 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 44 Board members in favor

32. Robert Molinar d/b/a Bar Magoo, 11 Abingdon Square 10014 (Withdrawal – New OP)

Whereas, prior to this month’s CB#2, Man.’s SLA Licensing Committee Meeting #2 on June 13th, 2013, the applicant’s representative requested to withdraw this application for a new on premise liquor license;

THEREFORE BE IT RESOLVED that CB#2, Man. strongly recommends that the SLA deny any type of proposed on premise liquor license, beer and wine license, corporate change, alteration, upgrade or changes to any existing license for **Robert Molinar d/b/a Bar Magoo, 11 Abingdon Square 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 44 Board members in favor.

TRAFFIC AND TRANSPORTATION

1. Resolution in support of instituting new parking regulations: No Standing on Little W. 12th St. bet. 9th Ave. and West St., N. & S. sides, 11 pm – 6 am, 7 days a week; No Standing on W. 13th St. bet. Hudson and Washington Sts., N. & S. sides, 11 pm – 6 am, 7 days a week; No Standing on Washington St. bet. Little W. 12th and W. 14th Sts., E. & W. sides, 11 pm – 6 am, 7 days a week.

Whereas severe congestion and unnecessary horn honking have been a source of constant complaints in the Meatpacking District; and

Whereas this congestion (and the horn honking resulting from it) is caused by overflow, drop-offs and double-parking particularly pronounced on Little W. 12th St. bet. 9th Ave. and West St., W. 13th St. bet. Hudson and Washington Sts., and Washington St. bet. Little W. 12th and W. 14th Sts., which become extremely slow-moving because of high nightlife-related traffic, with backups extending to the corners of these blocks, that in turn back up north- and southbound traffic on the cross streets; and

Whereas these conditions also render these streets virtually impassable for emergency vehicles, be they police, fire or EMS, at the time of night when emergency services are most likely needed in the area; and

Whereas Deputy Inspector Elisa Cokkinos, Commander of the NYPD 6th Precinct, presented a proposal for the following nighttime parking regulations to be put into effect to address this problem: No Standing on Little W. 12th St. bet. 9th Ave. and West St., N. & S. sides, 11 pm – 6 am, 7 days a week; “No Standing on W. 13th St. bet. Hudson and Washington Sts., N. & S. sides, 11 pm – 6 am, 7 days a week; No Standing on Washington St. bet. Little W. 12th and W. 14th Sts., E. & W. sides, 11 pm – 6 am, 7 days a week”, with support from the NYC Dept. of Transportation; and

Whereas the NYPD 6th Precinct specified that they are planning to dedicate additional resources to do enforcement in this area; and

Whereas a resident from the area confirmed that the horn honking and congestion problem has been a source of constant aggravation to more than 400 area residents, who have shared their grievances with her, and praised the proposed nighttime parking regulations, which she attested would allow for smoother traffic flow, thereby reducing congestion;

Therefore be it resolved that CB#2, Man. strongly supports the institution of the following nighttime parking regulations: No Standing on Little W. 12th St. bet. 9th Ave. and West St., N. & S. sides, 11 pm – 6 am, 7 days a week; “No Standing on W. 13th St. bet. Hudson and Washington Sts., N. & S. sides, 11 pm – 6 am, 7 days a week; No Standing on Washington St. bet. Little W. 12th and W. 14th Sts., E. & W. sides, 11 pm – 6 am, 7 days a week”; and

Be it further resolved that CB#2, Man. thanks the NYPD 6th Precinct for its intention to dedicate additional resources to do enforcement in this area and urges that these enforcement activities begin as soon as these new regulations are implemented.

Vote: Unanimous, with 44 Board members in favor.

2. Resolution in support of Alternate Side Parking (street cleaning rules) on east side of Mott St. bet. Bleecker and Houston Sts.

Whereas current parking regulations on the east side of Mott St. bet. Bleecker and Houston Sts. require “No Standing Anytime,” restrictions that originally were for accommodating pickups and drop-offs and loading/unloading for industrial and commercial activities that are mostly long gone; and

Whereas with manufacturing gone and the entire neighborhood becoming residential, not only on Mott St., but on surrounding streets like Elizabeth and Mulberry, residents are requesting that outdated loading/unloading regulations be replaced with alternate side parking/street cleaning rules to accommodate residents; and

Whereas letters of strong support for alternate side parking (street cleaning rules) on both sides of Mott St. bet. Bleecker and Houston Sts. have been submitted by residential buildings there (such as 308 and 310 Mott St.) as well as by the Noho Bowery Stakeholders representing 300 members of the local community; and

Whereas Planned Parenthood, which is on the northeast side of the block, requires “No Parking except for loading and unloading except on Sunday” in front of their facility; a lamp post approximately 75-100 feet from the northeast corner could accommodate the regulatory sign, and it would cover both the facility’s clinic and its office entrance (otherwise there is no business on that side of the block); and

Whereas a great deal of automotive traffic speeds down Bleecker, making a swift turn onto Mott St., and then racing down Mott to make it through the traffic light on Houston St., greatly endangering pedestrians; and

Whereas a row of parking on the east side of Mott St., in combination with the alternate side parking recently approved on the west side of the street, would help to slow down this speeding traffic significantly (by narrowing the passageway) and increase pedestrian safety;

Therefore be it resolved that CB#2, Man. supports the installation of Alternate Side Parking (street cleaning rules) on the east side of Mott St. bet. Bleecker and Houston Sts.; and

Be it further resolved that CB#2, Man. also supports the request for one exception to Alternate Side Parking (street cleaning rules) on the east side of Mott St. bet. Bleecker and Houston Sts., that is, for “No Parking except for loading and unloading except on Sunday” in front of the Planned Parenthood facility at the northeast side of the street.

Vote: Unanimous, with 44 Board members in favor.

3. Resolution in support of co-naming the corner of Elizabeth and Kenmare Sts. “Janet Freeman Way.”

Whereas Janet Freeman’s neighbors, tenant advocacy and other community organizations, fellow local tenant advocates and community activists, her friends and family have proposed to honor her memory and her many contributions to her community by co-naming the corner of Elizabeth and Kenmare Sts., on the block where she lived from 1967 until her death in April 2011, “Janet Freeman Way”; and

Whereas a great many people, including neighbors from Elizabeth St. and the surrounding community, activists from the larger community, community and tenant advocacy organizations, as well as Council Member Rosie Mendez, came to voice their support for the proposed co-naming and to express their gratefulness for Janet Freeman’s dedicated work on behalf of the community (largely uncompensated and done without expecting compensation), including:

- Advocating for tenants’ rights and guiding and organizing tenants, in her building, on her block, and in her surrounding community, to successfully fight rapacious landlords and avoid eviction as well as fight violations and receive rightful repairs.
- Sharing her extensive knowledge of laws and research skills with tenants as well as advocacy and community organizations for guidance in their activities to help protect tenants and preserve affordable housing.
- Working with such groups as Cooper Sq. Committee, Gold Old Lower East Side, Citywide Task Force on Housing (now Housing Court Answers), Metropolitan Council on Housing and Project Home (at the University Settlement) to both advocate for tenants and effect policy change.
- Organizing the Lower East Side Co-op Watch to protect tenants from hazardous conditions created by landlords in illegal, coercive co-op conversions.
- Organizing her neighborhood to fight an oversaturation of bars in the community, including defeat of a burlesque bar in a residential building at Kenmare and Elizabeth.
- Obtaining matching funds in the 1970’s for the City to plant the now-mature trees on her Elizabeth St. block between Kenmare and Spring Sts.
- Mentoring the formation and organization of other community organizations with shared concerns, such as the Friends of Petrosino Park.

- Fighting and helping defeat a proposal for an MTA substation at the Houston-Broadway subway station; and

Whereas petitions with more than 250 signatures from local residents and businesses and 50 signatures from the block to be co-named, testimonials and letters from 10 community organizations, one political club, one local church, and 25 individuals were submitted in support of the co-naming and attesting to Janet Freeman’s contribution to the community; and

Whereas the Janet Freeman Way co-naming proposal more than adequately meets the requirements of CB#2, Man.’s *Street Co-Naming Guidelines* (see attached); and

Whereas the proposal for co-naming the corner of Elizabeth and Kenmare Sts. “Janet Freeman Way” asks for signage to be placed at the northwest corner of Elizabeth and Kenmare Sts.;

Therefore be it resolved that CB#2, Man. wholeheartedly and enthusiastically supports co-naming the corner of Elizabeth and Kenmare Sts. “Janet Freeman Way; and

Be it further resolved that CB#2, Man. asks, if at all feasible, that the co-name signage be placed at the northwest corner of Elizabeth and Kenmare Sts.

Vote: Passed, with 40 Board members in favor, and 4 in opposition (M. Derr, S. Greene, J. Paul, R. Sanz).

4. Resolution in response to presentation by NYC Dept. of Transportation: Houston St. and 6th Ave. (Ave. of the Americas) safety improvements.

Whereas the NYC Dept. of Transportation (DOT) presented a plan to improve safety at the intersection of Houston St. and 6th Ave. (Ave. of the Americas) in response to CB#2, Man.’s resolution of Sept. 20, 2012 (sent to DOT Sept. 24, 2012) requesting intensive traffic safety measures there in the wake of Jessica Dworkin’s killing by a flatbed truck turning north from westbound Houston onto 6th Ave. and a series of other crashes and to address continuing hazards at this exceptionally dangerous intersection; and

Whereas DOT’s findings from their study of this intersection and their recommendations to address these findings include:

- Conditions: Heavy pedestrian crossing volumes and poor visibility. Recommendations: Improve pedestrian visibility with concrete extensions on the corner where Houston and Bedford Sts. meet on the west side of 6th Ave. and at the median toward the southeast corner of Houston St. Add a flashing yellow right-turn arrow on Houston’s southeast side for the right turn onto Houston from 6th to alert drivers to pedestrians.
- Conditions: Long crossings for pedestrians. Recommendations: Proposed concrete extensions (see above) and a safety island added at the middle of the northeast side of Houston shorten crossing distances, break up crossing and provide waiting areas.
- Conditions: Heavy westbound turning volumes from Houston St. with turning vehicles often failing to yield to pedestrians. Recommendations: Hold right-turn vehicles from Houston north onto 6th Ave. with 24-second red signal, in a signal phase change that allows for a separate, conflict free pedestrian crossing more than triple the existing protected crossing time. Add 51 seconds of protected crossing time on the Houston east side crosswalk.

- Conditions: Difficulty in predicting movements. Recommendations: Formalize double right turns (which are now “stolen”) from westbound Houston onto northbound 6th Ave., including a northbound right only lane, and delineate two westbound through lanes with the concrete safety island separation to clarify movements. Also use advance signage.

Whereas CB#2, Man. thanks DOT for developing this commendable plan and favors the recommendations it puts forth, but believes some fine-tuning can further strengthen the proposed safety features based on the following concerns from community input and discussion among the committee and other CB2 members:

- There is still vulnerability of pedestrians standing at the northeast corner of Houston St. and 6th Ave. from vehicles turning the corner too tightly and encroaching on the sidewalk.
- A concrete sidewalk extension (neckdown) on the northeast corner of 6th Ave. at Houston St. would help shorten the long east-west crossing and is feasible if the bus stop can be moved further north on that street.
- The arrows pointing west on Houston St. to Bedford St. would be clearer if they were straight rather than curved.
- People often cross north and south on the Houston St. side west of 6th Ave. in an unmarked area between Houston’s southern corner and west of its northern corner that is away from (west of) the north-south crosswalk to be striped (between the island on the south and the northern corner), presenting grave danger to them from vehicles coming south on 6th Ave. turning left (west).
- Drivers approaching 6th Ave. heading west on Houston St. need to be alerted sufficiently east of the 6th Ave. intersection to take the correct lanes.
- Traffic heading west on Houston at MacDougal St. is prone to surge ahead to beat the red light on 6th Ave. and needs to be short-circuited.
- Aligning the 6th Ave. sidewalks and inserting a perpendicular crosswalk across 6th Ave. on the northeast side of Houston St. might further enhance safety and clarity.
- A rose bush on the southeastern Houston St. median obscures visibility.
- Vehicles rampantly disregard and go through red lights at the Houston St./6th Ave. intersection (a non-working red light camera is presently located there).

Therefore be it resolved that CB#2, Man. is in favor of the recommendations presented by DOT to improve safety at the intersection of Houston St. and 6th Ave. (Ave. of the Americas) with the following suggestions for fine-tuning and adding to the proposed safety features to further strengthen them:

- Install heavy bollards, such as the metal ones used on Wall St. or bell bollards, on the the northeast corner (sidewalk) of the intersection.
- Continue to work with MTA NYC Transit to move the bus stop further up 6th Ave. to enable the installment of a concrete extension (neckdown) on the northeast corner of 6th Ave. at Houston St. with room for the buses.
- Paint the arrows pointing west on Houston St. toward Bedford St. straight rather than curved.
- Paint an angled, striped crosswalk or employ another solution at Houston St’s. southwest corner to protect people who are crossing there from traffic turning left into Houston from southbound 6th Ave.
- Install signage on Houston St. sufficiently east of the 6th Ave. intersection for drivers to take the correct lanes.
- Time the traffic light on Houston at MacDougal St. to control the rush to surge ahead to beat the red light at the 6th Ave. intersection.

- Review the geometry on 6th Ave. to see if adjusting it to align the sidewalks and adding a perpendicular crosswalk would promote safety.
- Relocate the rose bush on the southeastern Houston St. median to one of the surrounding parks in that location.
- Continue to work with the New York State legislature to authorize the installment of additional red light cameras in New York City, giving priority to installing a red light camera at the Houston St./6th Ave. intersection.
- Add a sign, “No Turn on Red” to supplement the red turning arrow on Houston St. at 6th Ave.; and

Be it further resolved that CB#2, Man. asks that DOT return to the Board to present the updated version of the Houston St. and 6th Ave. (Ave. of the Americas) safety improvements once revisions have been made.

Vote: Unanimous, with 44 Board members in favor.

5. Resolution in response to presentation by NYC Dept. of Transportation proposing pedestrian and bicycle enhancements on University Pl. bet. Washington Sq. No. and E. 14th St.

Whereas the NYC Dept. of Transportation (DOT) is proposing to redo University Pl., (which runs north bet. Washington Sq. No. and E. 14th St. and is currently 37 feet wide curb to curb, without markings, and with No Parking 8 am to 6 pm on both the east and west sides of the street) by instituting the following changes:

- One 10-ft. wide and one 12-ft. wide parking lane.
- One 5-ft. wide bicycle lane on the street’s west side, adjacent to parked cars, for bicycle network connectivity.
- One 10-ft. wide travel lane.
- Painted (sidewalk color) curb extensions (with the same 10- and 12-ft. widths of the parking lanes) located at E. 12th St., (N.W. and S.W. corners), E. 11th St. (N.E. corner, E. 8th St. (N.E. corner) and Waverly Pl./Wash. Sq. N. (N.E. corner), which DOT indicates will shorten crossings, add more pedestrian space and provide room for enhancements like seating and planters.
- New parking regulations – East Side, Waverly Pl. to E. 9th St.- 8am-6pm paid commercial, 6pm-8pm paid parking, E. 9th St. to E. 14th St.-8am-8pm paid parking; West Side, Waverly Pl. to E. 9th St.- 8am-8pm paid parking, E. 9th St. to E. 14th St.- 8am-6pm paid commercial, 6pm-8pm paid parking, all using muni- meters.
- Markings to organize bicycle and motor vehicle traffic.

Whereas customary parking lane widths are usually no more than 8-ft. wide (sometimes smaller), and there is no rationale given for the proposed extra-wide 10- and 12-ft. parking lanes, nor any reason why their widths vary from each other; and

Whereas the need for a bicycle lane on this short route was unjustified, especially with the northbound Lafayette St. bicycle lane right nearby; and

Whereas University Pl. is only 37-ft. wide, no wider than many secondary side streets, and way narrower than the truly large avenues in District 2, such as 7th Ave. S. which is 63-ft. wide at Bleecker St. (and whose southern crosswalk was appropriately shortened by curb extensions for pedestrian safety purposes to 36-ft., just one ft. short of University Pl’s. current width), making University easy and safe to cross as has been attested by the local community who also confirm that its substantially wide sidewalks provide ample pedestrian space; and

Whereas the haphazard placement of disproportionately large painted curb extensions would create clutter rather than enhancement on the street, reducing rather than adding attractiveness with their pallid gray surfaces and thin, flexible delineators, even with the addition of generic planters (as witnessed at the one failed extension installed on the southwest corner of University Pl. at E. 14th St.) that don't reflect unique local character or of seating that's opposed by the community; and

Whereas a large number of residents indicated that University Pl. is a neighborhood commercial street not in need of passenger paid parking or parking accommodations for neighbors; and

Whereas the established routes of the M2 and M3 buses went up University Pl. (after turning north from 9th St.) until a few years ago, with the M3 northbound service rerouted in 2010 from University Pl. and 9th St. to 4th Ave. and 8th St. in response to the budget crisis, joining the M2 and M1 and unnecessarily duplicating these stops while taking away much needed bus service to the east side uptown from the many elderly and infirm users who have difficulty accessing the more distant route. The community has repeatedly asked for reinstatement of the M3 route on University Pl., and with several other bus routes now being returned, University Pl. street improvements should be created with consideration of how they would work in concert with a bus route, an essential and highly important form of alternative transportation; and

Whereas the large group of local residents in attendance pointed to the serious need for a pedestrian ramp at the curb on the southeast corner of 13th St. and University Pl. to accommodate disabled users, especially those in wheelchairs, and DOT's delay in installing one, and they also pointed out ponding issues that need to be addressed; and

Whereas CB#2, Man. is well on record as enthusiastically supporting such reforms as bike lanes, curb extensions, metered parking and beautification, but such approaches don't fit every single location, and although University Pl. has the potential to be turned into a great place, no one's getting knocked down crossing the street, traffic is manageable, there's no clamor for more parking there, and no records of crashes, complaints or community advocacy have been presented, indicating the need for serious and thorough consideration of how to address the specific conditions there in a long-term coordinated effort;

Therefore be it resolved that CB#2, Man. supports the following actions on University Pl.:

- Installation of a pedestrian ramp at the curb on the southeast corner of 13th St. and University Pl. and repair of ponding problems.

Be it further resolved that CB#2, Man. opposes the following actions on University Pl.:

- Formation of parking lanes with a typically smaller (unless more is specifically required for special application) and consistent width.
- Creation of a 5-ft. wide bicycle lane on the street's west side, protected by the addition of a 2-ft. buffer.
- Installation of paid commercial parking with muni-meters.
- Installation of any and all of the painted curb extensions DOT proposes.
- Setting up a 10-ft. wide travel lane.
- Installation of paid passenger parking.

Be it further resolved that CB#2, Man. urges MTA NYC Transit to restore M3 bus service on University Pl. posthaste and work with DOT to assess street design requirements to accommodate the bus as it turns north from westbound 9th St., heads north on University Pl., and turns east on 14th St. and urges DOT to work in coordination with MTA NYC Transit to assess improvements that work in concert with this bus route; and

Be it finally resolved that CB#2, Man. hopes to work with DOT in the future in a coordinated effort to create a holistic, well-considered plan for University Pl., developed through a process of thoughtful evaluation and thorough discussion of alternatives with input from all involved parties.

Vote: Unanimous, with 44 Board members in favor.

Respectfully submitted,

Susan Kent
Secretary
Community Board #2, Manhattan