

1 **Business License & Permits Committee**

Item #: 01

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: 360 Ninth Avenue Corp.**
12 **d/b/a Stage Door Delicatessen**
13 *360 9th Avenue (30/31)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Restaurant Wine & Beer License
18 application for Stage Door Delicatessen –360 9th Avenue (30/31), **unless** the attached stipulations,
19 agreed to and signed by the applicant, are part of the method of operation for this establishment with a
20 capacity of 74; 17 tables; 62 seats.

21
22 Sincerely,

23
24
25 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

26
27

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME 360 NINTH AVE Corp.		DOING BUSINESS AS (DBA) STAGE DOOR DELCATESSEN	
STREET ADDRESS 360 NINTH AVE.		CROSS STREETS 30 + 31	ZIP CODE 10001
OWNER <i>(Attach a list of all the people that will be associated listed with the license)</i>	NAME: ATHANASIO ARGYRI	ATTORNEY/ REPRESENTATIVE	NAME: HARRY MANESIS
	PHONE: 347 453 6216		PHONE: 212 947 8710
	EMAIL:		EMAIL: hpmanesis@yahoo.com
MANAGER	NAME: ALL OWNERS	LANDLORD	NAME: CHRISTOS THOMAS
	PHONE:		PHONE: 212 807-0389
	EMAIL:		EMAIL:
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	STAGE DOOR DELI 5 PENN PLAZA N.Y.	
	What were the dates applicant was involved with this former premise?	2001-2015	
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="radio"/> NO	AUGUST 2015
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	<input checked="" type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

GEORGE ARGYRIS
347-245-9748

NIKOLAOS ARGYRIS
718-767-2075

AMENDED

7/27/15

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	6am/10pm	6am/10pm	6am/10pm	6am/10pm	6am/10pm	6am/10pm	6am/10pm
	Kitchen	SAME	SAME	SAME	SAME	SAME	SAME	SAME
	Music	N/A	N/A	N/A	N/A	N/A	N/A	N/A

If you plan to have music, what type(s)? (Circle all that apply)

<input type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE
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OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	74	62	17	62	0	0	0
OUTSIDE (Other than sidewalk café)	N/A						
SIDEWALK CAFÉ	N/A						

How many floors are there? What is the capacity for each floor?

TWO FLOORS - CELLAR - STORAGE
FIRST FLOOR - 74

How frequently will the owner(s) be at the establishment?

DAILY.

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?

YES NO

Will applicant have bottle or table service for beverage alcohol?

~~YES~~ YES NO

N/A

Will you be hosting private, promotional or corporate events?

YES NO

Will outside promoters be used on a regular basis? If yes please describe.

YES NO

Will you have a security plan? If, yes please attach.

YES NO

Will security plan be implemented?

YES NO

Will State certified security personnel be used?

YES NO

Will New York Nightlife Association and NYPD Best Practices be followed?

YES NO

N/A

Will applicant be using delivery bicycles? If yes, how many?

YES NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?

YES NO

N/A

Where will delivery bicycles be stored during the day when not in use?

N/A

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO	C of O
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO	

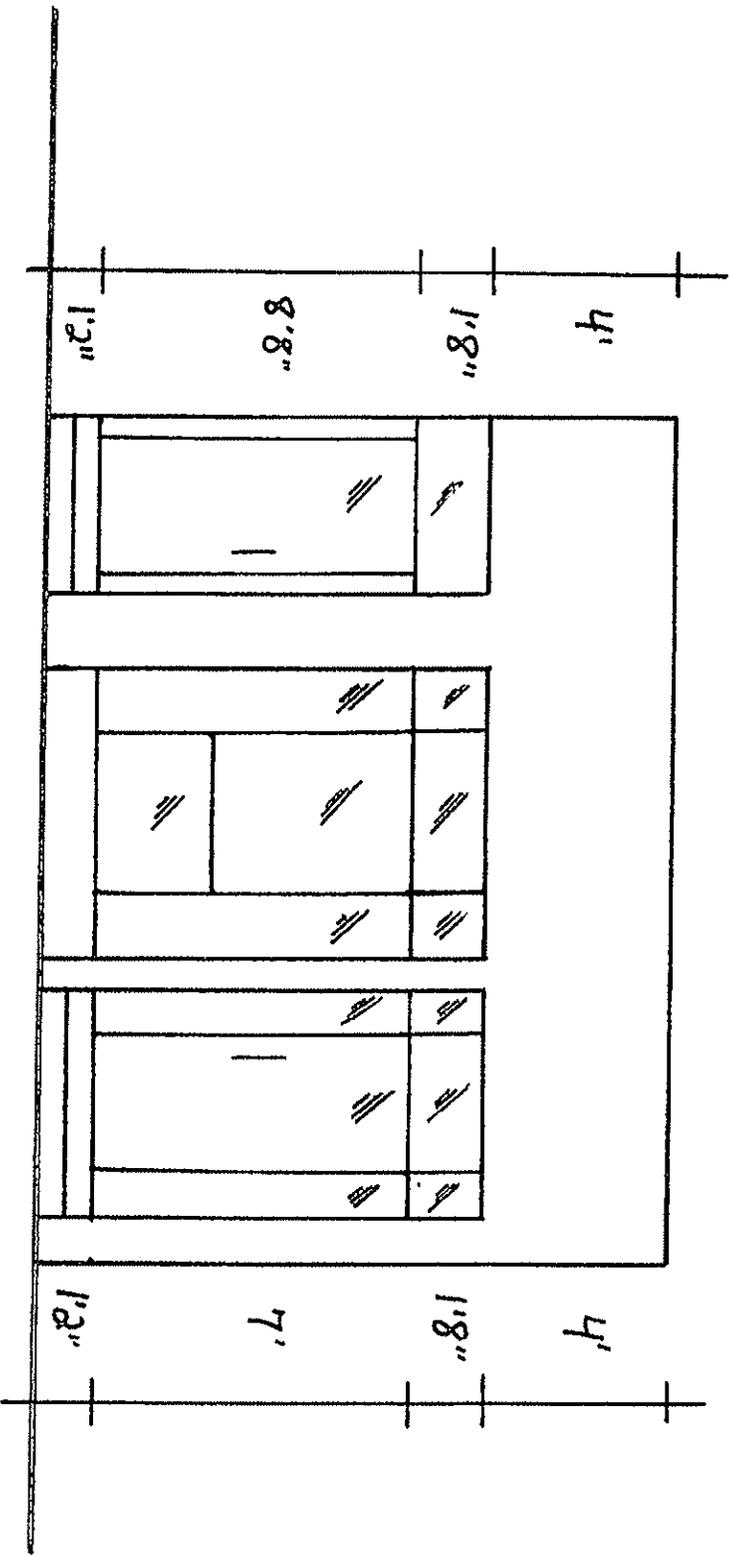
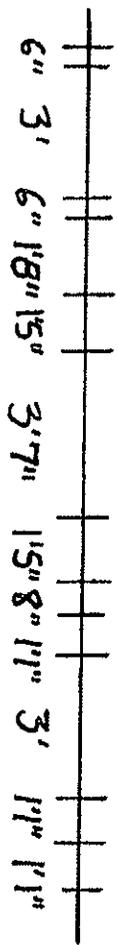
Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	MANHATTAN COMMUNITY BO #4	
	# 2	Hew's Kitchen NeighBoehoon ASS: KATHLEEN TREAT	
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		① 8/11/15 ② Email to Kathleen Treat	
Who was your contact person at each group you met with?			
When did applicant post the notice that was provided?		8/21/15	
Where did applicant post the notice that was provided?		8/21/15	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="radio"/> YES	NO 347-453 6216
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="radio"/> YES	NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	DINER - RESTAURANT		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	CLOUD 9
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	ADD CANOPY
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	<input type="radio"/> NO	N/A
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	<input type="radio"/> NO	N/A
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	<input type="radio"/> NO	N/A
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	ROOF. CENTRAL HVAC		
When was the air conditioner installed?	4 YRS AGO		

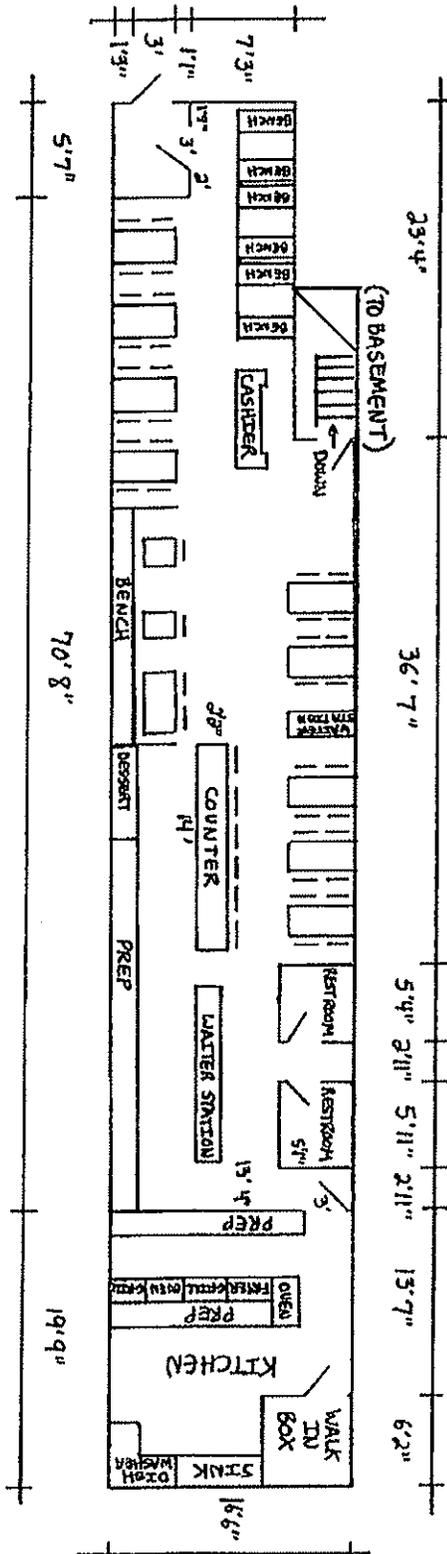
OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE		
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	<input checked="" type="radio"/> NO N/A
Are the floorplans for the outdoor space(s) included?	YES	<input checked="" type="radio"/> NO N/A
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	<input checked="" type="radio"/> NO N/A
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	<input checked="" type="radio"/> NO N/A
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	<input checked="" type="radio"/> NO N/A
Will there be no amplified music, as per the law?	YES	<input checked="" type="radio"/> NO N/A
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	<input checked="" type="radio"/> NO N/A
Will applicant agree to post signs outside asking customers to respect the neighbors?	YES	<input checked="" type="radio"/> NO N/A
Will applicant agree to train staff to encourage a peaceful environment?	YES	<input checked="" type="radio"/> NO N/A
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	<input checked="" type="radio"/> NO N/A
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	<input checked="" type="radio"/> NO N/A

OUTDOOR ITEMS – SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	N/A
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	N/A
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	N/A
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	N/A
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	YES	NO	N/A
Will applicant use umbrellas?	YES	NO	N/A
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	N/A

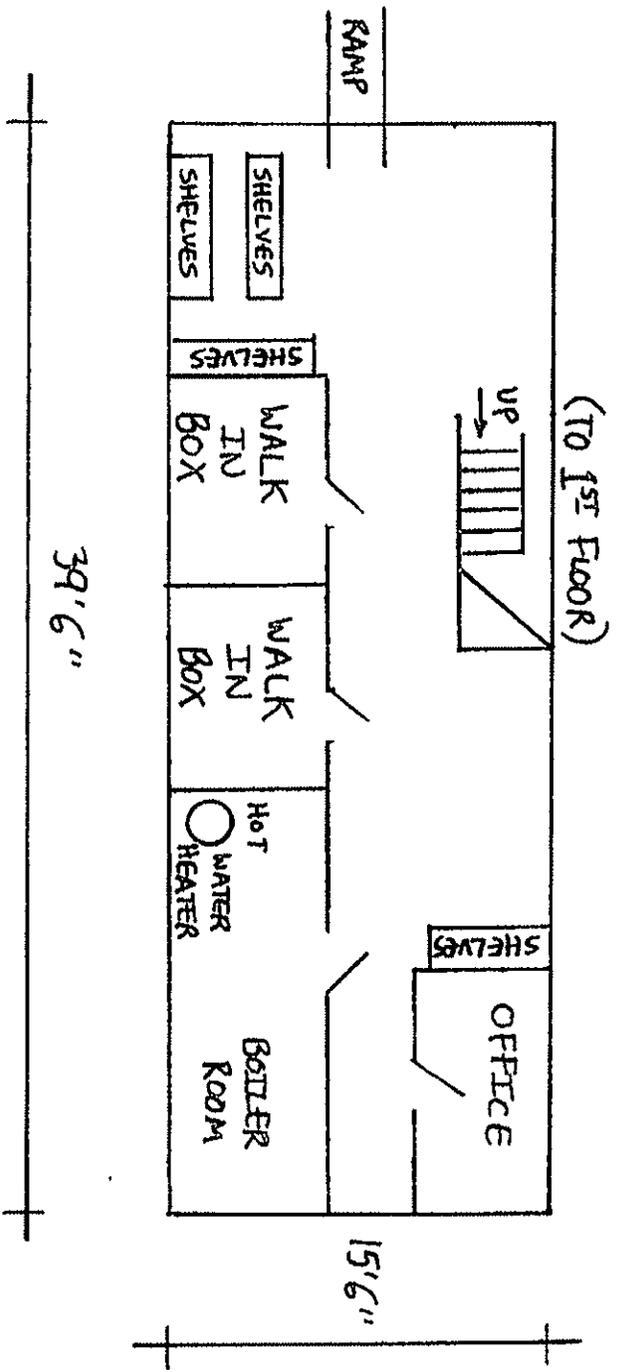
FRONT ELEVATION
 360 9TH AVENUE
 NEW YORK, N.Y.
 OCTOBER 11, 2013
 SCALE - 1/4" = 1'0"



INTERIOR DIAGRAM
 360 9TH AVENUE
 NEW YORK, N.Y.
 OCTOBER 11, 2013
 NOT TO SCALE



INTERIOR DIAGRAM - BASEMENT
360 9TH AVENUE
NEW YORK, N.Y.
OCTOBER 11, 2013
NOT TO SCALE



1 **Business License & Permits Committee**

Item #: 02

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: TD 601 LLC**
12 **d/b/a Taqueria Diana**
13 *601 6th Avenue (17/18)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Restaurant Wine & Beer License
18 application for TD 601 LLC. d/b/a Taqueria Diana – 601 6th Avenue (17/18), **unless** the attached
19 stipulations, agreed to and signed by the applicant, are part of the method of operation for this
20 establishment with a capacity of 75; 6 tables; 19 seats; 1 service bar.

21
22 Sincerely,

23
24
25 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

26
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Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME TD 601 LLC		DOING BUSINESS AS (DBA) Taqueria Diana	
STREET ADDRESS 601 6th Avenue		CROSS STREETS W 17th - W 18th	ZIP CODE 10011
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: MATTHEW LA RUE	ATTORNEY/ REPRESENTATIVE	NAME: Robert S. Bookman
	PHONE: (209) 662-4273		PHONE: 212-513-1988
	EMAIL: TAQUERIA DIANA@gmail.com		EMAIL: rbookman@pendblegal.com
MANAGER	NAME: MATTHEW LA RUE	LANDLORD	NAME: 595 Realty LLC
	PHONE: (209) 662-4273		PHONE: 212-568-2017
	EMAIL: TAQUERIA DIANA@gmail.com		EMAIL: sisi@elseeinvestments.com
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	Taqueria Diana, 129 2nd Ave, NY 10003	
	What were the dates applicant was involved with this former premise?	July 2013 - Present	
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="radio"/> NO	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	<input checked="" type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

HOURS* <small>(Indoor Only)</small>	MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
	Operation	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM	9AM-10PM
	Kitchen	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	
	Music	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	11AM-10PM	
If you plan to have music, what type(s)? (Circle all that apply)														
OCCUPANCY														
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar							
INSIDE	75	40	6	19	1	0	0							
OUTSIDE <small>(Other than sidewalk café)</small>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
SIDEWALK CAFÉ	N/A	N/A	N/A	N/A	N/A									
How many floors are there? What is the capacity for each floor?														
2 - Ground Floor + Basement (Storage)														
How frequently will the owner(s) be at the establishment?														
Daily														
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will applicant have bottle or table service for beverage alcohol?														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will you be hosting private, promotional or corporate events?														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will outside promoters be used on a regular basis? If yes please describe.														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will you have a security plan? If, yes please attach.														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will security plan be implemented?														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will State certified security personnel be used?														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will New York Nightlife Association and NYPD Best Practices be followed?														
YES <input type="radio"/> NO <input checked="" type="radio"/>														
Will applicant be using delivery bicycles? If yes, how many?														
YES <input checked="" type="radio"/> NO <input type="radio"/> 2														
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?														
YES <input checked="" type="radio"/> NO <input type="radio"/>														
Where will delivery bicycles be stored during the day when not in use?														
BASEMENT														

LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy (C of O) or a letter of no objection?	YES	<input checked="" type="radio"/> NO
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO

Community Notification/Relations		
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Craig Stutzkin, President, W17 th /18 th Bldg
	# 2	Judy Klein
	# 3	Cheryl Kupper
	# 4	Laura Evans
	# 5	Sally Greenspan
	Please provide dates when applicant met with the groups listed above.	
Who was your contact person at each group you met with?		Craig Stutzkin Emailed 7/10/15
When did applicant post the notice that was provided?		July 7, 2015
Where did applicant post the notice that was provided?		Door of 6016th Avenue
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="radio"/> YES NO 209-662-4273
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="radio"/> YES NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	2 Bros PIZZA, PIZZERIA		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	<input checked="" type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	NO	
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	ROOF		
When was the air conditioner installed?	2007 by previous TENANT		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ		N/A
Has the applican/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Are the floorplans for the outdoor space(s) Included?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input type="radio"/> NO
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input type="radio"/> NO
If amplified sound is played inside the establishment, will windows and doors be closed?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant agree to train staff to encourage a peaceful environment?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input type="radio"/> YES	<input type="radio"/> NO
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO

OUTDOOR ITEMS – SIDEWALK CAFÉ		N/A	
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

- Applicant agrees to the eight stipulations from the 8/10/15 letter from the 100 W. 17th Street Block Association (see attached)

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.

100 WEST 17TH AND WEST 18TH STREETS BLOCK ASSOCIATION

136 WEST 17TH STREET, APARTMENT 2A
NEW YORK, NY 10011
(646) 329-6363

Craig L. Slutzkin
President

August 10, 2015

Ms. Christine Berthet, Chair
Community Board 4 Manhattan
330 West 42nd Street
New York, NY 10036

Dear Ms. Berthet,

It is our understanding that TD 601 LLC (the "Operator") will be presenting to the Business License and Permits Committee on August 11, 2015. The Operator is proposing a new restaurant to be called Taqueria Diana ("Taqueria") at 601 6th Avenue in Chelsea (the "Premises").

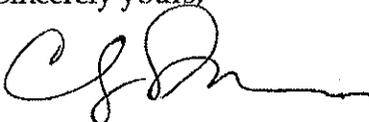
Matthew LaRue, representing the Operator, met with me, representing the 100 West 17 and West 18 Street Block Association (the "Block Association") on July 30, 2015. The Operator agreed to the following items at this meeting:

1. Service will end no later 11:00pm daily.
2. The Premises will not have "French doors" in the front nor will it be serving patrons through a window in the front of the store.
3. Taqueria will be installing a large HVAC device. If such device is disruptive to neighbors, Taqueria will employ sound mitigating techniques to remedy.
4. Taqueria will address cleanliness of the sidewalk as well as garbage pickup.
5. Taqueria will not operate as a club nor apply for a cabaret license, and will only operate a service bar.
6. Music, if any, shall only be at background level (ambient), with volume controlled by management.
7. Neither the Operator nor Taqueria will apply for a sidewalk café.
8. The Operator will periodically meet with representatives of Community Board 4 and Block Association if so requested.

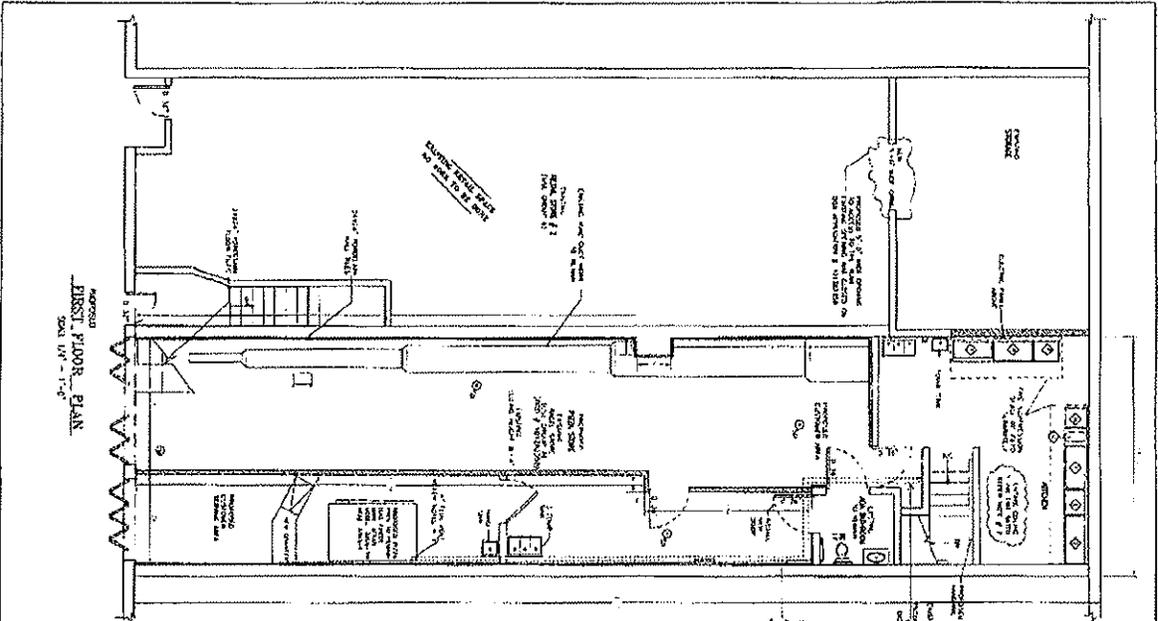
If Taqueria and Operator agree to these conditions listed above, the Block Association strongly supports the granting of a "wine and beer" liquor license to Taqueria. We feel that both Taqueria and the operator will be positive additions to our community.

Should you have any questions, please feel free to contact me at (917) 312-1802.

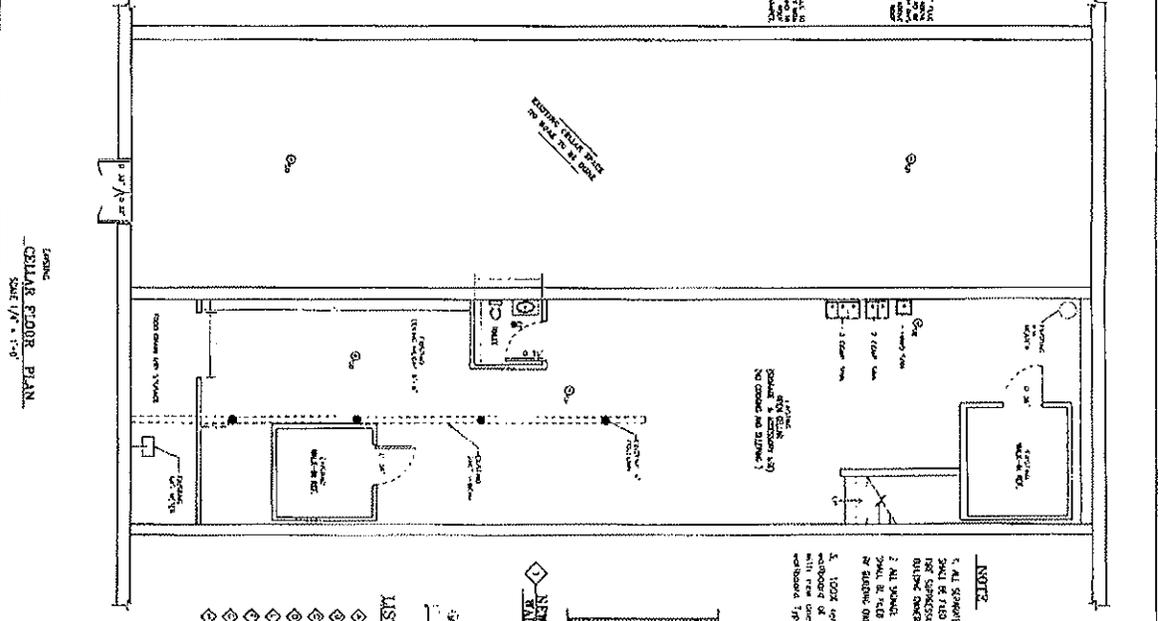
Sincerely yours,



Craig L. Slutzkin
President

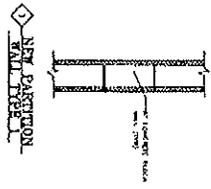


APPROXIMATE
FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



APPROXIMATE
CELLAR FLOOR PLAN
SCALE 1/4" = 1'-0"

- LEGEND**
- 1/4" = 1'-0" WALL WITH DOOR
- LIST OF COOKING EQUIPMENT**
- ◇ 36" COUNTER WITH SINK
 - ◇ 36" RANGE
 - ◇ 24" DISHWASHER
 - ◇ 44" REFRIGERATOR
 - ◇ 24" SINK
 - ◇ 36" COUNTER
 - ◇ 1/2" SINK
 - ◇ 36" SINK



NOTE

1. ALL SHEET JOINTS SHALL BE FIELD JOINTS FOR SPONGING MADE BY OTHER SHOP OR CONTRACTOR.

2. ALL UNPAID, SKETCH PARTITIONS SHALL BE FIELD PARTITIONS IN BUILDING ORDER OR CONCRETE.

3. LOOK FOR THE LOCATION OF THE EXISTING SYSTEM WITH THE NEW SYSTEM. THE NEW SYSTEM SHALL BE INSTALLED IN THE EXISTING SYSTEM WITH THE NEW SYSTEM.

Sheet	DOB /
A-00201	110209532
<p>PROJECT: 595 REPAIR, LLC 601 6 AVENUE NY, NEW YORK, 10011</p> <p>PROPERTY OWNED BY: 595 REPAIR, LLC 601 6 AVENUE NY, NEW YORK, 10011</p> <p>PROJECT LOCATION: INTERIOR RENOVATION OF EXISTING EXHIBIT SITE 601 6 AVENUE NEW YORK, NEW YORK, 10011</p> <p>DRAWING TITLE: CELLAR FLOOR PLAN CAS RSRR DIAGRAM WALL DETAIL</p> <p>DATE: 05/28/15 SCALE: AS SHOWN</p>	
DATE	DESCRIPTION
05/19/15	ISSUED FLOOR PLAN
05/28/15	REVISION
<p>ARCHITECT: ROBERT ST. C. GASTEN, RA 50-04 151 STREET SUITE 504 JAMAICA NY 11432 TEL: 718-260-2200 FAX: 718-266-2228</p> <p>STRUCTURAL ENGINEER: DAVID SILBERMAN, PE 64-14 137 STREET GLENKAT NY 11360 TEL: 718-886-3940 FAX: 718-321-4504</p> <p>DOB APPROVAL:</p>	
<p>BRONX SIGNERS</p>	

1 **Business License & Permits Committee**

Item #: 03

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Shigemitsu New York, Inc.**
12 **d/b/a HARBS**
13 *198 9th Avenue (22)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a New Restaurant Wine & Beer License
18 application for Shigemitsu New York, Inc. d/b/a HARBS – 198 9th Avenue (22), **unless** the attached
19 stipulations, agreed to and signed by the applicant, are part of the method of operation for this
20 establishment with a capacity of 73; 30 tables; and 53 seats.

21
22 Sincerely,

23
24
25 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

26
27

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME Shigemitsu New York, INC		DOING BUSINESS AS (DBA) HARBS	
STREET ADDRESS 198 9th Avenue		CROSS STREETS 22nd street	ZIP CODE 10011
OWNER <small>(Attach a list of all the people that will be associated/licensed with this license)</small>	NAME: Koji Sato	ATTORNEY/ REPRESENTATIVE	NAME: Leonard M. Fogelman
	PHONE: 212-920-0838		PHONE: 212-370-1530
	EMAIL: k.sato@giip-global.com		EMAIL: lmf@fogelmanlawfirm.com
MANAGER	NAME: Tomoko Otani	LANDLORD	NAME: 198 chelsea Corp.
	PHONE: 646-336-6888		PHONE: 917-815-6380
	EMAIL: harbsnyoffice@harbs.co.jp		EMAIL: jean88886@gmail.com
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	What is/are the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?		YES <input type="checkbox"/> NO <input type="checkbox"/>
	If alterations or operational changes are being made, please describe all changes.		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	Please describe the nature of all the changes and attach the plans.		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	August 2015	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Has applicant/owner(s) read MCBA Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

OPERATIONAL DETAILS (No tasting time will be when establishment is vacated of all patrons)

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS	Operation 11AM-11PM	11AM-11PM	11AM-11PM	11AM-11PM	11AM-11PM	11AM-11PM	11AM-10PM
Indoor Only	Kitchen	SAME	SAME	SAME	SAME	SAME	SAME
	Music	SAME	SAME	SAME	SAME	SAME	SAME
Music type (how music is played) (Class, background, etc.)		BACKGROUND	LIVE MUSIC	BT	ROCK BOX		KARAOKE

OCCUPANCY

	Coverage (Certificate of Occupancy)	Maximum # of Persons on Occupancy (Seating, Standing, Tables, etc.)	Number of Tables	Number of Seats	Number of Seaters Only Bars	Number of Stand-Up Bars	Number of Seaters at Stand-Up Bar
INSIDE	3000	73	30	53	0	0	0
OUTSIDE	N/A	0	0	0	0	0	0
SIDEWALK CAFE	N/A	0	0	0			

How many doors are there? (lines are needed for each door) 2 (First floor: 63, Basement: 10)

How frequently do the owners leave the establishment? every other day

Will you be accepting or intending to accept for delivery orders that require a fee or a tip? YES NO

Will you continue to have online services for a large area? YES NO

Will you be hosting private parties or corporate events? YES NO

Will you be accepting orders for delivery? (yes or no) YES NO

Will you have security staff? (yes or no) YES NO

Will security be on premises? YES NO We are a small RW applicant - NO security personnel will be on the premises.

Will you have security personnel on premises? YES NO

Will you have for Nightlife Association and/or PD Best Practices on premises? YES NO

Will you have a security plan? (yes or no) YES NO

Will delivery orders be clearly marked with the name of the restaurant and all staff and other delivery names as described by the PD Law? YES NO we do not do delivery

Where will delivery orders be stored during the day when not in use? N/A

LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy (C of O) or a letter of no objection?	<input checked="" type="radio"/> YES	NO
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO

Community Notification/Relations		
NOTIFICATION: List all block associations, tenant associations, co-op boards or condo boards of residential buildings, and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	100 West 19th/20th/21st/22nd Street Block Association (Bill Borock, Michael Walsh)
	# 2	200 West 19th/20th/21st/22nd/23rd Streets Block Association (Pamela Wolff, Dottie Francoeur, Pat Cooke, Melle Lister)
	# 3	300 West 21st/22nd/23rd Street Block Association (Eleanor Horowitz, Andrea Gabrielle, Phyllis Weisman, Zazel Loven)
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.	To be met in the first week of August	
Who was your contact person at each group you met with?	(To be met)	
When did applicant post the notice that was provided?	July 31, 2015	
Where did applicant post the notice that was provided?	Front Window	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	NO 212-920-0838
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	NO

BUILDING DESIGN

State the name and type of business the facility located on the estate

Was a fourth tiered asbestos survey previously conducted on the estate at any time? YES NO
 If yes please provide the name of the surveyor

Do you or any changes to the existing facade? If yes please describe YES NO

Are applicants aware of any asbestos within the estate? YES NO

Are applicants aware of any asbestos? YES NO

Do applicants intend to place any items or obstructions on the site? For example scaffolding, site signs, site fencing, materials and plants as per the plan? YES NO

Do applicants comply with the NCD noise code? YES NO

Do the estate applicants have any of the following on the site?	TRENT FLOODING	GURDFLOODERS	WINDOWS THAT CAN BE OPENED
Do applicants have any windows, French doors, garage doors with any noise or amplified sound including televisions, speakers, etc. on the estate?	<input checked="" type="radio"/> YES <input type="radio"/> NO	N/A	
Do applicants have any windows, French doors, garage doors with any PM, Friday and Saturday, and 11 PM on all other days, a live band, music or amplified sound (including the estate)?	<input checked="" type="radio"/> YES <input type="radio"/> NO	N/A	
Are applicants aware of any pollution from the estate as stated and need to assess potential noise disturbance to the neighboring residents and buildings?	YES <input type="radio"/> NO <input checked="" type="radio"/>		
Are applicants aware of the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings including screening operations on the facade of the estate?	<input checked="" type="radio"/> YES <input type="radio"/> NO	N/A	(background music only)
Do the kitchen exhaust system extend to the roof?	YES <input checked="" type="radio"/> NO <input type="radio"/>		
Do the estate applicants have an illuminated sign?	YES <input type="radio"/> NO <input checked="" type="radio"/>		
Do the estate applicants have a canopy extending over the entrance?	YES <input type="radio"/> NO <input checked="" type="radio"/>		
Are there any air conditioning units on the estate?	Split Unit type (air handling unit each floor)		
Are there any air conditioning units on the estate?	Condenser in roof top		

December 2014

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE

Has the applicant owner's sign (DOB & Permit and Roofing Permit)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces (patio, pergola, deck, porch, balcony, deck, ramp, or gazebo)? (yes, which one/s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are the facilities for the outdoor spaces included?	<input type="radio"/> YES	<input type="radio"/> NO	N/A (Indoor area)
Will applicant use and operate the outdoor space(s) on "R" or "F" days, Saturday, and "D" or on other days?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the sale, use and consumption of alcoholic beverages take place on the outdoor space?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant allow smoking areas for persons to utilize on any outdoor space?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant allow food trucks on outdoor area?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant sound a play music to the extent of which noise could be a problem?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant agree to assist in outside seating customers in restricting signage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant agree to train staff to encourage a respectful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant provide effective sound control (enclosed or enclosure soundproofing tenants apartments)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	N/A
Is there a sign that clearly and safely usage of the outdoor space without resulting signage?	<input type="radio"/> YES	<input type="radio"/> NO	N/A

OUTDOOR ITEMS – SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	N/A (No sidewalk cafe)
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	N/A
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	<input checked="" type="radio"/> NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	N/A
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	YES	NO	N/A
Will applicant use umbrellas?	YES	NO	N/A
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	N/A

PROJECT DESIGN

BLANK DESIGN

Design Architect
214 Northway, Albany, NY 12242
T: 518.487.1700
F: 518.487.1701

PROJECT

HARBS CAFE

100 STATE STREET, ALBANY, NY 12242

OWNER: NOT YET DETERMINED

DESIGNER: ARCHITECTURE

CONSULTING STRUCTURAL ENGINEER

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NO. DATE REVISIONS

SCALE & DATE

TITLE

KITCHEN EQUIPMENT PLAN

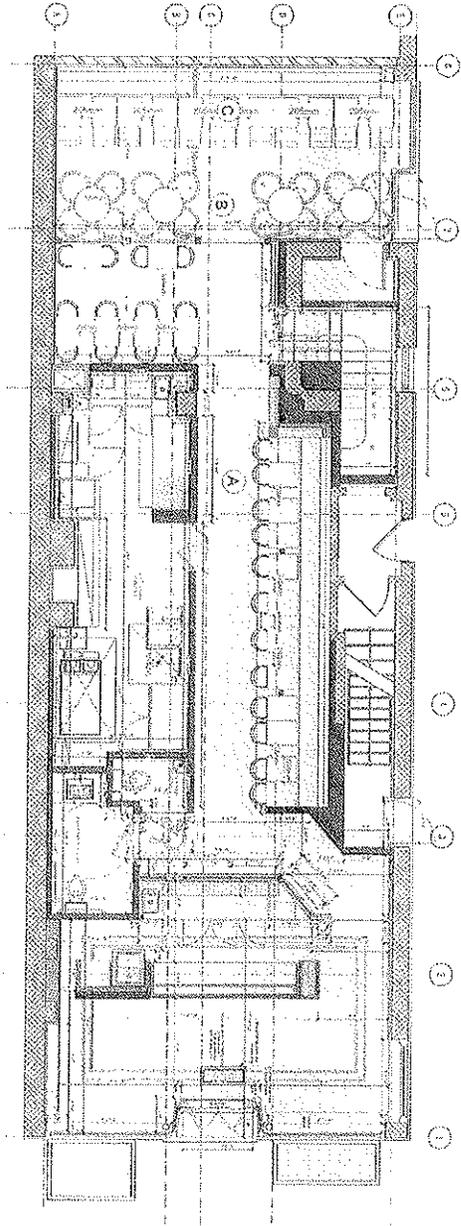
DATE: 09/20/14

PROJECT NO.: VI

SCALE: 1/4" = 1'-0"

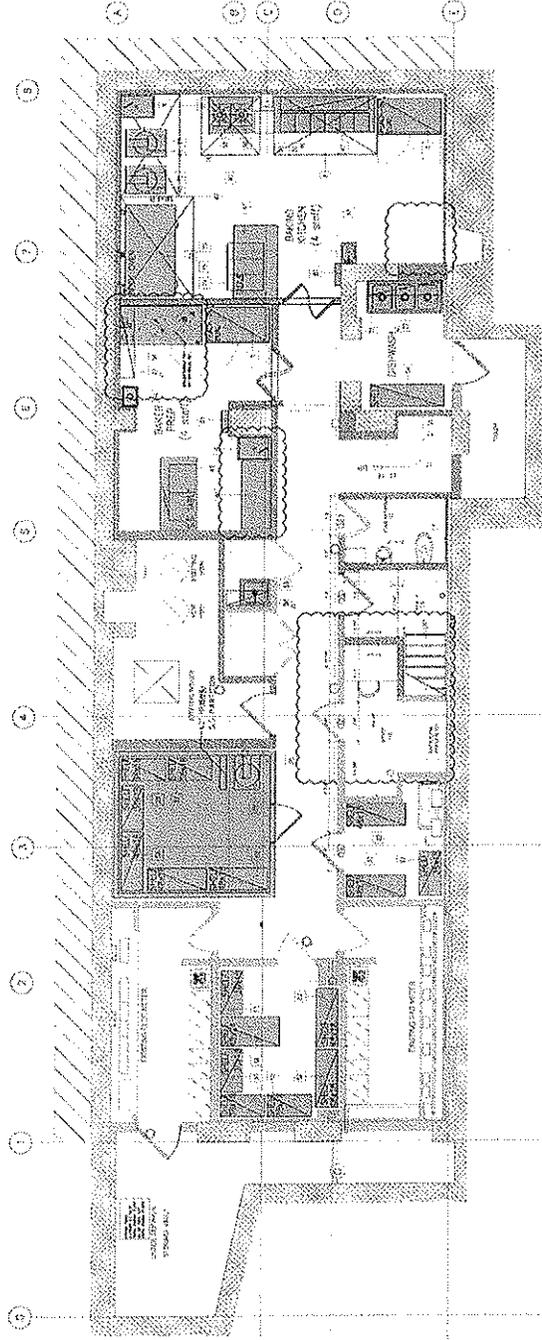
CONTRACT: A-103-00

A-103-00



1. GROUND FLOOR KITCHEN EQUIPMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



2. BASEMENT KITCHEN EQUIPMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"

1 **Business License & Permits Committee**

Item #: 4

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Milk and Hops 2 LLC**
12 *365 W. 20th Street (8/9)*

13
14 Dear Chairman Bradley:

15
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a New Beer License application for
17 Milk and Hops LLC – 365 W. 20th Street (8/9), **unless** the attached stipulations, agreed to and signed by
18 the applicant, are part of the method of operation for this establishment with a capacity of 72; 5 tables;
19 25 seats, and **1 Stand-Up Bar** with 5 seats .

20
21 Sincerely,

22
23
24 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

25
26

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME		DBA BUSINESS AS (DBA)	
MILK AND HOPS 2 LLC.			
STREET ADDRESS		CROSS STREETS	ZIP CODE
365 W. 20 TH ST.		9 TH AVE + B TH AVE.	10011
OWNER <small>(Attach a list of all the people that will be associated listed with the license)</small>	NAME:	YANG GAO	ATTORNEY/ REPRESENTATIVE
	PHONE:	917.209.2708	
	EMAIL:	YANG@MILKANDHOPS.COM	
	NAME:	Core Advisors Ltd	
	PHONE:	212.658.1198	
	EMAIL:	INFO.COREADVISORS@gmail.	
MANAGER	NAME:		LANDLORD
	PHONE:		
	EMAIL:		
	NAME:	WEBINREB MGMT	
	PHONE:	212.865.5857	
	EMAIL:		
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	MILK AND HOPS	
	What were the dates applicant was involved with this former premise?	10/14 - PRESENT	
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	If alterations or operational changes are being made, please describe all changes.		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans.		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input type="radio"/> Liquor/Wine/Beer <input checked="" type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment * EATING PLACE BEER <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	After no objection
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	<input type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES	<input type="radio"/> NO	

CLOSING TIME VS 11:00 P.M. ON
 FRIDAY; 12:00 P.M. ALL OTHER NIGHTS

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	11pm	10pm	10pm	10pm	11pm	11pm	11pm
	Kitchen	11pm	10pm	10pm	10pm	11pm	11pm	11pm
	Music	11pm	10pm	10pm	10pm	11pm	11pm	11pm
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND		<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE	

CC

OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	72	50	5	25	1		5
OUTSIDE (Other than sidewalk café)	0						
SIDEWALK CAFÉ	0						

How many floors are there? What is the capacity for each floor?
 RESIDENTIAL +/- 6

How frequently will the owner(s) be at the establishment?
 EVERYDAY

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	<input checked="" type="radio"/> NO
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="radio"/> NO
Will you be hosting private, promotional or corporate events?	YES	<input checked="" type="radio"/> NO
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO
Will you have a security plan? If, yes please attach.	YES	<input checked="" type="radio"/> NO
Will security plan be implemented?	YES	<input checked="" type="radio"/> NO
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO
Will New York Nightlife Association and NYPD Best Practices be followed?	YES	<input checked="" type="radio"/> NO
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="radio"/> NO
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	YES	<input checked="" type="radio"/> NO

Where will delivery bicycles be stored during the day when not in use?
 NO.

LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO
Are your plans filed with DOB?	YES	<input checked="" type="radio"/> NO

Community Notification/Relations		
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	
	# 2	
	# 3	
	# 4	
	# 5	
Please provide dates when applicant met with the groups listed above.	7. 16. 15	
Who was your contact person at each group you met with?		
When did applicant post the notice that was provided?		
Where did applicant post the notice that was provided?	On Premises	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES	<input checked="" type="radio"/> NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	UNKNOWN		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES	<input checked="" type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS		WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	NO	
Will the kitchen exhaust system extend to the roof?	YES	NO	
Will the establishment have an illuminated sign?	YES	NO	
Will the establishment have a canopy extending over the sidewalk?	YES	NO	
Where will the air conditioner be located? What type is it?	WALL UNIT		
When was the air conditioner installed?	UNKNOWN		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE		
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input type="radio"/> NO
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input type="radio"/> NO
If amplified sound is played inside the establishment, will windows and doors be closed?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant agree to train staff to encourage a peaceful environment?	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input type="radio"/> YES	<input type="radio"/> NO
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO

OUTDOOR ITEMS - SIDEWALK CAFE N/A

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input type="radio"/> YES	<input type="radio"/> NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="radio"/> YES	<input type="radio"/> NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant mark the perimeter of the café on the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input type="radio"/> YES	<input type="radio"/> NO	
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant use umbrellas?	<input type="radio"/> YES	<input type="radio"/> NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input type="radio"/> YES	<input type="radio"/> NO	

1 **Business License & Permits Committee**

Item #: 5

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Deepchhaya Inc.**
12 *334 W. 37th Street (8/9)*

13
14 Dear Chairman Bradley:

15
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a New Beer License application for
17 Deepchhaya Inc. – 334 W. 37th Street (8/9), **unless** the attached stipulations, agreed to and signed by the
18 applicant, are part of the method of operation for this establishment with a capacity of less than 75; 2
19 tables; and 10 seats.

20
21 Sincerely,

22
23
24 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

25
26

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME Deepchhaya Inc.		DOING BUSINESS AS (DBA)	
STREET ADDRESS 334 West 37th Street		CROSS STREETS	ZIP CODE 10018
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: Mukesh Patel.	ATTORNEY/ REPRESENTATIVE	NAME: Nehal Trivedi
	PHONE: 646-409-4805		PHONE: 516 4701379.
	EMAIL: DcmPatel@yahoo.com		EMAIL: NMTTrivedi@optonline.net
MANAGER	NAME:	LANDLORD	NAME: Rama & Manjula LLC.
	PHONE:		PHONE: 718-486-0176
	EMAIL:		EMAIL:
APPLICATION TYPE <i>(Check One)</i>			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	Chhaya News 153 West 27th Street. N.Y. N.Y.	
	What were the dates applicant was involved with this former premise?	last 10 years	
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	If alterations or operational changes are being made, please describe/ list all changes.		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input type="radio"/> Liquor/Wine/Beer <input checked="" type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input checked="" type="radio"/> Deli <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization - Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="radio"/> NO	upon completely Board meeting
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	<input checked="" type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

Amended

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS* (Indoor Only)	Operation	7:30 9:00	7:30- 9:00	7:30- 9:00	7:30 9:00	7:30 9:00	7:30- 7:30	7:30 7:30
	Kitchen	No kitchen.						
	Music	No music						

If you plan to have music, what type(s)? (Circle all that apply)

BACKGROUND
 LIVE MUSIC
 DJ
 JUKE BOX
 KARAOKE

OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	less than 75	10 to 15	2	10	∅	∅	∅
OUTSIDE (Other than sidewalk café)							
SIDEWALK CAFÉ							

How many floors are there? What is the capacity for each floor?

2 floors: 1st floor & basement

How frequently will the owner(s) be at the establishment?

all hours

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	<input checked="" type="radio"/> NO
Will applicant have bottle or table service for beverage alcohol?	YES	<input checked="" type="radio"/> NO
Will you be hosting private, promotional or corporate events?	YES	<input checked="" type="radio"/> NO
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO
Will you have a security plan? If, yes please attach.	YES	<input checked="" type="radio"/> NO
Will security plan be implemented?	YES	<input checked="" type="radio"/> NO
Will State certified security personnel be used?	YES	<input checked="" type="radio"/> NO
Will New York Nightlife Association and NYPD Best Practices be followed?	YES	<input checked="" type="radio"/> NO
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="radio"/> NO
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	YES	<input checked="" type="radio"/> NO
Where will delivery bicycles be stored during the day when not in use?		No

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	Don't know
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is a Public Assembly permit required?	YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	YES	<input checked="" type="radio"/> NO	

Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Community Board #4	
	# 2		
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.			
Who was your contact person at each group you met with?			
When did applicant post the notice that was provided?			
Where did applicant post the notice that was provided?			
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	YES	NO	
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES	NO	

BUILDING DESIGN			
State the name and type of business previously located in the space.	Psychic Reader.		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Do you plan any changes to the existing façade? If yes, please describe.	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Adapt.
Will applicant have a vestibule within the establishment?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Will applicant use a storm enclosure?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Will applicant comply with the NYC noise code?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Will the kitchen exhaust system extend to the roof?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
Will the establishment have an illuminated sign?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Will the establishment have a canopy extending over the sidewalk?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
Where will the air conditioner be located? What type is it?	Central Unit in the back of building		
When was the air conditioner installed?	with construction.		

me

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE

Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<i>Need be but not necessary.</i>
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

OUTDOOR ITEMS – SIDEWALK CAFÉ		N/A No sidewalk café.	
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

1 **Business License & Permits Committee**

Item #: 6

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Haru Hell’s Kitchen Corp.**
12 **d/b/a Haru**
13 *859 9th Avenue (55/56)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a New On-Premise Liquor License
18 application for Haru Hell’s Kitchen Corp. d/b/a Haru – 859 9th Avenue (55/56), **unless** the attached
19 stipulations, agreed to and signed by the applicant, are part of the method of operation for this
20 establishment with a capacity of 65; 9 tables; 65 seats and 1 Stand-Up Bar with 18 seats.

21
22 Sincerely,

23
24
25 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

26
27

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Haru Hells Kitchen Corp.		Haru ⁵⁵ ⁵⁶	
STREET ADDRESS		CROSS STREETS	ZIP CODE
859 Ninth Avenue, New York, NY 10019		West 56 th and 57 th Streets	10019
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: See the attached list of	ATTORNEY/ REPRESENTAIVE	NAME: Lisa M. Miller, Esq., Skene Law Firm, P.C.
	PHONE: company officers.		PHONE: 732-727-5030 (ask for Lindsey Farina, Paralegal)
	EMAIL:		EMAIL: Lfarina@skenelawfirm.com
MANAGER	NAME: TBD	LANDLORD	NAME: 859 Ninth Ave TR, LLC
	PHONE:		PHONE: Steve Dluzyn 646-565-3910
	EMAIL:		EMAIL: sdluzyn@hubbnyc.com
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	What is/was the name and address of establishment?	Multiple - see attached list	
	What were the dates applicant was involved with this former premise?	currently	
<input type="radio"/> Transfer	What is the prior license # and expiration date?	Multiple - see attached list	
	Is applicant making any alterations or operational changes?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	NO	Upon Community Board approval.
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	YES	NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	YES	NO	

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
HOURS* (Indoor Only)	Operation	11:30AM-11PM	11:30AM-midnight	11:30AM-midnight	11:30AM-midnight	11:30AM-midnight	11:30AM-midnight	11:30AM - 11PM
	Kitchen	same as above for all days of the week						
	Music	N/A	same	as above	on all days of week			
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/>	BACKGROUND	LIVE MUSIC	DJ	JUKE BOX	KARAOKE	

OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up-Bar
INSIDE	C of O pending	65	9	65	0	1	18
OUTSIDE (Other than sidewalk café)	0	0	0	0	0	0	0
SIDEWALK CAFÉ	No sidewalk café						

How many floors are there? What is the capacity for each floor? 2 levels - basement and ground level.
Basement level is for staff only. Ground level - 65

How frequently will the owner(s) be at the establishment? The owners do not anticipate being directly involved. Premises management will oversee operations.

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?

YES	NO
	<input checked="" type="checkbox"/>

Will applicant have bottle or table service for beverage alcohol? No bottle service. The premises will provide standard restaurant wait staff service.

YES	NO
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Will you be hosting private, promotional or corporate events?

YES	NO
	<input checked="" type="checkbox"/>

Will outside promoters be used on a regular basis? If yes please describe.

YES	NO
	<input checked="" type="checkbox"/>

Will you have a security plan? If, yes please attach.

YES	NO
	<input checked="" type="checkbox"/>

Will security plan be implemented?

YES	NO
	<input checked="" type="checkbox"/>

Will State certified security personnel be used?

YES	NO
	<input checked="" type="checkbox"/>

Will New York Nightlife Association and NYPD Best Practices be followed? n/a

YES	NO
	<input checked="" type="checkbox"/>

Will applicant be using delivery bicycles? If yes, how many? 3

<input checked="" type="checkbox"/>	YES	NO
	<input checked="" type="checkbox"/>	

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?

YES	NO
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Where will delivery bicycles be stored during the day when not in use? inside the restaurant

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO <input checked="" type="checkbox"/>	
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	pending
Is a Public Assembly permit required?	YES	NO	TBD once occupancy is finalized
Are your plans filed with DOB?	YES	NO	pending

Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	West 50th/51st Streets Block Assoc.	
	# 2	West 55th Street Block Assoc.	
	# 3	300 W. 55th Street Block Assoc.	
	# 4	Hudson Hotel Residents	
	# 5		
Please provide dates when applicant met with the groups listed above.		Pending. Local stipulation in process	
Who was your contact person at each group you met with?		Steve Belida, Christine Gorman, Paul Loeb	
When did applicant post the notice that was provided?		7/15/15	
Where did applicant post the notice that was provided?		Front of premises	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	YES <input checked="" type="checkbox"/>	NO	
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES <input checked="" type="checkbox"/>	NO	

BUILDING DESIGN			
State the name and type of business previously located in the space.	unoccupied		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	NO	unknown
Do you plan any changes to the existing façade? If yes, please describe.	YES X	NO	new signage
Will applicant have a vestibule within the establishment?	YES	NO X	
Will applicant use a storm enclosure?	YES	NO X	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES X	NO	
Will applicant comply with the NYC noise code?	YES X	NO	
Will the establishment have any of the following: (circle all that apply) no	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES X	NO	n/a
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES X	NO	n/a
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	no
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	NO	n/a - no entertainment
Will the kitchen exhaust system extend to the roof?	YES X	NO	
Will the establishment have an illuminated sign?	YES X	NO	
Will the establishment have a canopy extending over the sidewalk?	YES	NO X	
Where will the air conditioner be located? What type is it?			
When was the air conditioner installed?			

SR
SR
SR

THIS APPLICATION DOES NOT
EXTEND TO ~~THE~~ A
SIDEWALK CAFE.

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

Project Owner:
BENIHANA
 Benihana
 21500 Biscayne Blvd,
 Suite 900
 Doral, FL 33180



Consultant:
 Innovation and Design in
 Architecture, Inc.
 218 The Promenade North
 Long Beach, CA 90802
 www.idaexperience.com

Project Address:
 888 NORTH AVENUE
 NEW YORK, NY 10010



Hell's Kitchen

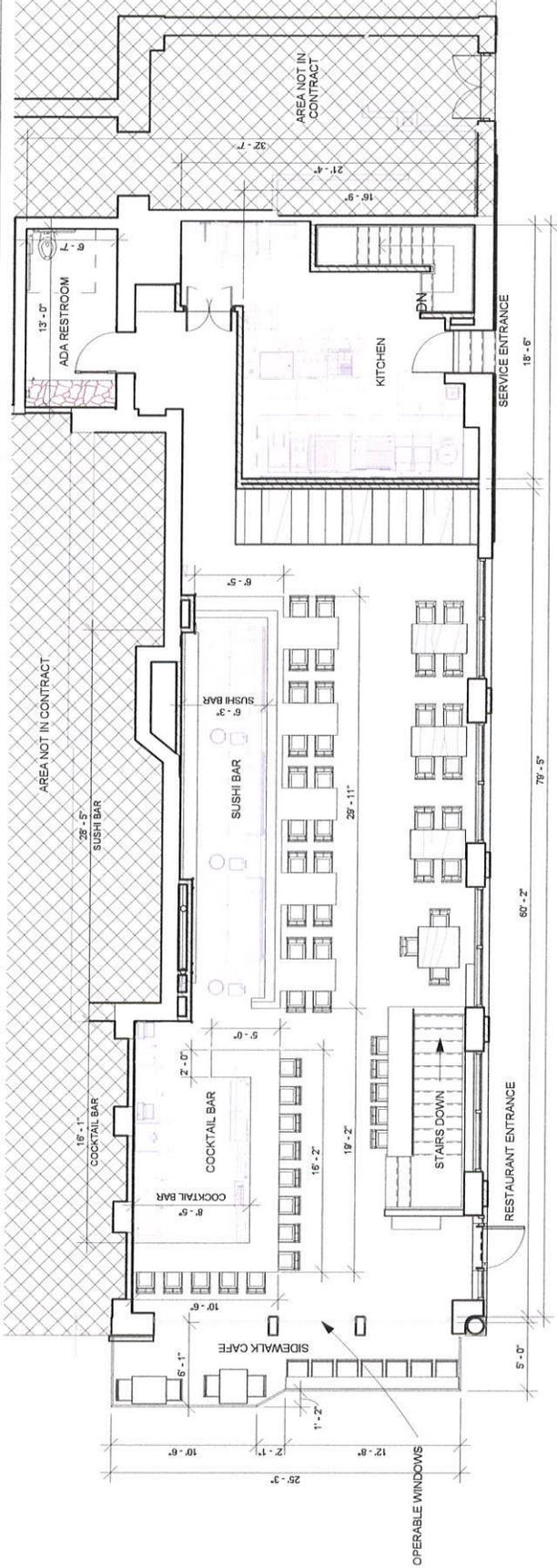
Issue Date:
 06.30.15

Project Number:
 50-001-14

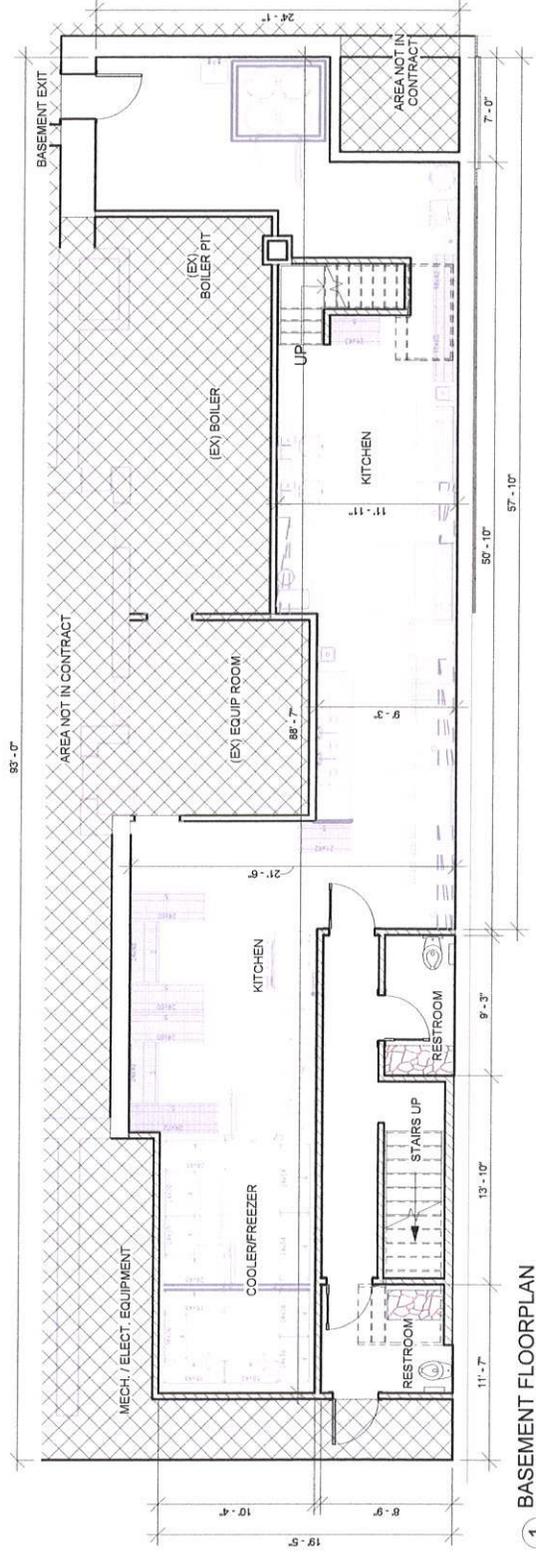
Sheet Title:
 NYSLA
 FLOORPLAN

Sheet:

SK-01



2 GROUND FLOORPLAN
 1/8" = 1'-0"



1 BASEMENT FLOORPLAN
 1/8" = 1'-0"

SEATING

DINING	27
COCKTAIL BAR	18
SUSHI BAR	20
INTERIOR TOTAL	65

1 **Business License & Permits Committee**

Item #: 7

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: 333 West Penn Associates, LLC**
12 **d/b/a Shipping & Receiving**
13 *333 W. 33rd Street (33/9)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends denial of a New Restaurant Wine and Beer
18 License application for 333 West Penn Associates, LLC d/b/a Shipping & Receiving – 333 W. 33rd
19 Street (33/9), unless the attached stipulations, agreed to and signed by the applicant, are part of the
20 method of operation for this establishment with a capacity of 300; 15 tables; 84 seats and 1 Stand-Up
21 Bar with no seats

22
23 Sincerely,

24
25
26 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

27
28

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

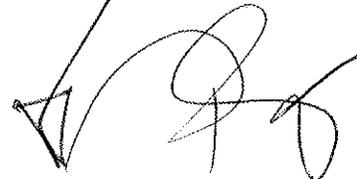
CORPORATION NAME 333 West Penn Associates, LLC		DOING BUSINESS AS (DBA) Shipping & Receiving	
STREET ADDRESS 333 West 33rd Street		CROSS STREETS 33rd St. and 9th Ave.	ZIP CODE 10001
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: please see attached list	ATTORNEY/ REPRESENTAIVE	NAME: Jennifer L. Tsyn, Esq.
	PHONE:		PHONE: (518) 533-3218
	EMAIL:		EMAIL: jtsyn@bsk.com
MANAGER	NAME: Ryan Giuliani	LANDLORD	NAME: Vornado 330 West 34th Street, L.L.C.
	PHONE: (646) 246-4905		PHONE: (212) 894-1000
	EMAIL: ryanggiuliani@gmail.com		EMAIL: ryanggiuliani@gmail.com
APPLICATION TYPE (Check One)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	Ryan Giuliani was a principal of premises holding a RW license in Woodstock, NY	
	What were the dates applicant was involved with this former premise?	December 2014 to present (Serial 2197573)	
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> On Premise Wine & Beer <input type="radio"/> Beer <input checked="" type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	on or around August 15, 2015
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/>	<input type="radio"/>	Hudson Yards
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/>	<input type="radio"/>	
Is a Public Assembly permit required?	<input checked="" type="radio"/>	<input type="radio"/>	
Are your plans filed with DOB?	<input checked="" type="radio"/>	<input type="radio"/>	exterior construction plans have been filed

Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Hell's Kitchen Neighborhood Association	
	# 2	West 36th Street Block Association	
	# 3		
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		contacted groups via email correspondence dated 7/24/15	
Who was your contact person at each group you met with?		Kathleen Treat/Frank Strock	
When did applicant post the notice that was provided?		7/24/15	
Where did applicant post the notice that was provided?		clearly visible exterior post at entrance to food truck park	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="radio"/>	<input type="radio"/> 646-246-4905
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="radio"/>	<input type="radio"/>

BUILDING DESIGN			
State the name and type of business previously located in the space.	Shipping and receiving area for adjoining building		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	creating exterior food truck park
Will applicant have a vestibule within the establishment?	YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	<input type="radio"/> NO	N/A - exterior or area sought to be licensed
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	<input type="radio"/> NO	N/A - exterior or area sought to be licensed
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	No		
When was the air conditioner installed?	N/A		

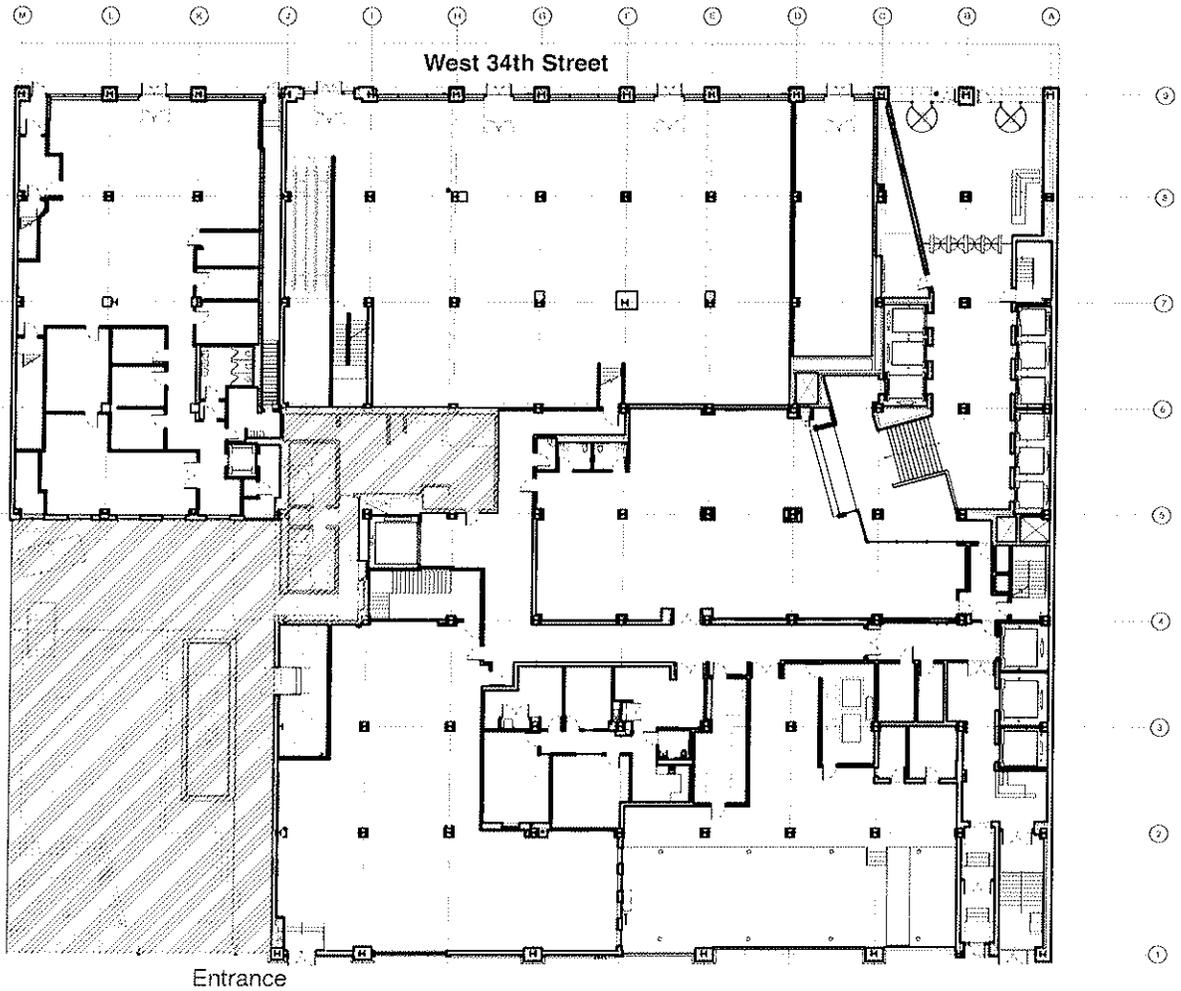
OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	outdoor food truck park
Are the floorplans for the outdoor space(s) included?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	we expect to close the food truck park at 12:00 midnight on Friday and Saturday night and 11:00 other nights
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	


 CLOSING ~~AT~~ NO
 LATER THAN
 9:00 P.M. WEEKLY.

OUTDOOR ITEMS – SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant use umbrellas?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input type="radio"/> YES	<input type="radio"/> NO	N/A

- THERE WILL BE NO MUSIC OR AMPLIFIED SOUND OF ANY KIND AT ANY TIME.
- SECURITY PERSONNEL WILL BE ON SITE DURING ALL HOURS OF OPERATION.
- AT LEAST ONE LICENSED AND BONDED SECURITY PERSON AT LATER HOURS
- WINE + BEER ONLY.
- NO HEAT LAMPS.
- PREMISES TO BE CLOSED + VACATED AT ALL PATRONS NO LATER THAN 9 P.M. NIGHTLY.

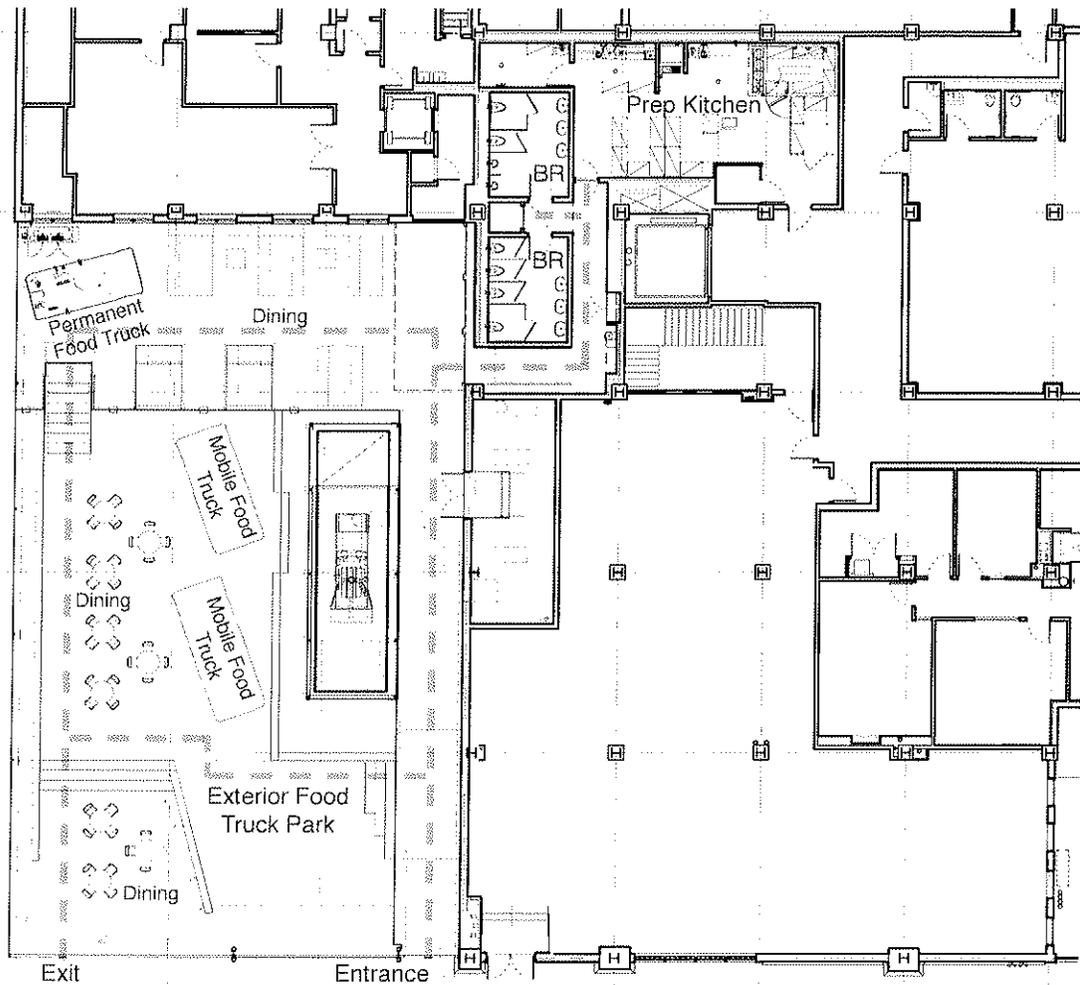
To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.



333 West 33rd Street
GROUND FLOOR PLAN
 Area of Establishment (Shaded)

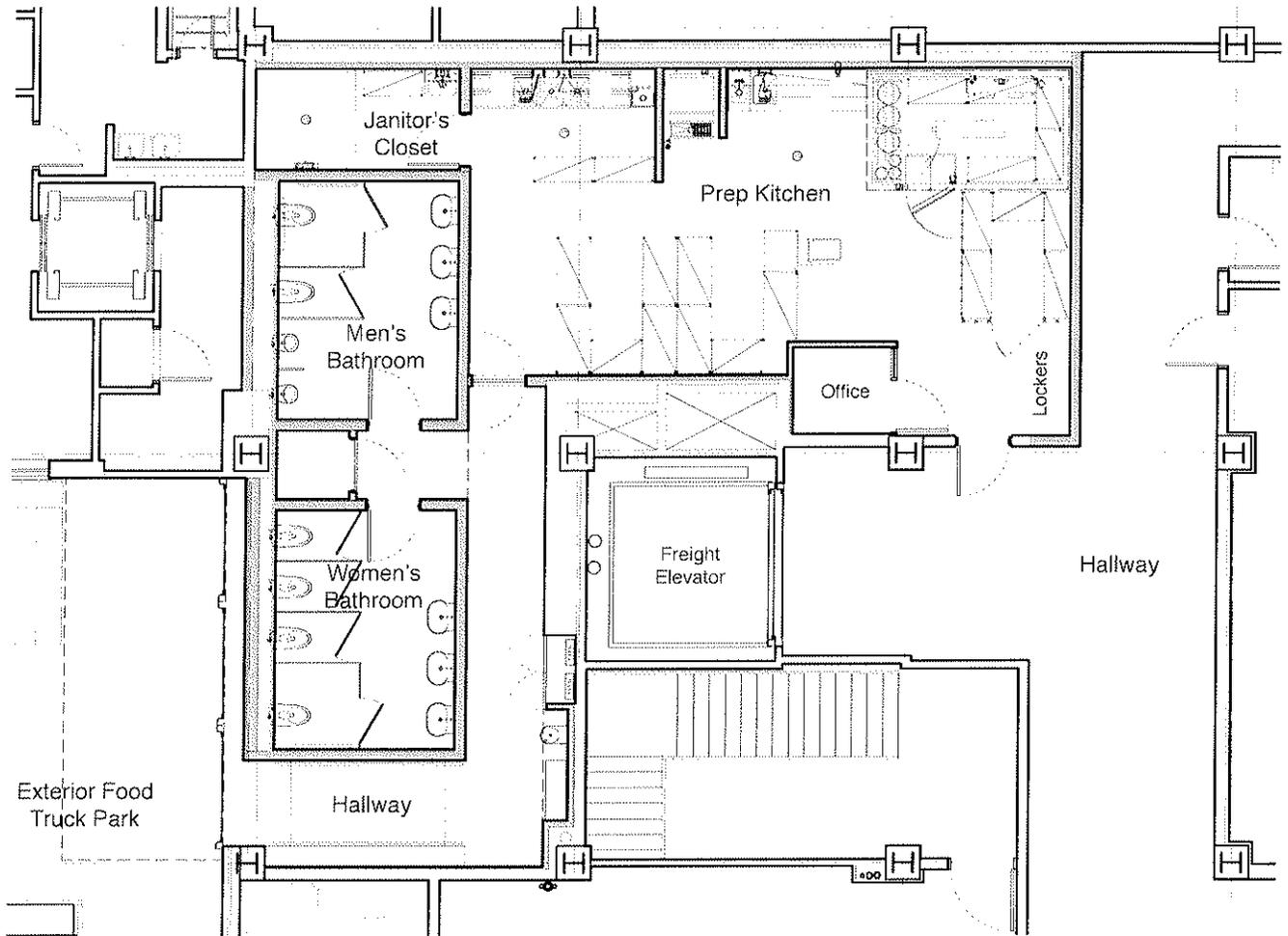
West 33rd Street

333 WEST PENN ASSOCIATES, LLC
 333 West 33rd Street New York, NY 10001



333 West 33rd Street
ESTABLISHMENT FLOOR PLAN
 Path to Bathrooms (Dashed) ————

333 WEST PENN ASSOCIATES, LLC
 333 West 33rd Street New York, NY 10001



ENLARGED FLOOR PLAN

333 WEST PENN ASSOCIATES, LLC
333 West 33rd Street New York, NY 10001

1 **Business License & Permits Committee**

Item #: 8

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: An Entity to be formed by Josh Berkowitz**
12 *85 10th Avenue (15/16)*

13
14 Dear Chairman Bradley:

15
16 Manhattan Community Board 4 (MCB4) recommends **denial** of a New On-Premise Liquor License
17 application for An Entity to be formed Josh Berkowitz – 85 10th Avenue (15/16), **unless** the attached
18 stipulations, agreed to and signed by the applicant, are part of the method of operation for this
19 establishment with a capacity of 74; 17 tables; 47 seats and 1 Stand-Up Bar with 11 seats.

20
21 Sincerely,

22
23
24 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

25
26

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME <i>An Entity to be formed by Josh Berkowitz</i>		DOING BUSINESS AS (DBA) <i>TBD</i>	
STREET ADDRESS <i>85 10th Avenue</i>		CROSS STREETS <i>15th & 16th</i>	ZIP CODE <i>10011</i>
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: <i>Josh Berkowitz</i>	ATTORNEY/ REPRESENTATIVE	NAME: <i>Robert Bookman</i>
	PHONE: <i>917-576-8000</i>		PHONE: <i>212-513-1988</i>
	EMAIL: <i>josh@bleeckerkitchen.com</i>		EMAIL: <i>rbookman@pandblegal.com</i>
MANAGEE	NAME: <i>Shaun Rose</i>	LANDLORD	NAME: <i>Related Management</i>
	PHONE: <i>917-523-7656</i>		PHONE: <i>2128011000</i>
	EMAIL: <i>shaun@bleeckerkitchen.com</i>		EMAIL:
APPLICATION TYPE (Check One)			
<input checked="" type="checkbox"/> New	Has applicant owned or managed a similar business?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
	What (s) was the name and address of establishment?	<i>Bleecker Kitchen & Co. 643 Broadway</i>	
	What were the dates applicant was involved with this former premise?	<i>9/2013 - Present</i>	
<input type="checkbox"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="checkbox"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="checkbox"/> Liquor/Wine/Beer	<input type="checkbox"/> Beer	<input type="checkbox"/> Wine & Beer
ESTABLISHMENT TYPE	<input checked="" type="checkbox"/> Restaurant	<input type="checkbox"/> Cabaret	<input type="checkbox"/> Night Club
	<input type="checkbox"/> Adult Entertainment	<input type="checkbox"/> Wine Bar	<input type="checkbox"/> Dance Club
	<input type="checkbox"/> Hotel	<input checked="" type="checkbox"/> Bar/Tavern	<input type="checkbox"/> Catering Establishment
	<input type="checkbox"/> Sports Bar	<input type="checkbox"/> Club (Fraternal Organization -- Members Only)	
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation								
	Kitchen		10	-4					
	Music								
If you plan to have music, what type(s)? (Circle all that apply)			<u>BACKGROUND</u>	LIVE MUSIC	DJ	JUKE BOX	KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	74 74	74 74	17	47	Ø	1	11		
OUTSIDE (Other than sidewalk café)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	JB	
SIDEWALK CAFÉ	18	18	9	18					
How many floors are there? What is the capacity for each floor?					Ground Floor				
How frequently will the owner(s) be at the establishment?					An owner or manager will always be a premise				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO			
Will you be hosting private; promotional or corporate events?					<input checked="" type="radio"/> YES	NO			
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO			
Will you have a security plan? If, yes please attach.					YES	<input checked="" type="radio"/> NO			
Will security plan be implemented?					YES	<input checked="" type="radio"/> NO			
Will State certified security personnel be used?					YES	<input checked="" type="radio"/> NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="radio"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	NO	N/A		
Where will delivery bicycles be stored during the day when not in use?					N/A				

LOCATION & ZONING		
Is this a Special District? If yes, Is It Clinton, West Chelsea or Hudson Yards?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input checked="" type="radio"/> NO
Are your plans filed with DOB?	<input type="radio"/> YES	<input type="radio"/> NO <i>N/A</i>

Community Notification/Relations		
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted.	# 1	Bill Barock
	# 2	300 West 18 th + 19 th Streets BA - Laura Evans
	# 3	300 West 15 th Street BA - Tim Jasper
	# 4	200 West 16 th Street BA - Will Rogers
	# 5	100 West 17 th + 18 th BA - Craig Stutts
Please provide dates when applicant met with the groups listed above.		Spoke with Bill Barock & Laura Evans on phone.
Who was your contact person at each group you met with?		
When did applicant post the notice that was provided?		July 27, 2015
Where did applicant post the notice that was provided?		Front Window
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	NO 917-576-8000
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	Willow Road		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	If the Board deems it necessary
Will the kitchen exhaust system extend to the roof?	YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	N/A		
When was the air conditioner installed?	N/A		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFE			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	

OUTDOOR ITEMS – SIDEWALK CAFÉ		
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant be applying for a sidewalk café now or in the future?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk café?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant mark the perimeter of the café on the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will the sidewalk café not provide standing space for drinking or smoking?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input checked="" type="radio"/> NO
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Will applicant use umbrellas?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closest obstruction including construction barricades?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

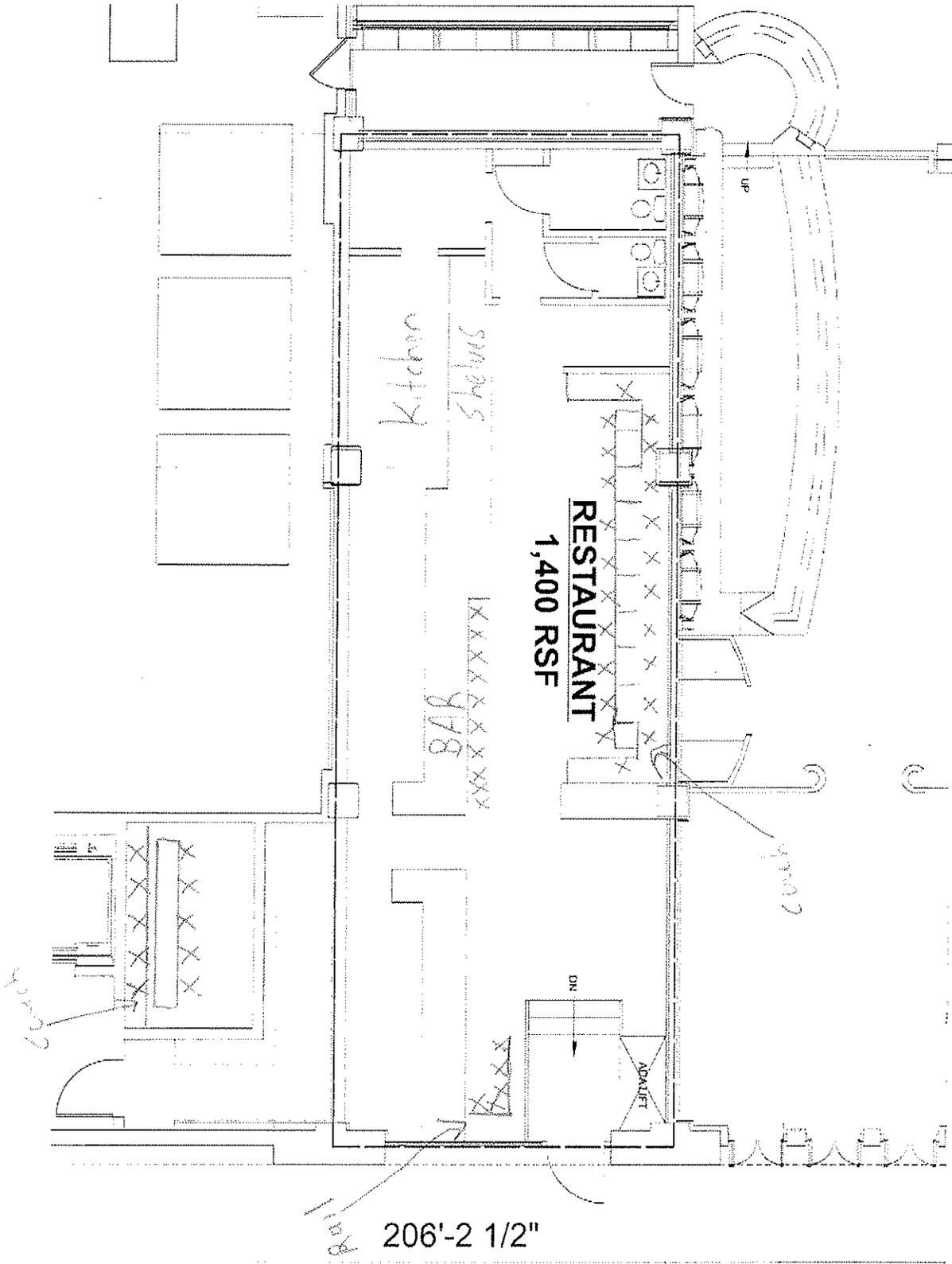
There is an existing license

NA

ADDITIONAL STIPULATIONS: (Office Use Only)

- Applicant will submit
ARCHITECTURAL DRAWINGS
OF ~~THE~~ ESTABLISHMENT
PRIOR TO 9/2/15 FULL
BOARD.

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.



RESTAURANT
1,400 RSF

Kitchen

SMOOTHIES

BAR

DN

ADN LIFT

up

down

1000

1100

206'-2 1/2"

D

E

10TH AVENUE

1 **Business License & Permits Committee**

Item #: 9

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: 741 Eighth Avenue Owners, LLC**
12 **d/b/a Riu Hotel Plaza New York Times Square**
13 *741 8th Avenue (46/47)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of a New On-Premise Liquor License
18 application for 741 Eighth Avenue Owners, LLC d/b/a Riu Hotel Plaza New York Times Square – 741
19 8th Avenue (46/47), **unless** the attached stipulations, agreed to and signed by the applicant, are part of
20 the method of operation for this establishment with a restaurant capacity of 179; 40 tables; 102 seats and
21 43 lobby seats, and 2 Stand-Up Bars with 11 seats, and an Outdoor capacity of 85, 12 tables plus 4 low
22 tables and 52 seats.

23
24 Sincerely,

25
26
27 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

28
29

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME 741 Eighth Avenue Owners, LLC		DOING BUSINESS AS (DBA) Riu Hotel Plaza New York Times Square	
STREET ADDRESS 741 8th Avenue a/k/a 305 West 46th Street		CROSS STREETS 8th Avenue - 46th - 47th Streets	ZIP CODE 10036
OWNER <i>(Attach a list of all the people that will be associated/licensed with the license)</i>	NAME: Carmen Riu/Luis Riu	ATTORNEY/ REPRESENTATIVE	NAME: Victor & Bernstein, PC
	PHONE: 212-421-8100		PHONE: 212-486-6000
	EMAIL: wrobel@wsfny.com		EMAIL: dbernstein@victorbernstein.com mredo@victorbernstein.com
MANAGER	NAME: Joan Trian	LANDLORD	NAME: applicant is fee owner of a portion of the property 301 West 46th Street Owners LLC (an affiliate of
	PHONE: 212-247-8534		PHONE: the applicant owns the remaining portion) 212-421-8100
	EMAIL: pineappledevelop@gmail.com		EMAIL: wrobel@wsfny.com
APPLICATION TYPE <i>(Check One)</i>			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
	What is/was the name and address of establishment?	112 properties around the world; this is the	
	What were the dates applicant was involved with this former premise?	first property in New York	
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="radio"/> YES	<input type="radio"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	<i>Please list/describe the nature of all the changes and attach the plans:</i>		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input checked="" type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization -- Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	Will file on or about 8/12/2015
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	Nearby church is not exclusively used as such
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

Hotel - 24hrs daily HOURS* (Indoor Only)	Restaurant	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM
	Kitchen	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM
	Music	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM	7AM-4AM

If you plan to have music, what type(s)? (Circle all that apply)

BACKGROUND
 LIVE MUSIC
 DJ
 JUKE BOX
 KARAOKE

OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	Hotel: 1650 Rest/Bar: 179	Rest/Bar: 134	40	102 + 43 lobby seats	0	2	11
OUTSIDE <i>(Other than sidewalk café)</i>	85	60	12 + 4 low tables	52	----	----	-----
SIDEWALK CAFÉ	-----	-----	-----	-----			

How many floors are there? What is the capacity for each floor? 28 floors plus cellar

How frequently will the owner(s) be at the establishment? Owner 1/year, manager daily

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?	YES	<input checked="" type="radio"/> NO	
Will applicant have bottle or table service for beverage alcohol?	<input checked="" type="radio"/> YES	NO	
Will you be hosting private, promotional or corporate events?	<input checked="" type="radio"/> YES	NO	
Will outside promoters be used on a regular basis? If yes please describe.	YES	<input checked="" type="radio"/> NO	
Will you have a security plan? If, yes please attach.	<input checked="" type="radio"/> YES	NO	will have security personnel 24 hrs -- 2-3 per shift
Will security plan be implemented?	<input checked="" type="radio"/> YES	NO	
Will State certified security personnel be used?	<input checked="" type="radio"/> YES	NO	
Will New York Nightlife Association and NYPD Best Practices be followed?	<input checked="" type="radio"/> YES	NO	
Will applicant be using delivery bicycles? If yes, how many?	YES	<input checked="" type="radio"/> NO	
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?	YES	NO	N/A
Where will delivery bicycles be stored during the day when not in use?	N/A		

*live music and/or DJs will be for private events only

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	Pending completion of construction
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Manhattan Community Board 4	
	# 2	West 43rd Street (9/10) Block Association: Eduardo Zeiger (eduardozeiger@compuserve.com) HKNA: Kathleen Treat (kathleentreat123@gmail.com)	
	# 3	West 44th Street Block Association: Renee & Gordon (twocatsld@worldnet.att.net); Rudi Papiri (rudi_papiri@timemagazine.com)	
	# 4	West 46th Street Block Association: Allison Tupper (allisontupper@verizon.net) West 47th/48th Streets Block Association: Elke Fears (aefearshk@earthlink.net); Larry Roberts (larrymichaelroberts@gmail.com); Jim Bogues (jamesbogues@gmail.com); Chuck Vassallo (chasmv@hotmail.com); Steven Riedl (chluderemyc@yahoo.com); Nany Roylance (nancyroylance@ymail.com)	
	# 5		
Please provide dates when applicant met with the groups listed above.		Email notification to be sent 7/28/15	
Who was your contact person at each group you met with?		see above	
When did applicant post the notice that was provided?		July 20, 2015	
Where did applicant post the notice that was provided?		on fence at the property at 4 posts	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="radio"/> YES	<input type="radio"/> NO 212-247-8534
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="radio"/> YES	<input type="radio"/> NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	parking lot		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	NO	New construction
Will applicant have a vestibule within the establishment?	YES	<input checked="" type="radio"/> NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	<input checked="" type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	YES	NO	N/A
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	YES	NO	N/A
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	NO	In process - will be provided
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	NO	At canopy
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	NO	
Where will the air conditioner be located? What type is it?	At the top of the building (Chillens)		
When was the air conditioner installed?	In process		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ

Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Rear yard
Are the floorplans for the outdoor space(s) included?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

OUTDOOR ITEMS – SIDEWALK CAFÉ

****N/A - NO SIDEWALK CAFE****

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

DOORS TO OUTDOOR SPACE
WILL NOT BE KEPT OPEN AND WILL
BE CLOSED EXCEPT WHEN ~~USED~~ USED
FOR ENTERING + EXITING.
NO OUTDOOR LIGHTING WILL
PROJECT UPWARD.

APPLICANT WILL APPLY SOUND
MITIGATION MATERIALS TO
WALLS ENCLING
OUTDOOR SPACE,

NO MUSIC OR AMPLIFIED
SOUND AT ANY TIME IN
OUTDOOR SPACE.

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

RIU HOTEL & RESORTS
NEW YORK OFFICE
100 WALL STREET
NEW YORK, NY 10038
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FAX: 212 512 1235

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ELECTRICAL ENGINEERS
MECHANICAL ENGINEERS, PC
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ELEVATOR CONSULTANTS
VOA (VAN DEUSEN & ASSOCIATES)
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MECHANICAL ENGINEERS
ROBERT A. HANSEN ASSOCIATES, INC.
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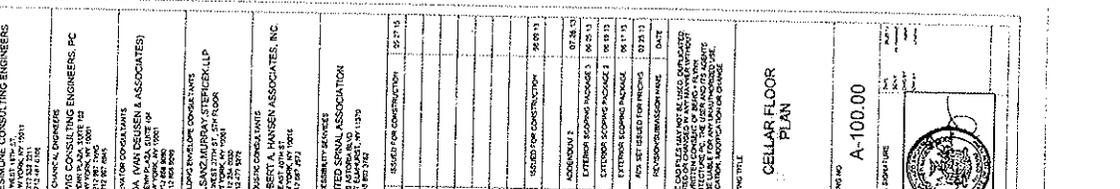
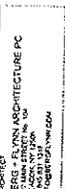
MECHANICAL ENGINEERS
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NEW YORK, NY 10038
TEL: 212 512 1234
FAX: 212 512 1235

1	ISSUED FOR CONSTRUCTION	06/09/11
2	ADDITION 2	07/28/11
3	EXTENSION SCOPING PACKAGE 1	08/19/11
4	EXTENSION SCOPING PACKAGE 2	08/19/11
5	EXTENSION SCOPING PACKAGE 3	08/19/11
6	FINAL DESIGN DEFINITIONS	08/19/11
7	PERMISSIONS	09/23/11
8	DATE	

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DATE: 08/19/11
DRAWING TITLE: CELLAR FLOOR PLAN

DRAWING NO: A-100.00



CELLAR FLOOR PLAN
A-100.00

DATE: 08/19/11
DRAWING TITLE: CELLAR FLOOR PLAN
DRAWING NO: A-100.00

RIU PLAZA NEW YORK
NEW YORK, NEW YORK 10038

RIU HOTEL & RESORTS
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FLOOR
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14 WEST 47TH STREET
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TWDG
CONSULTING ENGINEERS, PC
30 PENN PLAZA, SUITE 700
NEW YORK, NEW YORK 10001
P: 212 907 1000
P: 212 907 8942

KEY PLAN

NO.	DESCRIPTION	DATE
1	ISSUED FOR BIDDING	02.02.02
2	REVISIONS	

THIS PLAN IS AN INSTRUMENT OF SERVICE
APPLICATED, MODIFIED OR CHANGED BY
DATE AND BY THE ARCHITECT OR ENGINEER
CONSULTANT OF RECORD IN WRITING.
ACCEPTED FOR THE USER AND ITS
AUTHORIZED REPRESENTATIVE, DATE, LOCATION
AND SIGNATURE OF USER.

DRAWING TITLE

LIFE SAFETY PLAN
GROUND FLOOR

DRAWING NO.

G-101.00

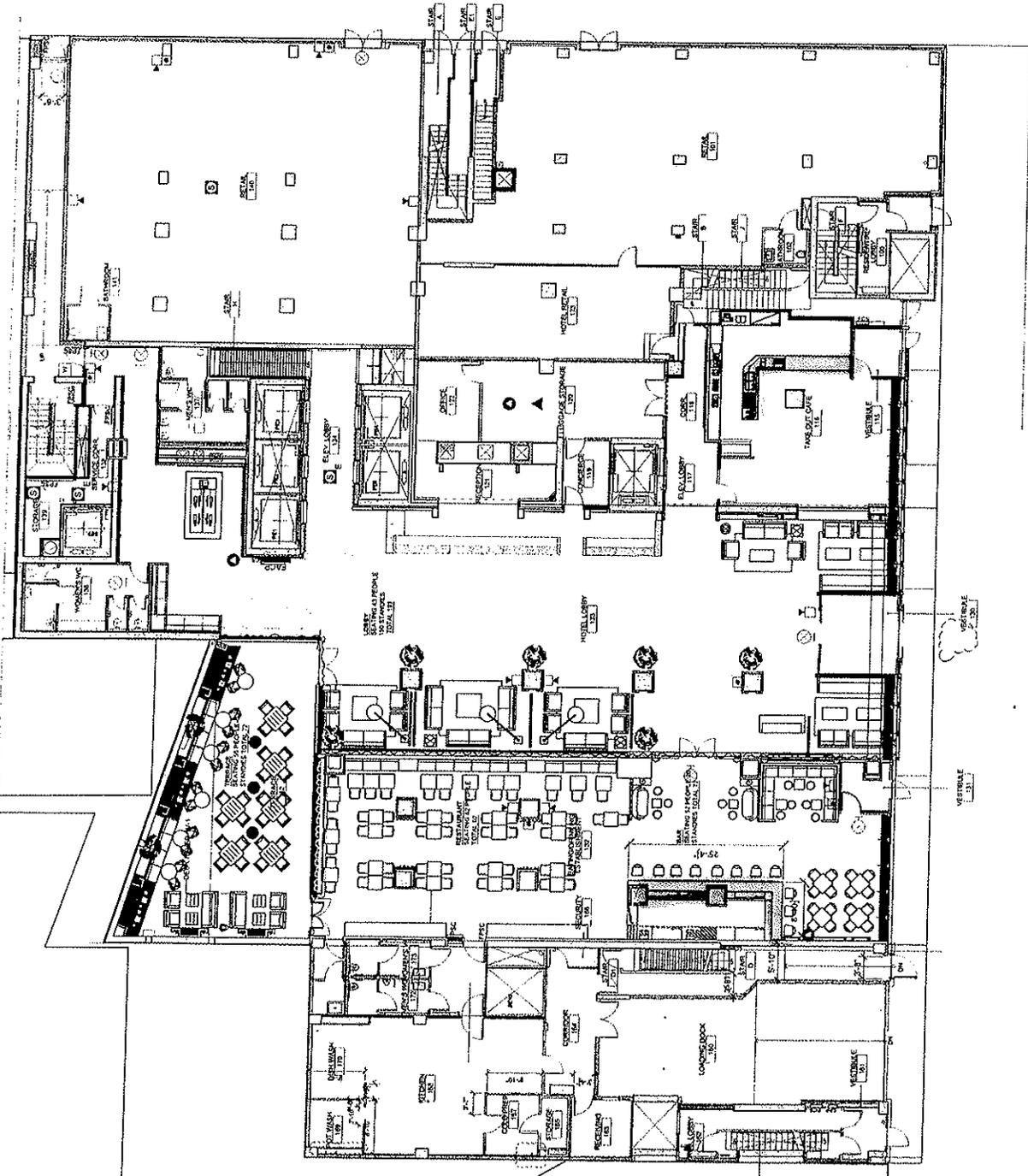
SCALE & SIGNATURE

SCALE: 1/8" = 1'-0"

DATE: 01/12/2017

DESIGNED BY: [Signature]

CHECKED BY: [Signature]



RIU RIU PLAZA NEW YORK
NEW YORK, NEW YORK 10008

RIU HOTEL & RESORTS
100 AVENUE OF THE AMERICAS
NEW YORK, NY 10019
7 212 908 4700
7 212 908 4705

DESIGNER
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271 MADISON AVE., SUITE 1002
NEW YORK, NY 10017
7 212 908 4700
7 212 908 4705

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7 212 908 4700
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7 212 471 6700

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7 212 908 4700

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7 212 908 4700
7 212 908 4705

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7 212 471 6700

ACOUSTIC CONSULTANTS
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7 212 908 2672

ACCESSIBILITY SERVICES
UNITED SPINAL ASSOCIATION
2429 ADAMS BLVD.
NEW YORK, NY 10010
7 718 308 3182

ISSUED FOR CONSTRUCTION 05.27.15

18 ADDENDUM 17
17 ADDENDUM 16
16 ADDENDUM 15
15 ADDENDUM 14
14 ADDENDUM 13
13 ADDENDUM 12
12 ADDENDUM 11
11 ADDENDUM 10
10 ADDENDUM 9
09 ADDENDUM 8
08 ADDENDUM 7
07 ADDENDUM 6
06 ADDENDUM 5
05 ADDENDUM 4
04 ADDENDUM 3
03 ADDENDUM 2
02 ADDENDUM 1
01 ISSUED FOR CONSTRUCTION 05.25.13

DATE

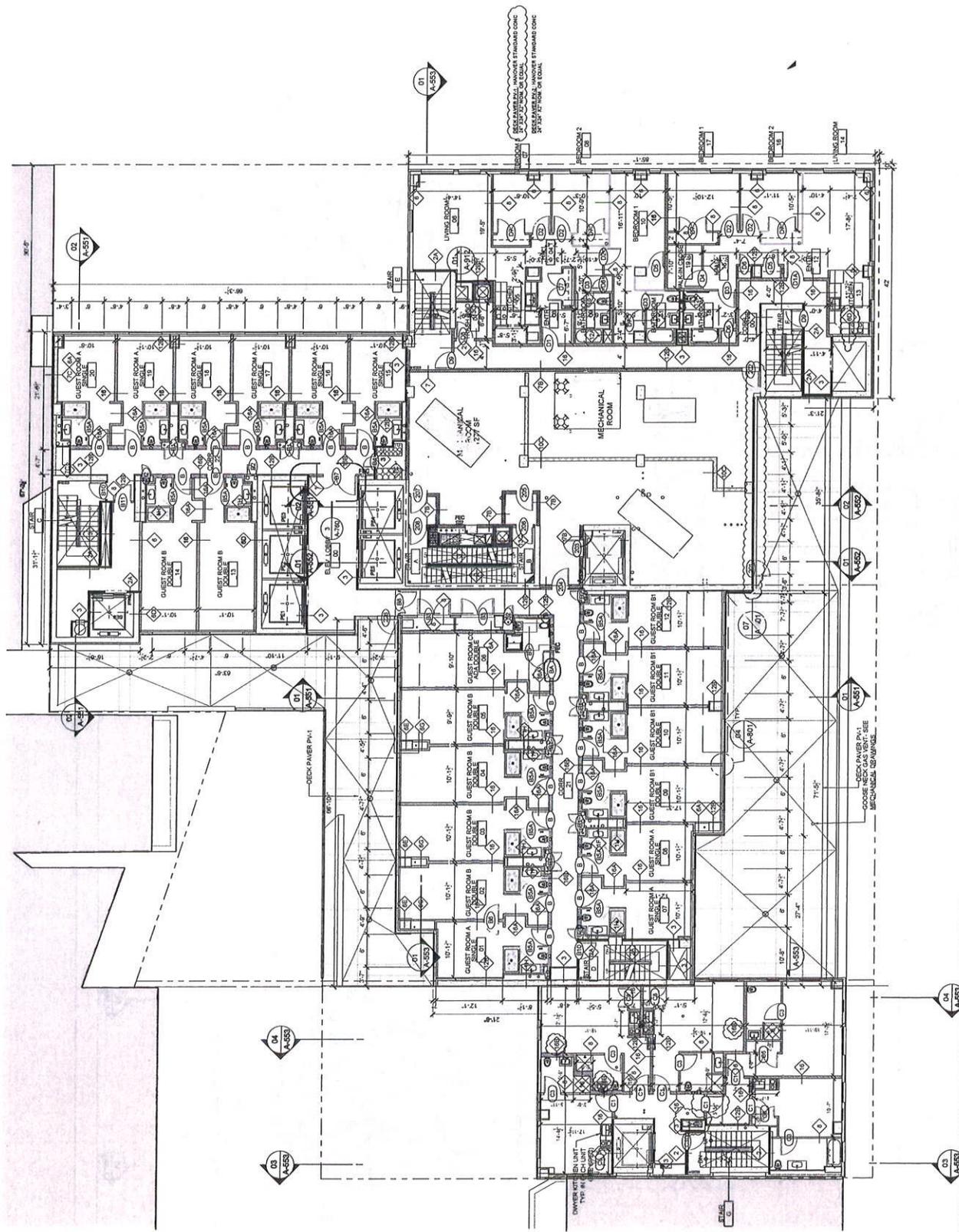
REVISIONS

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DRAWING TITLE
2ND FLOOR PLAN

DRAWING NO
A-102.00

SCALE & SIGNATURE



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 NEW YORK, NY 10018
 P: 212 687 2672

ACCESSIBILITY SERVICES
UNITED SPINAL ASSOCIATION
 2500 ATLANTIC BLVD
 NEW YORK, NY 10013
 P: 718 863 3762

21 ISSUED FOR CONSTRUCTION 08.27.15

18 ADDENDUM 17 09.24.14

17 ADDENDUM 17 04.04.14

08 ISSUED FOR CONSTRUCTION 08.08.13

04 EXTERIOR SCOPING PACKAGE 3 08.25.13

03 EXTERIOR SCOPING PACKAGE 2 08.19.13

02 EXTERIOR SCOPING PACKAGE 06.17.13

01 NOW SET ISSUED FOR PRICING 02.23.13

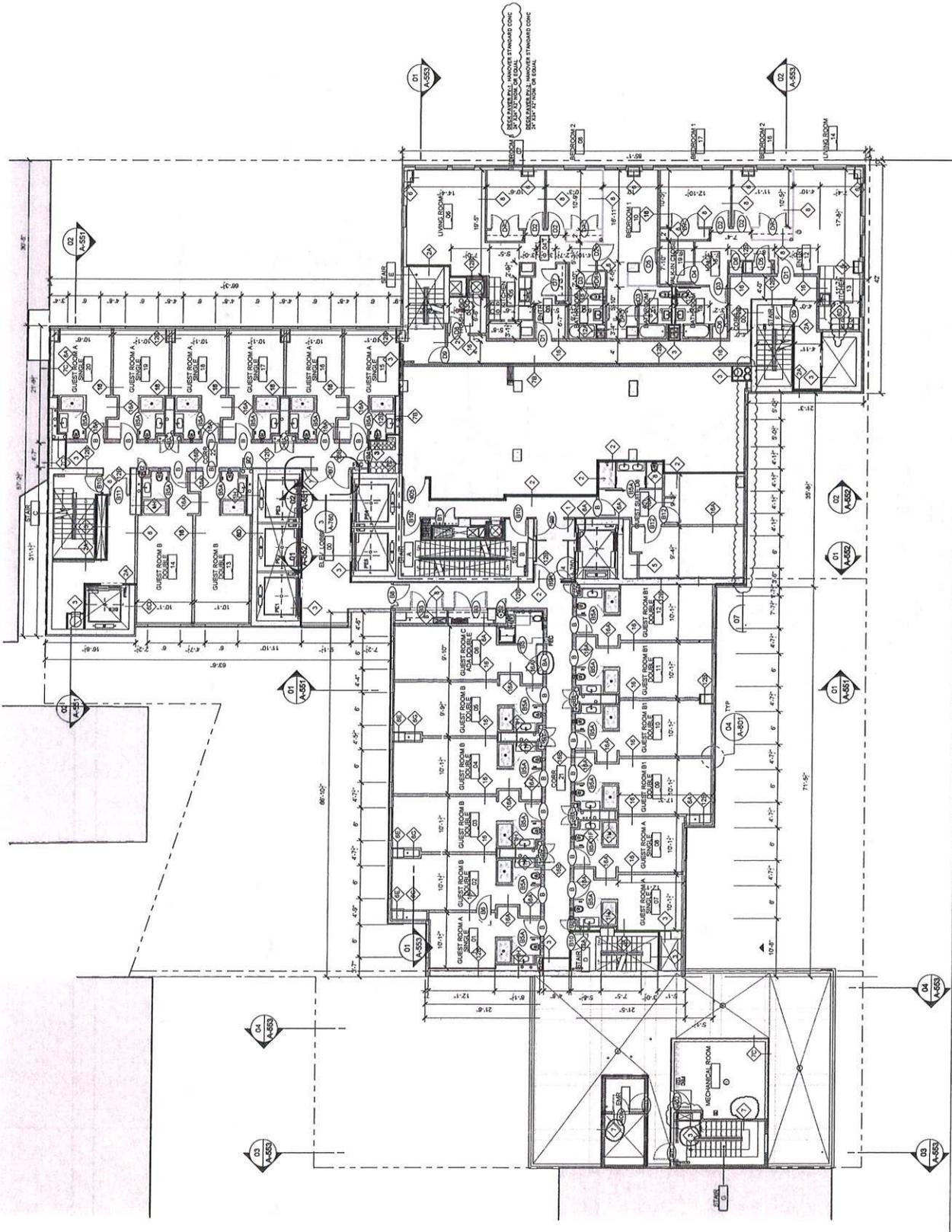
NO. REVISION/REVISION NAME DATE

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DRAWING TITLE
 4TH FLOOR PLAN

DRAWING NO.
 A-104.00

SCALE & SIGNATURE



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21 ISSUED FOR CONSTRUCTION 02.27.13

16 ADDENDUM 17 02.27.13

08 ISSUED FOR CONSTRUCTION 09.09.13

04 EXTERIOR SCOPING PACKAGE 3 02.23.13

02 EXTERIOR SCOPING PACKAGE 2 08.17.13

01 20% SET ISSUED FOR PRICING 02.23.13

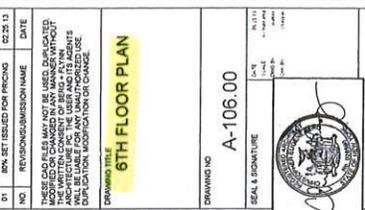
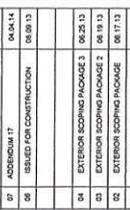
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 6TH FLOOR PLAN

DRAWING NO
 A-106.00

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01 A-551

02 A-552

01 A-551

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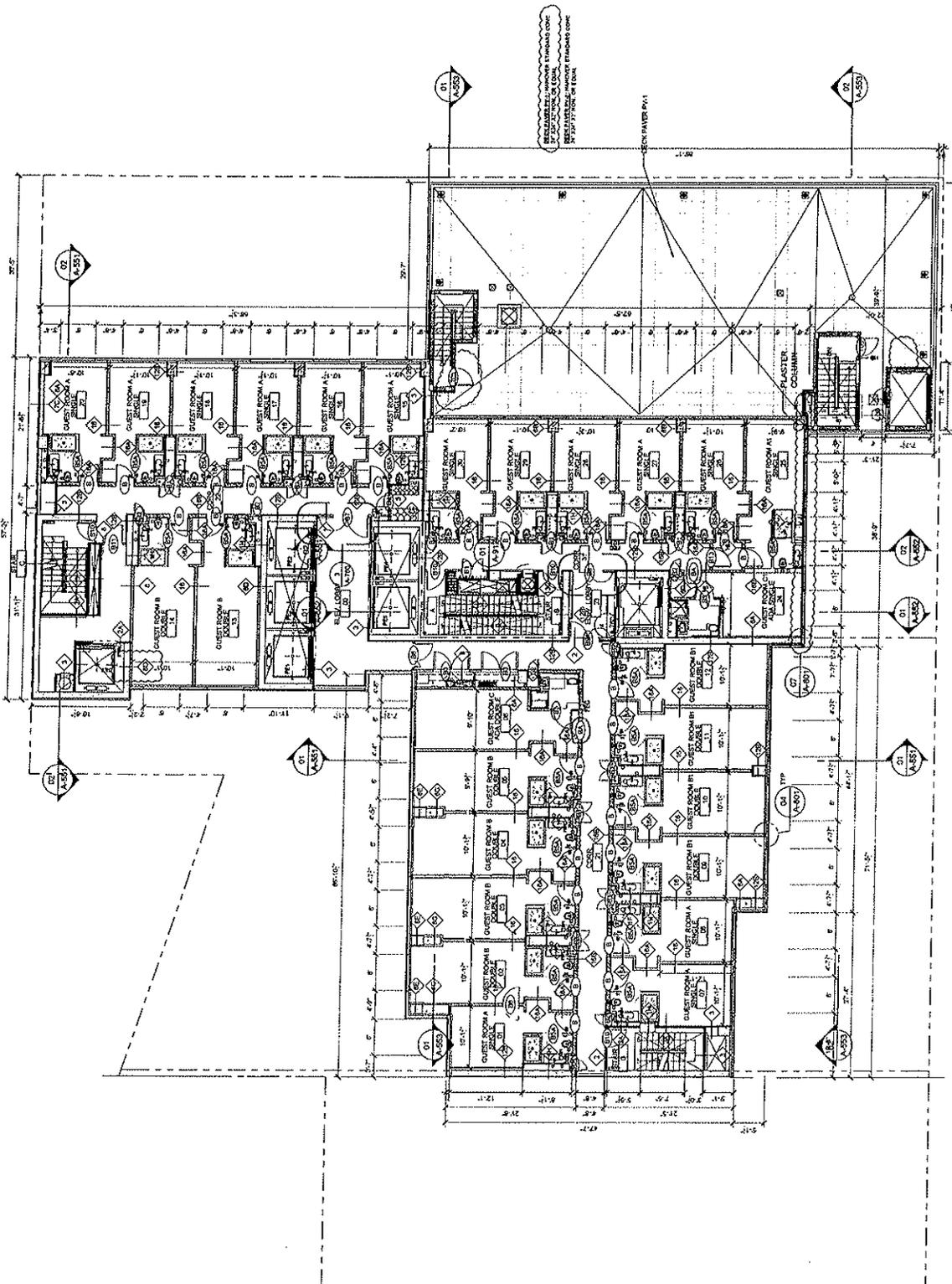
21 ISSUED FOR CONSTRUCTION 08.27.10

19 ADDITION 12 09.07.10
 18 ADDITION 12 08.24.10
 17 ADDITION 12 08.24.10
 16 ADDITION 12 08.24.10
 15 ADDITION 12 08.24.10
 14 ADDITION 12 08.24.10
 13 ISSUED FOR CONSTRUCTION 08.24.10

12 EXTERIOR SIGNING PACKAGE 2 08.25.10
 11 EXTERIOR SIGNING PACKAGE 2 08.19.10
 10 EXTERIOR SIGNING PACKAGE 08.27.10
 09 SET DESIGN FOR FINISH 02.25.10
 08 ARCHITECTURAL DRAWING NAME DATE

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 DRAWING NO. **A-107.00**



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 2. REFER TO ALL OTHER DRAWINGS FOR DETAILS AND FINISHES.
 3. VERIFY ALL CONDITIONS AND CONDITIONS BEFORE CONSTRUCTION.

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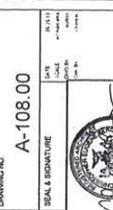
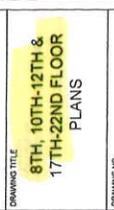
21	ISSUED FOR CONSTRUCTION	08.27.13
18	ADDENDUM 17	01.31.14
07	ADDENDUM 17	04.04.14
06	ISSUED FOR CONSTRUCTION	03.09.13
04	EXTERIOR SCOPING PACKAGE 3	02.26.13
03	EXTERIOR SCOPING PACKAGE 2	09.19.13
02	EXTERIOR SCOPING PACKAGE	06.17.13
01	RFP SET ISSUED FOR PRICING	02.28.13
00	REVISION/IMMERSION NAME	DATE

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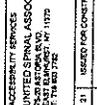
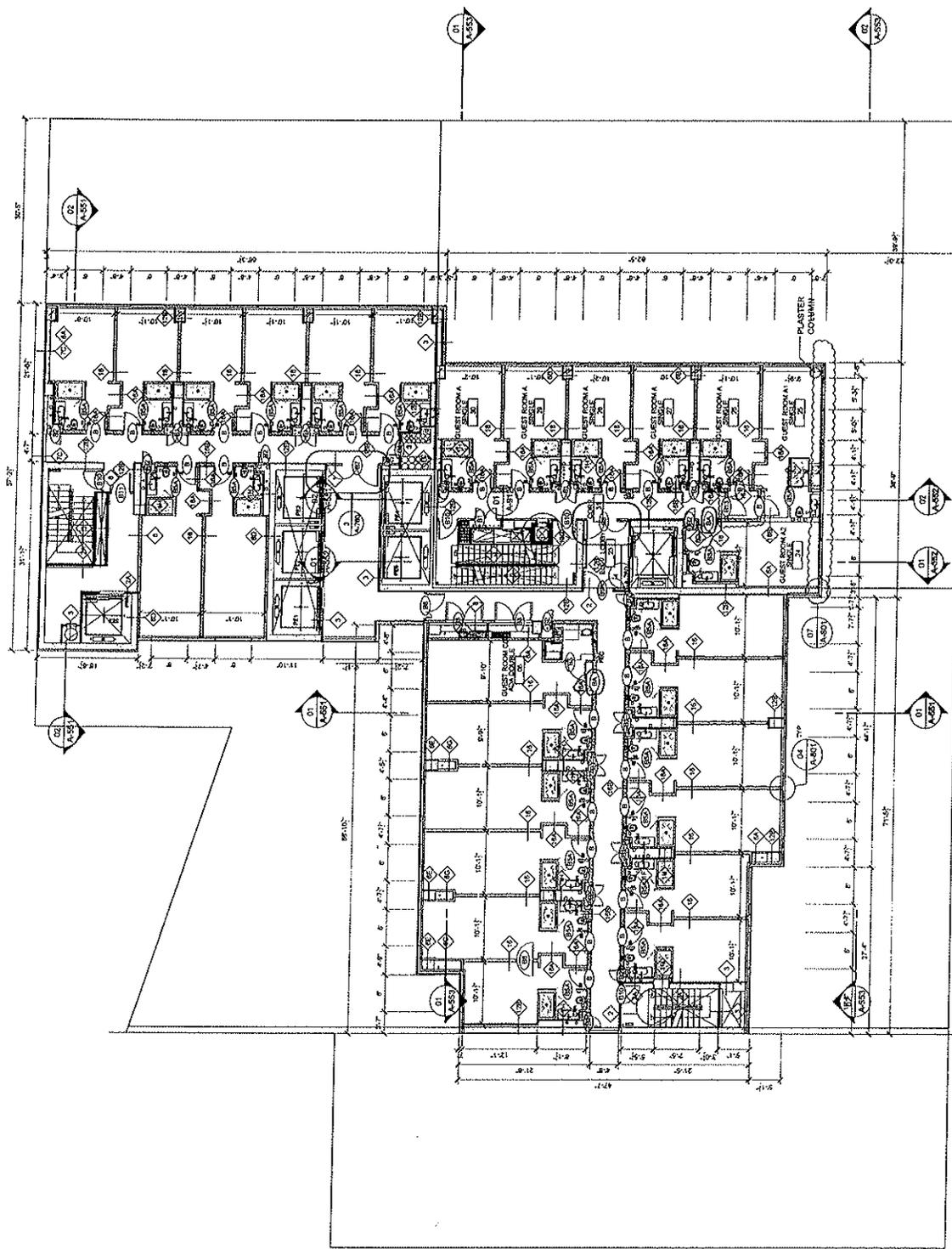
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02	APPROVED	04.24.13
03	APPROVED	04.24.13
04	USED FOR CONSTRUCTION	08.07.13
05	EXTENSION SCOPING PACKAGE 1	09.25.13
06	EXTENSION SCOPING PACKAGE 2	08.18.13
07	EXTENSION SCOPING PACKAGE 3	08.12.13
08	APPROVED FOR PERMITS	02.22.13
09	DATE	

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**9TH, 12TH & 15TH AND
 16TH FLOOR PLANS**

DRAWING NO.
A-109.00

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21 ISSUED FOR CONSTRUCTION 08.27.15

16 ADDENDUM 17 08.27.15

17 ADDENDUM 17 08.27.15

18 ISSUED FOR CONSTRUCTION 08.09.13

19 EXTENSION SCOPING PACKAGE 3 08.23.13

20 EXTENSION SCOPING PACKAGE 2 08.19.13

21 EXTENSION SCOPING PACKAGE 08.17.13

22 10% SET ISSUED FOR PRICING 02.22.13

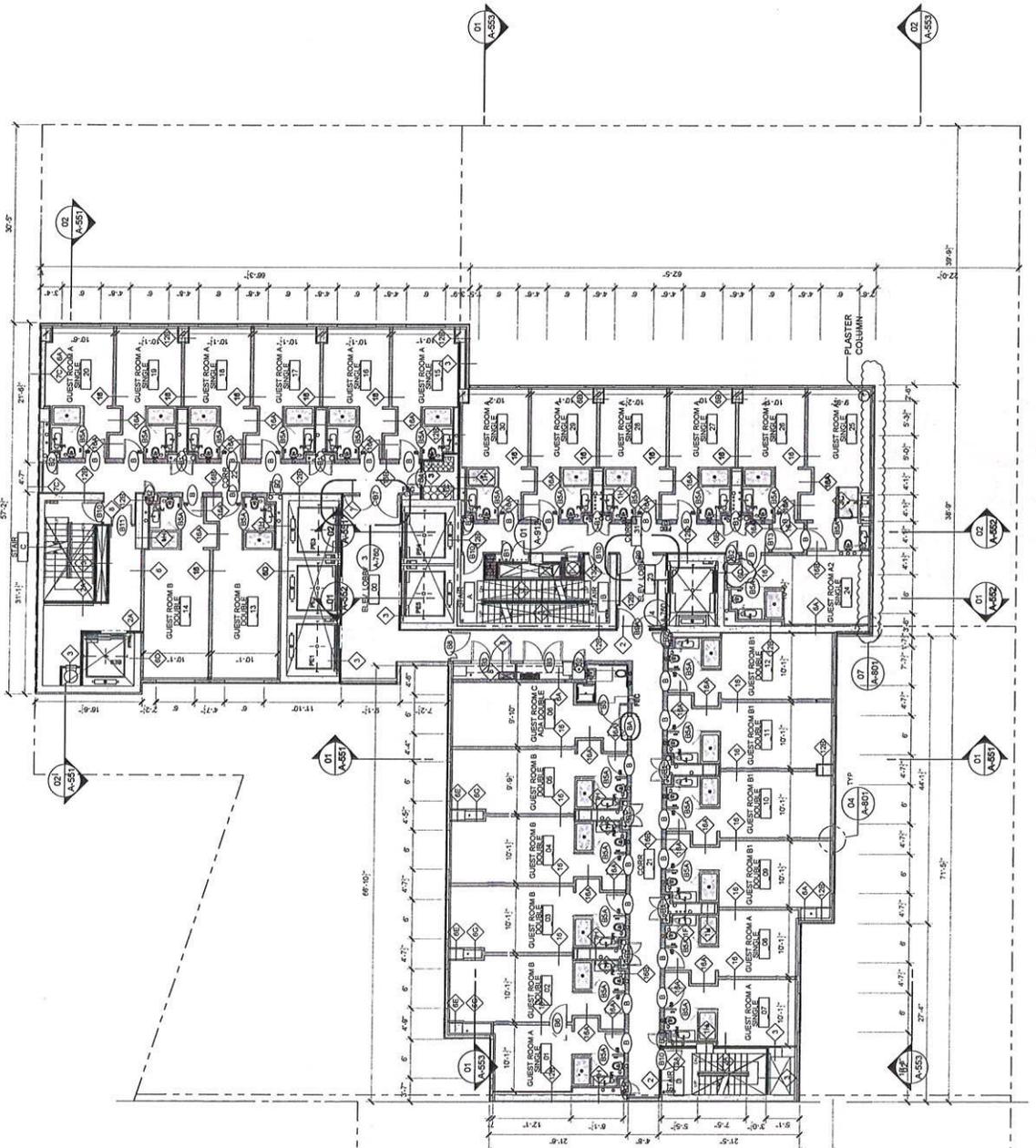
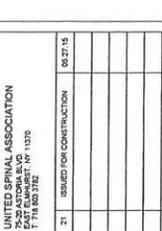
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14TH FLOOR PLAN

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ISSUED FOR CONSTRUCTION 08/27/19

ISSUED FOR CONSTRUCTION 08/28/13

EXTENSIVE SCOPING PACKAGE 3 08/23/13

EXTENSIVE SCOPING PACKAGE 2 08/19/13

EXTENSIVE SCOPING PACKAGE 1 08/11/13

REVISED SUBMISSION NAME DATE

REVISIONS

PLASTER COLUMN

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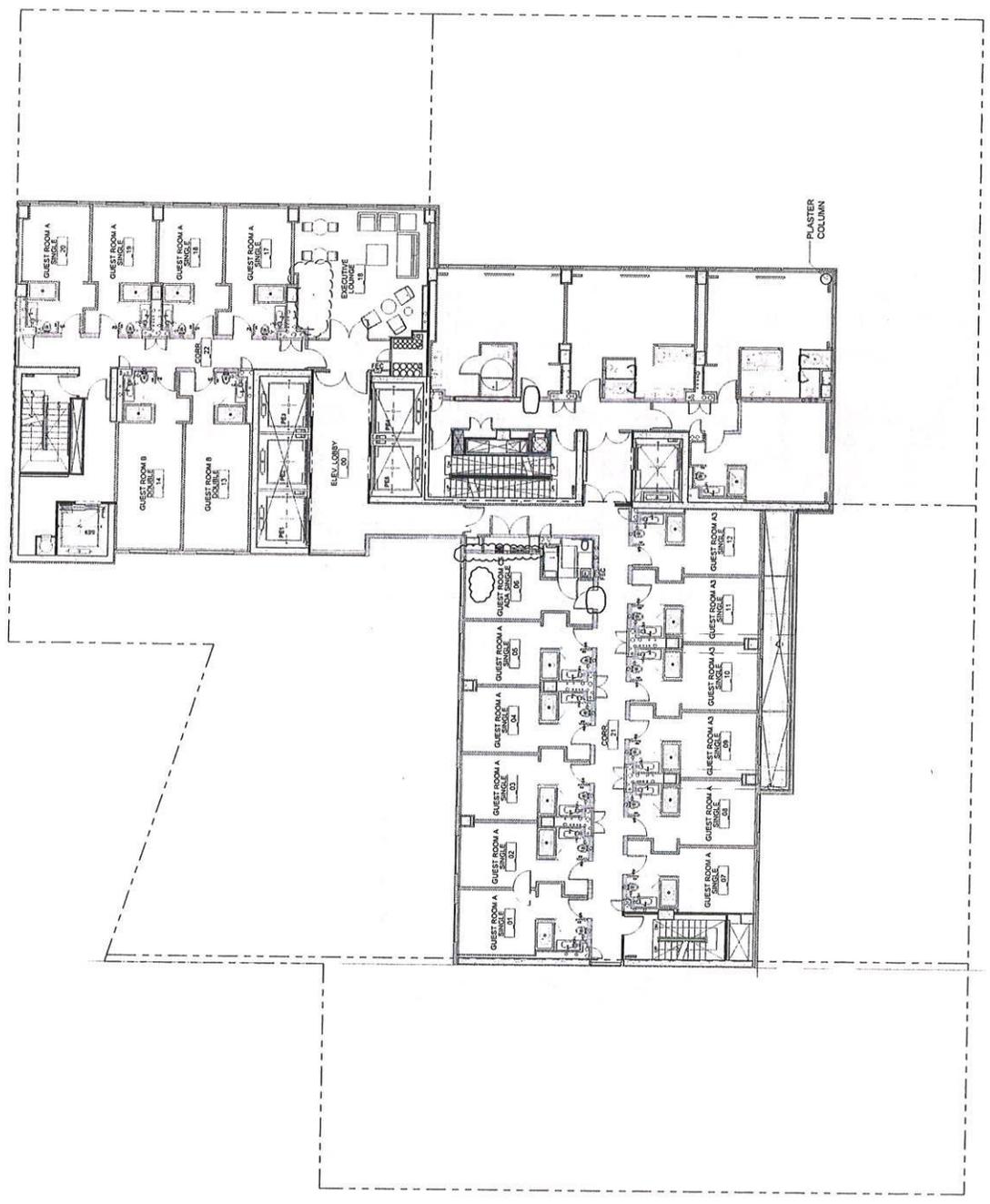
24TH FLOOR PLAN

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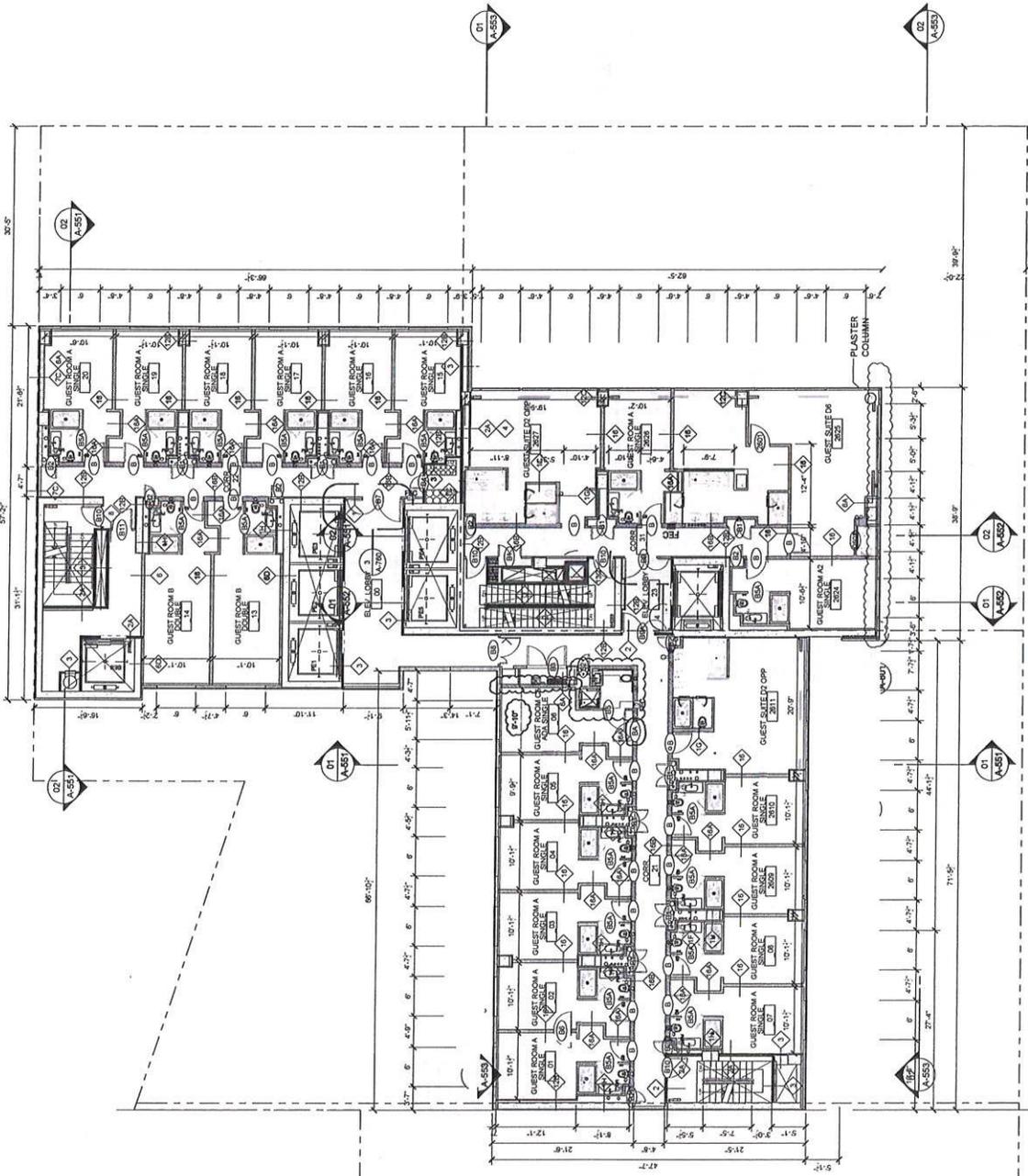
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21	ISSUED FOR CONSTRUCTION	08.27.15
18	COORDINATE WITH ROOM DWGS	08/13
08	ADDITIONAL IT	04.17.14
07	ADDITIONAL IS	11.28.13
06	ISSUED FOR CONSTRUCTION	08.08.13
04	EXTERIOR SCOPING PACKAGE 3	08.28.13
03	EXTERIOR SCOPING PACKAGE 2	08.19.13
02	EXTERIOR SCOPING PACKAGE	08.17.13
01	10% SET ISSUED FOR PRICING	02.21.13
NO. 1	REVISION/ISSUANCE NAME	DATE

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28TH FLOOR PLAN

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A-126.00



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TABLE 1: ISSUED FOR CONSTRUCTION

1	ISSUED FOR CONSTRUCTION	09/21/15
2		
3		
4	MECHANICAL 1	04/13/14
5	MECHANICAL 2	04/13/14
6	ISSUED FOR CONSTRUCTION	09/09/13
7		
8		
9	EXTERIOR SCOPING PACKAGE 1	06/27/13
10	EXTERIOR SCOPING PACKAGE 2	06/19/13
11	EXTERIOR SCOPING PACKAGE	06/13/13
12	MECHANICAL 3	03/13/13
13	MECHANICAL 4	03/13/13

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DRAWING NO
A-127.00

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DATE

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TITLE

SCALE

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DATE

BY

TITLE

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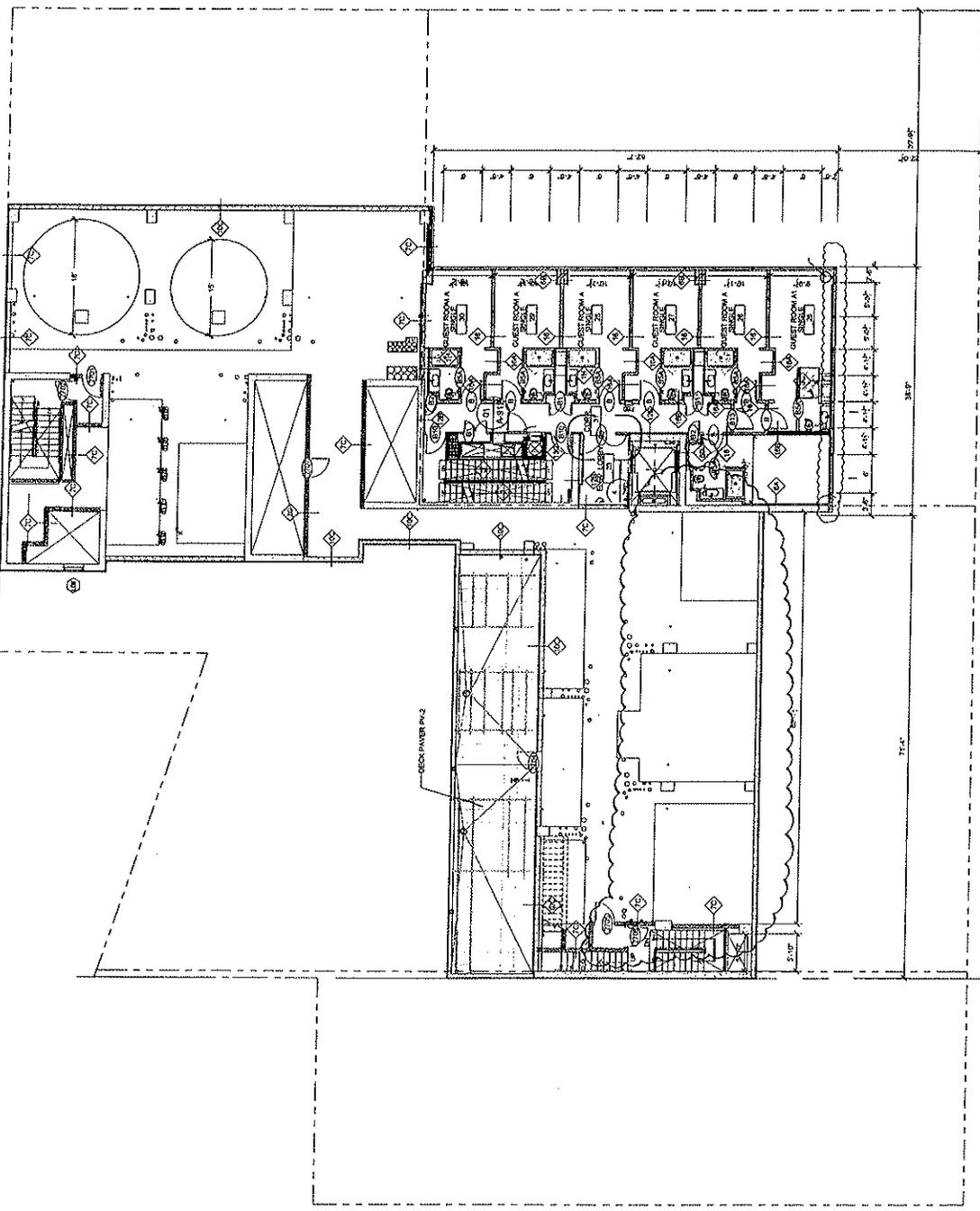
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 NEW YORK, NEW YORK, 10036

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21 ISSUED FOR CONSTRUCTION 05.27.15

19 ADDENDUM 17 04.12.14

15 ADDENDUM 13 1.14.14

08 ADDENDUM 4 09.27.13

06 ISSUED FOR CONSTRUCTION 08.09.13

04 EXTERIOR SCOPING PACKAGE 3 08.29.13

03 EXTERIOR SCOPING PACKAGE 2 08.29.13

02 EXTERIOR SCOPING PACKAGE 08.17.13

01 BSA SET ISSUED FOR PRICING 02.25.13

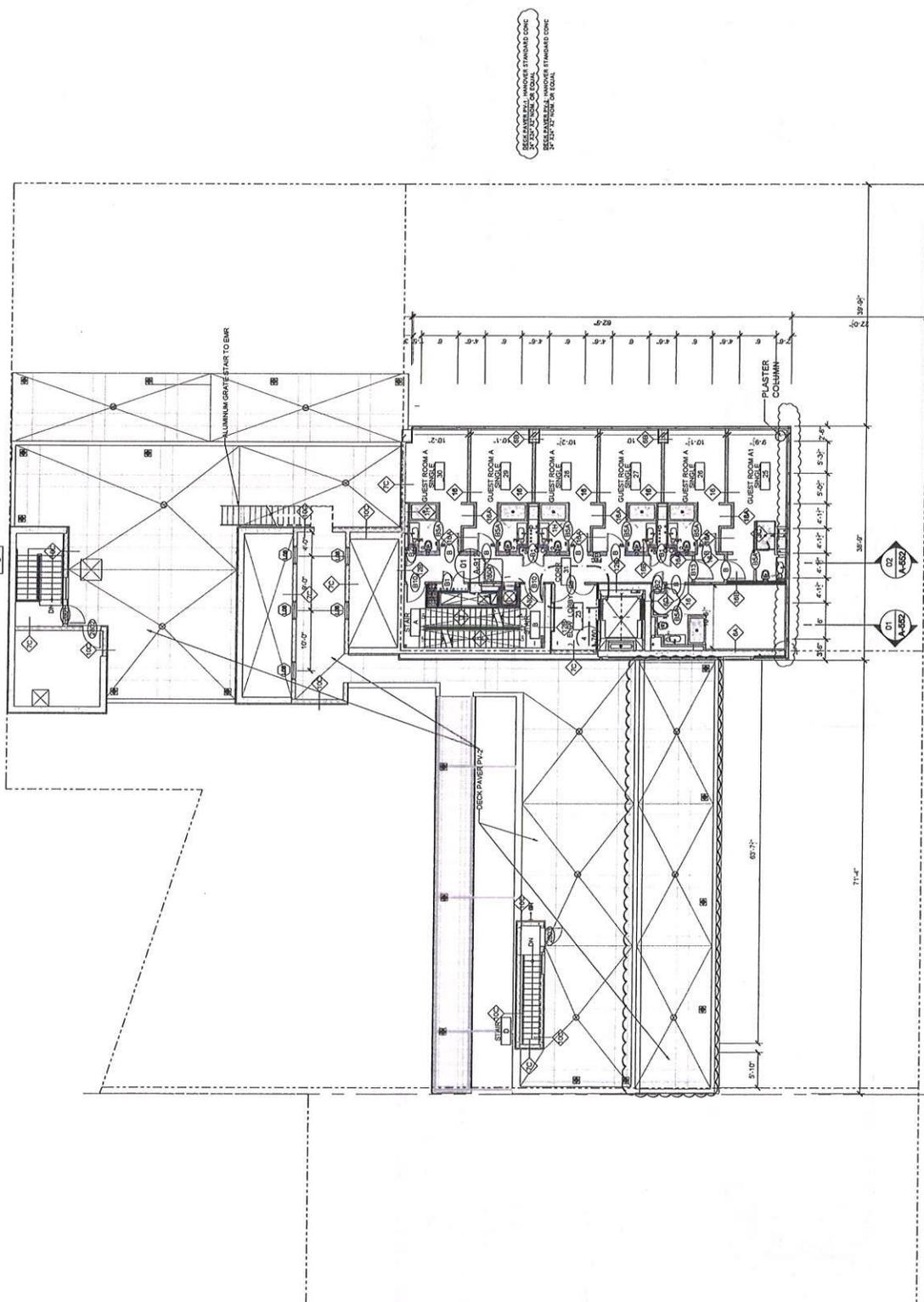
NO. REVISION/REVISION NAME DATE

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28TH FLOOR PLAN

DRAWING NO. A-128.00

SCALE & ORIGIN DATE



REVISIONS TO THIS DRAWING SHALL BE MADE ON THIS SHEET OR ON A SEPARATE SHEET ATTACHED TO THIS SHEET.

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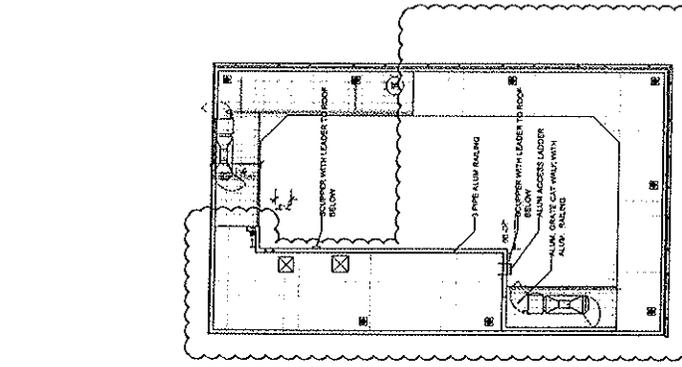
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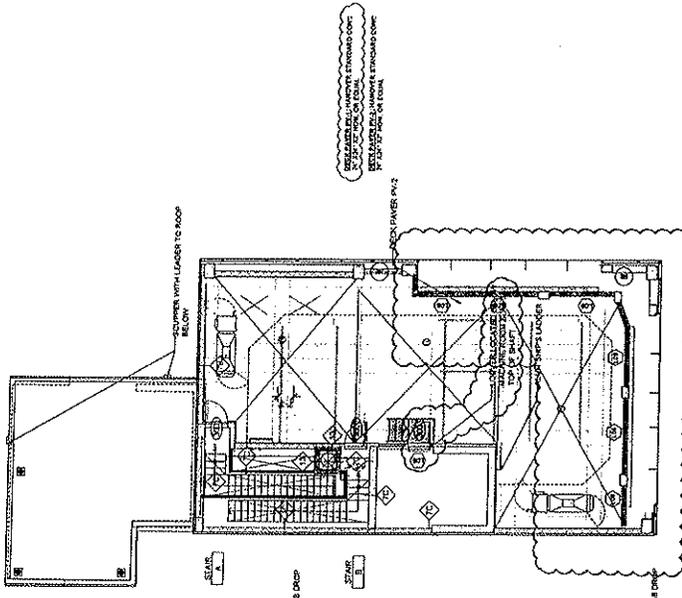
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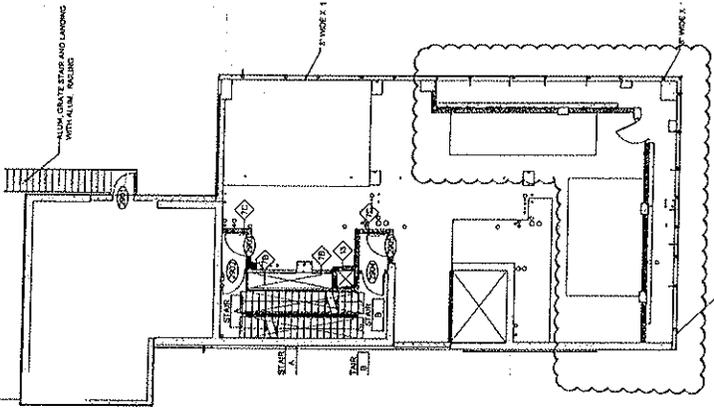
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BULKHEAD PLAN 01
SCALE 1/8" = 1'-0"



ROOF LEVEL PLAN 02
SCALE 1/8" = 1'-0"



28TH FLOOR PLAN 03
LEVEL 29 MECHANICAL FLOOR 04
SCALE 1/8" = 1'-0"

NO.	REVISION DESCRIPTION	DATE
01	EXTENSION SCOPING PACKAGE 2	08.25.13
02	EXTENSION SCOPING PACKAGE 2	08.25.13
03	EXTENSION SCOPING PACKAGE 2	08.25.13
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28TH ROOF & BULKHEAD FLOOR PLANS

DATE: 08/25/13
 SCALE: A-129.00



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KEY PLAN

NO.	REVISION/DESCRIPTION	DATE
1	ISSUED FOR BID	XX.XX.XX

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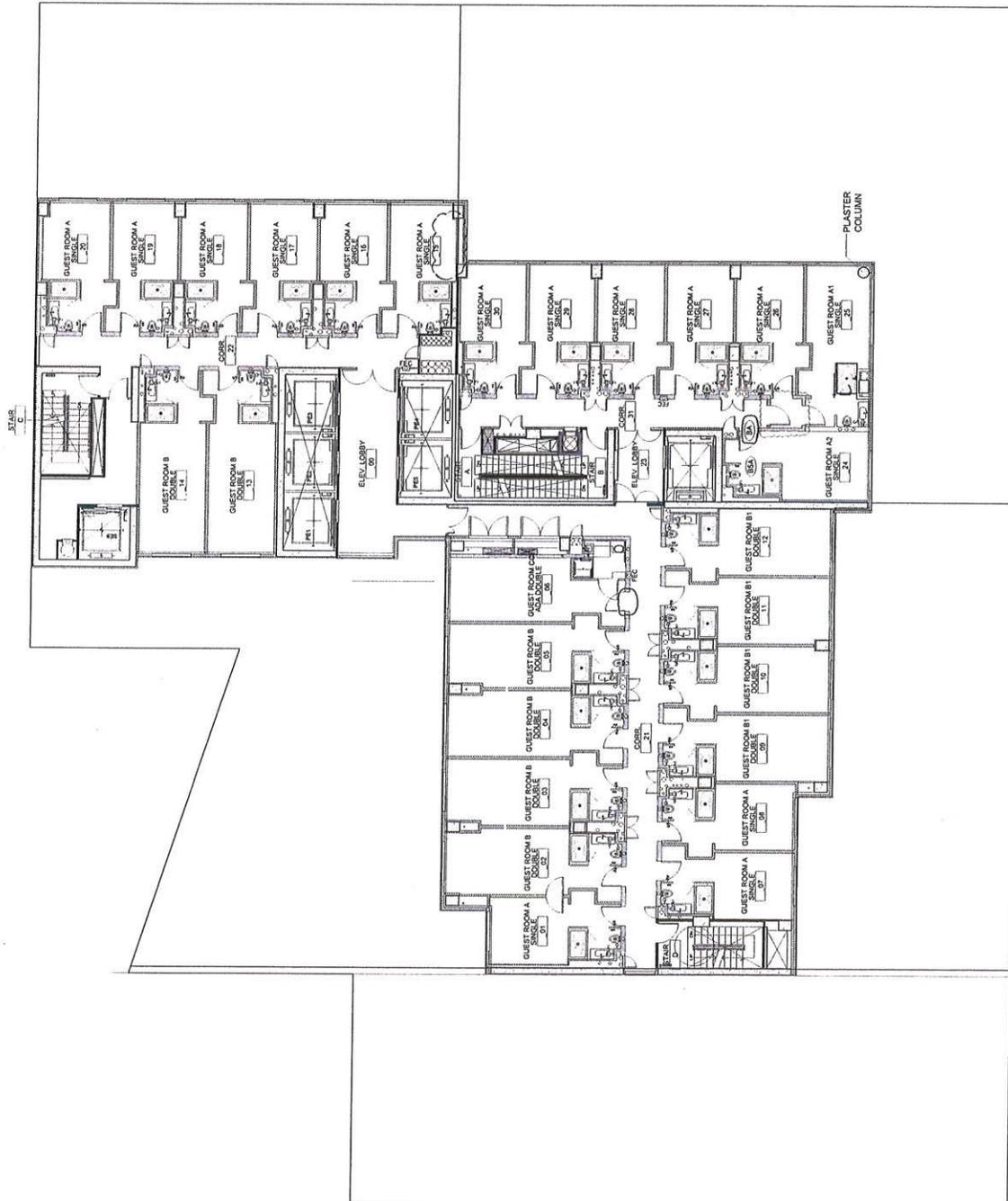
DRAWING TITLE

TYPICAL GUEST ROOM FLOOR

DRAWING NO.

A-109.00

DATE: 12/20/12
DRAWN BY:
CHECKED BY:



1 **Business License & Permits Committee**

Item #: 10

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Zonea Food & Beverage Inc.**
12 **d/b/a BEA**
13 *403 W. 43rd Street (9/10)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends **denial** of an Alteration On-Premise Liquor
18 License application for Zonea Food & Beverage Inc. d/b/a BEA – 403 W. 43rd Street (9/10), **unless** the
19 attached stipulations, agreed to and signed by the applicant, are part of the method of operation for this
20 establishment with a capacity of 128; 26 tables; 84 seats, and 1 Stand-Up Bars with 16 seats.

21
22 Sincerely,

23
24
25 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

26
27

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME Zonea Food & Beverage Inc.		DOING BUSINESS AS (DBA) BEA			
STREET ADDRESS 403 West 43rd Street		CROSS STREETS Between 9th and 10th Avenues		ZIP CODE 10036	
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Sotir Zonea	ATTORNEY/ REPRESENTAIVE	NAME: Donald Bernstein, Victor & Bernstein, P.C.		
	PHONE: (212) 602-1910		PHONE: (212) 486-6000		
	EMAIL: szonea@gmail.com		EMAIL: dbernstein@victorbernstein.com		
MANAGER	NAME: Sotir Zonea	LANDLORD	NAME: Ninth Avenue Realty LLC c/o Beach Lane Management, Inc.		
	PHONE:		PHONE: (914) 997-2435		
	EMAIL:		EMAIL: N/A		
APPLICATION TYPE (Check One)					
<input type="radio"/> New	Has applicant owned or managed a similar business?		<input type="checkbox"/> YES	<input type="checkbox"/> NO	
	What is/was the name and address of establishment?				
	What were the dates applicant was involved with this former premise?				
<input type="radio"/> Transfer	What is the prior license # and expiration date?				
	Is applicant making any alterations or operational changes?		<input type="checkbox"/> YES	<input type="checkbox"/> NO	
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>				
<input checked="" type="radio"/> Alteration	What is the current license # and expiration date?		1266241, Exp. 08/31/2015		
	<i>Please list/describe the nature of all the changes and attach the plans:</i> Change hours of operation to 11AM to 2AM daily				
METHOD OF OPERATION					
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer				
ESTABLISHMENT TYPE	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)				
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		<input checked="" type="radio"/> YES	<input type="radio"/> NO	License issued September 27, 2013.	
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.		<input type="radio"/> YES	<input checked="" type="radio"/> NO	Not a new application.	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.		<input type="radio"/> YES	<input checked="" type="radio"/> NO		
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		<input checked="" type="radio"/> YES	<input type="radio"/> NO		

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Operation	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am
	Kitchen	9am-2am	9am-2am	9am-2am	9am-2am	9am-2am	9am-2am	9am-2am
	Music	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am	11am-2am
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="radio"/> BACKGROUND		<input type="radio"/> LIVE MUSIC	<input type="radio"/> DJ	<input type="radio"/> JUKE BOX	<input type="radio"/> KARAOKE	

OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE	128	128	26	84	0	1	16
OUTSIDE <i>(Other than sidewalk café)</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
SIDEWALK CAFÉ	N/A	N/A	N/A	N/A			

How many floors are there? What is the capacity for each floor?

2: Ground Floor and Basement

How frequently will the owner(s) be at the establishment?

Daily

Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?

YES

NO

Will applicant have bottle or table service for beverage alcohol?

YES

NO

Will have wine by the bottle and restaurant-style table service. Not nightclub-style "bottle service" or "table service."

Will you be hosting private; promotional or corporate events?

YES

NO

No promoter events, but occasional birthday, holiday, corporate parties/events.

Will outside promoters be used on a regular basis? If yes please describe.

YES

NO

Will you have a security plan? If, yes please attach.

YES

NO

Will security plan be implemented?

YES

NO

N/A

Will State certified security personnel be used?

YES

NO

N/A

Will New York Nightlife Association and NYPD Best Practices be followed?

YES

NO

N/A

Will applicant be using delivery bicycles? If yes, how many?

YES

NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?

YES

NO

If delivery bicycles are used in future, bicycles will be marked.

Where will delivery bicycles be stored during the day when not in use?

N/A

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO	
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	NO	
Are your plans filed with DOB?	YES	NO	

Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Manhattan Community Board 4 West 43rd Street (9/10) Block Association: Eduardo Zeiger (eduardozeiger@compuserve.com)	
	# 2	HKNA: Kathleen Treat (kathleentreat123@gmail.com) West 44th Street Block Association: Rennee & Gordon (twocats1ld@worldnet.att.net); Rudi Papiri (rudi_papiri@timemagazine.com)	
	# 3	West 46th Street Block Association: Allison Tupper (allisontupper@verizon.net)	
	# 4	West 47th/48th Streets Block Association: Elke Fears (aefearshk@earthlink.net); Larry Roberts (larrymichaelroberts@gmail.com); Jim Bagues (jamesbagues@gmail.com); Chuck Vassallo (chasmy@hotmail.com); Steven Riedl (chluderemyc@yahoo.com);	
	# 5	Nancy Roylance (nancyroylance@ymail.com) Manhattan Plaza: Douglas Leland (mpta@mptenants.com)	
Please provide dates when applicant met with the groups listed above.		Email notifications sent on July 30 and August 3.	
Who was your contact person at each group you met with?		See above.	
When did applicant post the notice that was provided?		Notice posted on or before August 4.	
Where did applicant post the notice that was provided?		Notice posted at premises and street corners.	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES	NO	(323) 251-9799
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="radio"/> YES	NO	

BUILDING DESIGN			
State the name and type of business previously located in the space.	N/A - premises are currently licensed to licensee/applicant		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Zonea Food & Beverage Inc. d/b/a BEA
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="radio"/> FRENCH DOORS	<input type="radio"/> GARAGE DOORS	<input checked="" type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	YES	<input type="radio"/> NO	N/A
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Existing
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	On the roof, existing.		
When was the air conditioner installed?	At time of build-out in 2013.		

But windows are kept closed.

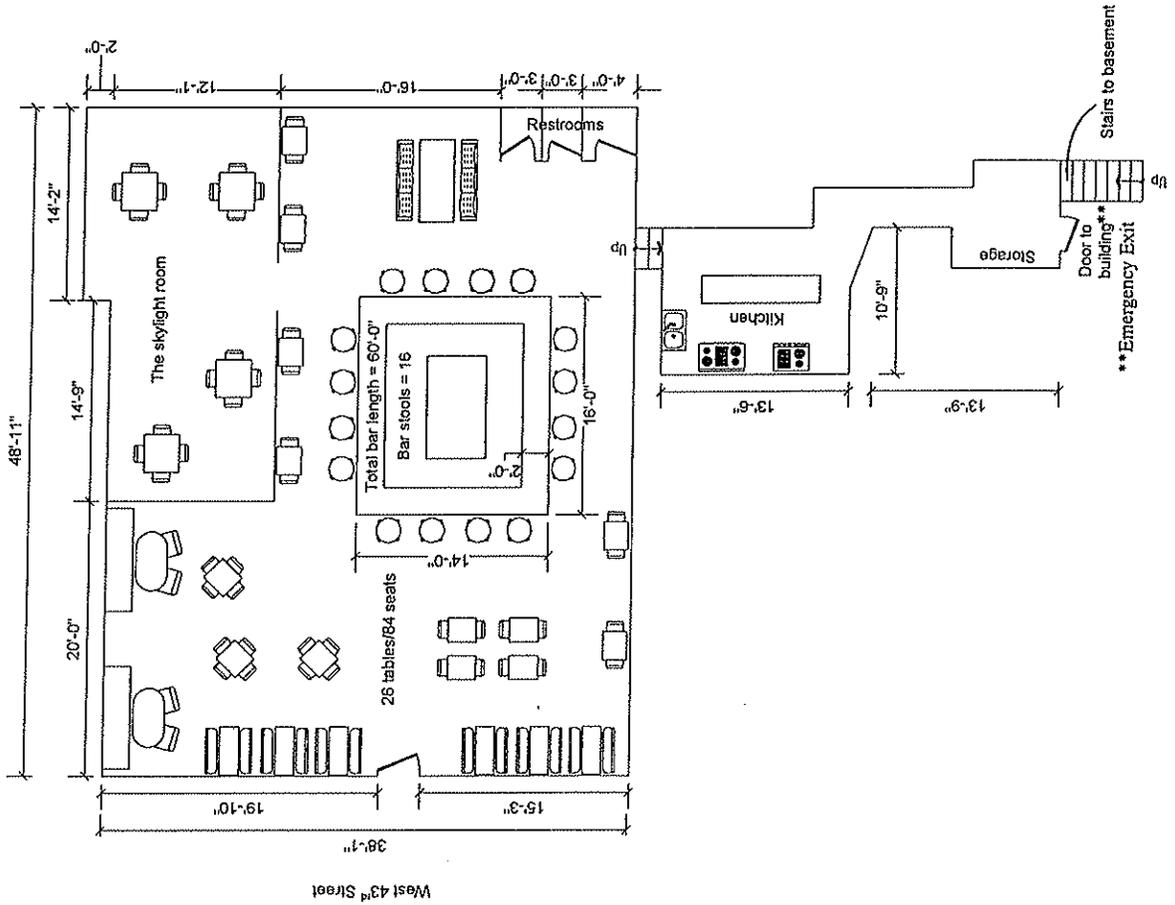
OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ **N/A - No Outdoor Space

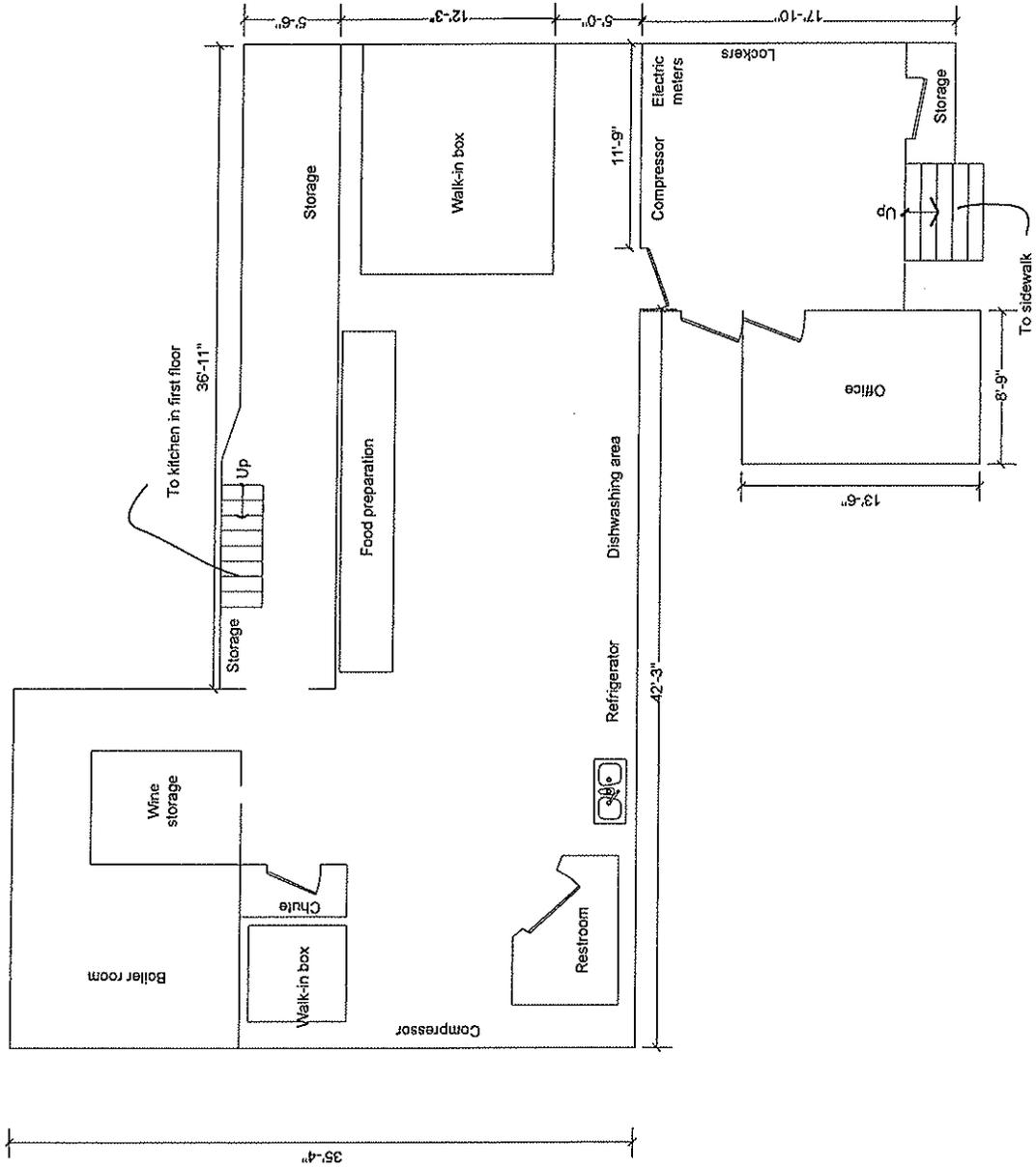
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	

OUTDOOR ITEMS – SIDEWALK CAFÉ *N/A - No Sidewalk Cafe***

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

INTERIOR DIAGRAM - 1st Floor
 (Proposed)
 403 West 43rd Street
 New York, NY
 August 17, 2012
 SCALE: 1'-0" = 3/32"





INTERIOR DIAGRAM - Basement
 403 West 43rd Street
 New York, NY
 August 17, 2012

SCALE: 1'-0" = 3/32"

1 **Business License & Permits Committee**

Item #: 11

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: Moxy Restaurant Associates Inc.**
12 **d/b/a Smithfield Hall**
13 **138 W 25th Street (6/7)**

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends denial of a new on-premise liquor license
18 application for Moxy Restaurant Associates Inc. d/b/a Smithfield Hall – 138 W 25th Street (6/7), unless
19 the attached stipulations, agreed to and signed by the applicant, are part of the method of operation for
20 this establishment with a capacity of 239; 30 tables; 175 seats; 1 stand-up bar with 59 seats.

21
22 Sincerely,

23
24
25 Christine Berthet
Chair

Burt Lazarin
Co-Chair
Business License & Permits
Committee

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

26
27

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Moxy Restaurant Associates Inc		Smithfield Hall	
STREET ADDRESS		CROSS STREETS	ZIP CODE
138 West 25th Street		Between 6th & 7th Aves	10001
OWNER <i>(Attach a list of all the people that will be associated/listed with the license)</i>	NAME: Gavin Whiston	ATTORNEY/ REPRESENTATIVE	NAME: Frank Palillo
	PHONE: 917.957.6945		PHONE: 212.227.1640
	EMAIL: gavin@thegraftonyc.com		EMAIL: fwpalillo@gmail.com
MANAGER	NAME: William Thompson	LANDLORD	NAME: Tamkat Building Corp
	PHONE: 917.602.4334		PHONE: 718.786.6877
	EMAIL: thompsonliam@gmail.com		EMAIL: oren@tamkatbuilding.com
APPLICATION TYPE <i>(Check One)</i>			
<input type="radio"/> New	Has applicant owned or managed a similar business?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Transfer	What is the prior license # and expiration date?		
	Is applicant making any alterations or operational changes?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>		
<input checked="" type="checkbox"/> Alteration	What is the current license # and expiration date?	05/31/2016	
<i>Please list/describe the nature of all the changes and attach the plans:</i> The expansion to the adjacent space in the same building will give us additional customer space, bathrooms and allow us to obtain a second means of egress.			
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="checkbox"/> Liquor/Wine/Beer <input type="checkbox"/> Beer <input type="checkbox"/> Wine & Beer		
ESTABLISHMENT TYPE	<input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Cabaret <input type="checkbox"/> Night Club <input type="checkbox"/> Hotel <input type="checkbox"/> Bar/Tavern <input type="checkbox"/> Catering Establishment <input type="checkbox"/> Adult Entertainment <input type="checkbox"/> Wine Bar <input type="checkbox"/> Dance Club <input checked="" type="checkbox"/> Sports Bar <input type="checkbox"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	Plan on applying for alteration this month
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* (Indoor Only)		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	11am-3am	same	same	same	same	10am-3am	11am-3am	
	Kitchen	11am-12am	same	same	same	same	10am-3am	11am-3am	
	Music	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
If you plan to have music, what type(s)? (Circle all that apply)			<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE		
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
INSIDE	239	239	30	175	0	1	59		
OUTSIDE (Other than sidewalk café)	N/A								
SIDEWALK CAFE	N/A								
How many floors are there? What is the capacity for each floor?					Cellar: 6 (kitchen & bathrooms) First: 233				
How frequently will the owner(s) be at the establishment?					There will be an owner or manager present during all hours of operation.				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO			
Will you be hosting private; promotional or corporate events?					<input checked="" type="radio"/> YES	<input type="radio"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO			
Will you have a security plan? If, yes please attach.					YES	<input checked="" type="radio"/> NO	We currently have a doorman Weds-Sat nights and on busy weekend days.		
Will security plan be implemented?					<input checked="" type="radio"/> YES	<input type="radio"/> NO	If we feel the need, we haven't in nearly 3 yrs		
Will State certified security personnel be used?					<input checked="" type="radio"/> YES	<input type="radio"/> NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	<input type="radio"/> NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="radio"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	<input checked="" type="radio"/> NO			
Where will delivery bicycles be stored during the day when not in use?					N/A				

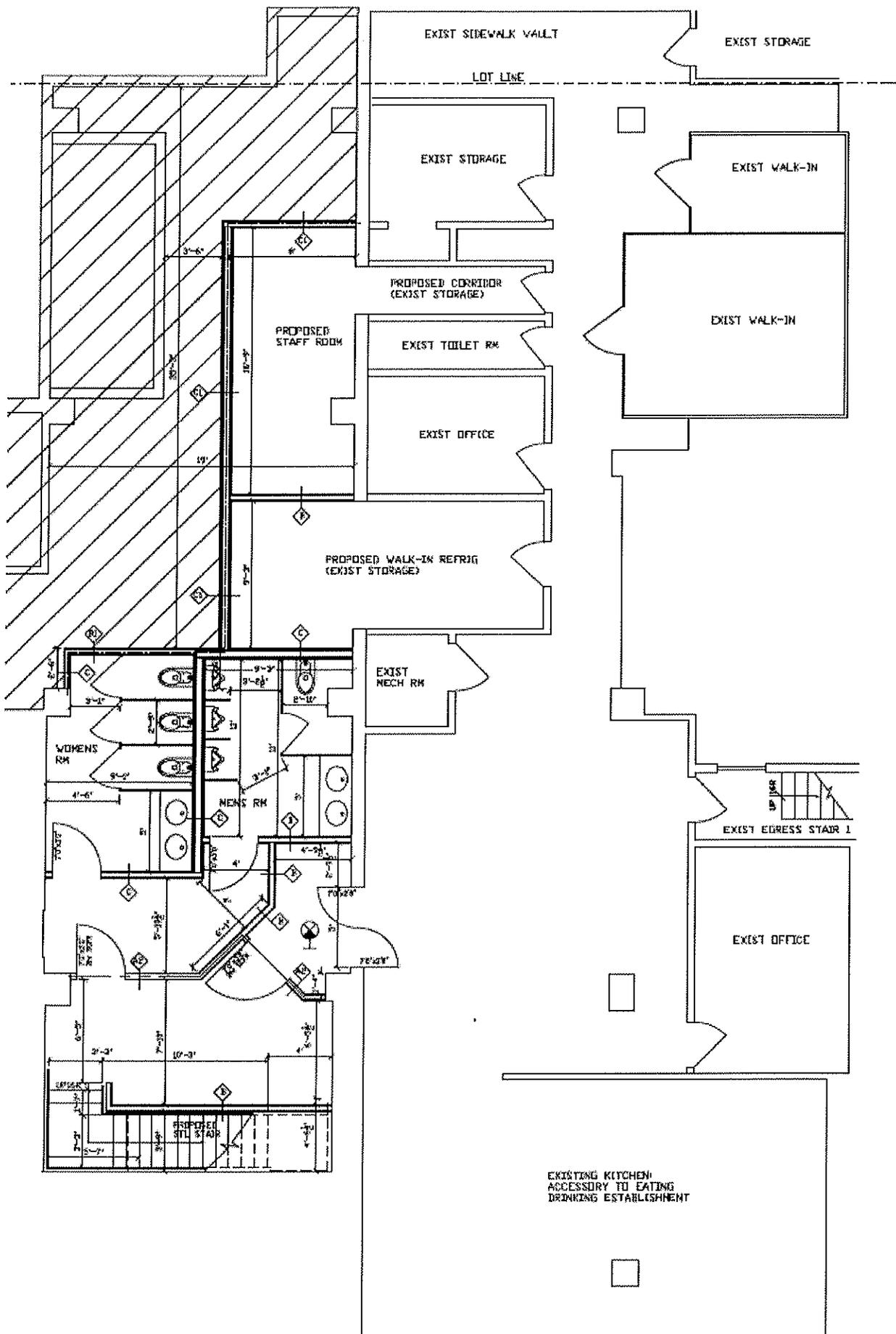
LOCATION & ZONING		
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	<input checked="" type="radio"/> NO
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="radio"/> YES	NO
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	NO
Are your plans filed with DOB?	YES	<input checked="" type="radio"/> NO Filing this month

Community Notification/Relations	
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1 See list attached.
	# 2
	# 3
	# 4
	# 5
Please provide dates when applicant met with the groups listed above.	We haven't met with any of the groups at time of writing but that may change before the Board meeting.
Who was your contact person at each group you met with?	See list attached
When did applicant post the notice that was provided?	Thursday, July 30th
Where did applicant post the notice that was provided?	In the window
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="radio"/> YES <input type="radio"/> NO Gavin 917.957.6945
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	YES <input checked="" type="radio"/> NO Not something we've done in the past but we'd consider it.

BUILDING DESIGN			
State the name and type of business previously located in the space.	New York Wood Flooring		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	NO	New windows, door and sign
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	<input checked="" type="radio"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	YES <i>LOW</i>	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	YES	<input checked="" type="radio"/> NO	There hasn't been a need in the 14 months we've been there, we certainly will if needed.
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	NO	
Will the establishment have an illuminated sign?	YES	<input checked="" type="radio"/> NO	
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	The new air conditioners will be located at the back of the building, in the same location as the current ones.		
When was the air conditioner installed?	The new air conditioners have yet to be installed.		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	N/A

OUTDOOR ITEMS – SIDEWALK CAFÉ			
Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for a sidewalk café now or in the future?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant mark the perimeter of the café on the sidewalk?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will the sidewalk café not provide standing space for drinking or smoking?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will all furniture be stored inside between December 21 st and March 21 st , and any other day when it rains or snows?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant use umbrellas?	<input type="radio"/> YES	<input type="radio"/> NO	N/A
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	<input type="radio"/> YES	<input type="radio"/> NO	N/A



1 PROPOSED CELLAR FLOOR PLAN
 1" = 1'-0"



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

Business License & Permits Committee

Item #: 11 - RATIFIED

August 14, 2015

Vincent G. Bradley
Chairman

New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

Re: 9th Avenue Saloon
d/b/a Rudy's Bar and Grill
627 9th Avenue (44/45)

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of the application for an alteration to the existing On-Premise license to expand the use of the rear yard of Rudy's Bar and Grill from its originally approved operation. The applicant came before the Business License and Permits Committee of MCB4 (BLP) on August 11 and adamantly refused to incorporate any of the stipulations to its operating procedures requested by the community and suggested by members of the committee. It should be emphasized here that this application for an alteration asking for the use of the rear yard with 11 tables and 66 seats closing at 4 am is based on how the applicant is operating at this moment beyond the current scope of its license.

If the SLA were to approve this application to legalize the use of the backyard for 66 seats in the face of community opposition, the committee would want the number of tables to remain at the level accepted in the original license granted in 1992, 8 tables and 28 seats; and would want the rear yard to operate only until 10 pm Sunday through Thursday and until 11 pm Friday and Saturday. These hours are consistent with MCB4's rear yard use guidelines developed after disastrous experiments caused numerous sleepless nights for our hard working families. They balance the business needs and the quality of life in our neighborhoods and have been adopted, when warranted, by the overwhelming majority of licensed establishments in our neighborhoods. Additionally we would not permit the use of amplified sound and would want only dim downward facing lighting. Standing patrons would not be allowed the use of the rear yard, only those seated in the properly allocated available seats.

We stress that Rudy's never previously submitted an application to expand the capacity of its rear yard to MCB4 (and, to the best of our knowledge, to the SLA) - neither at the time of the expansion nor at any time since. Notably, the renewal applications submitted by Rudy's are inconsistent in their disclosure of any use of the rear yard. Although Rudy's 2012 application checks the appropriate box indicating that the license extends to outdoor space, neither the 2014 renewal nor the 2010 renewal (the only other renewals in MCB4's files) acknowledges that the

52 license extends to outdoor space. Given this checkered history of regulatory submissions, MCB4
53 believes that a full consideration of the effects of the rear yard on the surrounding community is
54 warranted.

55
56 Because of complaints from residents to MCB4 and a large number of 311 calls, Rudy's recently
57 appeared before the board's Quality of Life Committee (QoL). Rudy's rear yard is located in a
58 block long of communicating yards with about 400 residential bedroom windows all facing the
59 space. The noise travels and reverberates all along this shared space, otherwise designated as the
60 quiet side of the adjacent residences. At the QoL meeting a narrative unfolded of noise levels in
61 excess of 45 decibels late into the night preventing sleep and the use of adjacent residential
62 backyards for personal relaxation. Because of all the activity in Rudy's rear yard, neighbors find it
63 difficult to concentrate on the ordinary tasks of living and working within the confines of their own
64 homes. Residents described a scene of raucous activity that for some was visually intrusive into
65 their apartments (those living at ground level or slightly above) and for others overwhelmingly
66 noisy to the point where they had to retreat to different rooms to gain some semblance of quiet and
67 privacy.

68
69 Before the BLP at its meeting on August 11 residents of apartments adjacent to the rear yard as
70 well as homeowners and members of surrounding block associations stated their overwhelming
71 opposition to Rudy's expanded use to late hours. They objected to any potential increase in the
72 noise generated by this expansion. As it is now and described at the QoL meeting, the noise levels
73 prevent many of Rudy's neighbors from enjoying quality living in their homes. The applicant
74 actually did concede in conversation before the committee that it had difficulty maintaining low
75 sound levels in the rear yard.

76
77 Rudy's Bar and Grill is a Hell's Kitchen institution and a neighborhood business with deep
78 connections to the community over generations. The board and community would like to support
79 its continued profitable operation. In fact our community board has created a working group to
80 explore ways to assist small businesses to grow and thrive in our community. But a business
81 expansion cannot be based on violating the noise regulations of New York City on a daily basis and
82 preventing hundreds of people from the healthful and private use of their homes and apartments.

83
84 Accordingly, MCB4 recommends denial of this alteration to an existing On-Premise license
85 application. This recommendation is subject to ratification by the Board at its September 2, 2015
86 meeting. It is being sent in advance for your information in order to meet the license alteration
87 process deadline.

88
89 Thank you for your attention and cooperation with this application.

90
91
92 Sincerely,

93 

Christine Berthet
Chair

[signed 8/14/15]

Burt Lazarin
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee

94
95

1 **Business License & Permits Committee**

Item #: 13 -RATIFIED

2
3 September 2, 2015

4
5 Julie Menin
6 Commissioner
7 Department of Consumer Affairs
8 42 Broadway
9 New York, NY 10004

10
11 **Re: Fonda of Chelsea LLC.**
12 **d/b/a Fonda**
13 **Sidewalk Café License/Application #: 9481-2015-ASWC**
14 **189 9th Avenue (21/22)**
15

16 Dear Ms. Menin:

17
18 Manhattan Community Board 4 (MCB4) recommends **denial** of a new Unenclosed Sidewalk Cafe
19 License application for Fonda – 189 9th Avenue (21/22), **unless** the attached stipulations, agreed to and
20 signed by the applicant, are part of the method of operation for this establishment with 3 tables for 6
21 seats.
22

23 Sincerely,

24
25 Christine Berthet
Chair

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

Burt Lazarin
Co-Chair
Business License & Permits
Committee

26

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT		ADDRESS	
Fonda of Chelsea, LLC		189 9th Avenue, New York, NY 10011	
DOING BUSINESS AS (DBA)		CROSS STREETS	OWNER
Fonda		21st and 22nd Street	
DESCRIPTION OF APPLICATION			LAWYER
Unenclosed Sidewalk Cafe			
ON SITE CONTACT: (Name, position & phone number):			LICENSE NUMBER:
Jared Skaferowsky, General Manager- jared@fondarestaurant.com			

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	11-10	11-10	11-10	11-10	11-11	11-11	11-10
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	6	3	

OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
The sidewalk café will not provide standing space for drinking or smoking.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will the outdoor furniture be removed when not in use?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	<input type="radio"/> N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> N/A	

OTHER / NOTES:



SOUND ISSUES

Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).

YES

NO

N/A

Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.

YES

NO

N/A

CAFÉ DESIGN

Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?

YES

NO

N/A

Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?

YES

NO

N/A

Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?

YES

NO

N/A

Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)

YES

NO

N/A

Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?

YES

NO

N/A

Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?

YES

NO

N/A

Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?

YES

NO

N/A

If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.

YES

NO

N/A

ADDITIONAL INFORMATION: (Applicant Use)

Empty box for additional information.

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

- THREE TABLES WILL BE PLACED IMMEDIATELY NEXT TO BUILDING FACADE, WITH 3-FOOT SERVICE AISLE IMMEDIATELY ADJACENT TO TABLES.

- THERE WILL BE NO BARRIERS, DIVIDERS, PLANTERS IN SIDEWALK CAFE

Main Level

11

Host

Windows

10

11

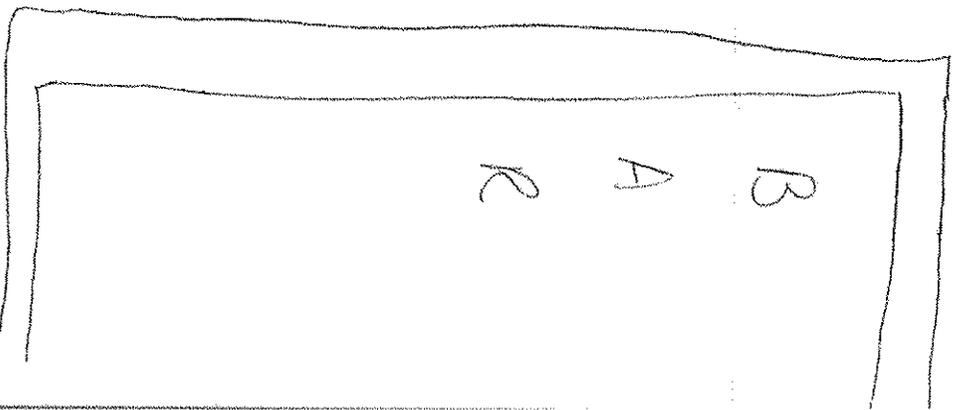
12

13

17

16

15



||
||
Kitchen

Second Floor

42

41

40

24

23

22

21

20

Bathrooms

S + a S

Window

44

43

35

34

33

32

31

30

Office

47
46
45



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

CHRISTINE BERTHET

Chair

JESSE R. BODINE

District Manager

Business License & Permits Committee

Item #: 14 - RATIFIED

August 28, 2015

Julie Menin

Commissioner

Department of Consumer Affairs

42 Broadway

New York, NY 10004

Re: 787 Eighth Ave Corp

d/b/a Brazil Grill

Sidewalk Café License/Application #: 9876-2015-ASWC

787 8th Avenue (48th Street)

Dear Ms. Menin:

Manhattan Community Board 4 (MCB4) recommends denial of an unenclosed sidewalk café permit for 787 Eighth Ave Corp d/b/a Brazil Grill. MCB4 believes that a sidewalk café here would impede pedestrian traffic and have a detrimental effect on residential quality of life on this narrow, residential side street.

This establishment is located on the corner of Eighth Avenue and West 48th Street (with frontage on both the street and the avenue), an exceedingly busy and congested corner in the heart of the theatre district that is constantly thronged with tourists, theatregoers, commuters heading to and from Port Authority, and other pedestrians. In fact, in likely recognition of this congestion, the Zoning Resolution of the City of New York, Article I, Chapter 4, Section 14-41 prohibits sidewalk cafes on this stretch of Eighth Avenue. Given that prohibition, the applicant has shifted his proposed sidewalk café so that all the tables and chairs are around the corner, on West 48th Street. But that shift does not alleviate the crowded conditions at this busy corner.

The sidewalk on the residential side street of West 48th Street is already too congested to reasonably accommodate a sidewalk café. The sidewalk abutting the proposed café contains a string of obstructions -- a large telephone booth, a traffic sign, and a tree. Although the applicant has provided the required minimum 8-foot clearance between the café and the telephone booth, the juxtaposition of the telephone booth and the café means that there is no clear, straight 8-foot pedestrian path along this stretch of sidewalk to the

*This recommendation is subject to ratification by the Full Board at its September 2, 2015 meeting. It is being sent in advance for your information in order to meet the deadline.

47 Eighth Avenue corner; rather, a pedestrian heading east must walk along the north side of
48 the sidewalk to avoid the café, but then must veer to the south side of the sidewalk to avoid
49 the telephone booth. Similarly, although we recognize that current city regulations do not
50 consider traffic signs and trees (without fencing) to be obstructions, in our experience such
51 objects are very real obstructions to pedestrian traffic. As the photos submitted with the
52 application show, bicycles are frequently locked to this street sign, which creates a sizeable
53 obstacle. Similarly, trees and the surrounding tree pits -- which are often uneven and ill-
54 maintained -- are very real obstructions to pedestrian traffic, particularly wheelchairs and
55 strollers.

56
57 In addition, community members living on this block expressed their concerns to MCB4
58 about the increased noise and congestion that would accompany this sidewalk café, with a
59 detrimental impact on their residential quality of life.

60
61 We thank you for your attention to this matter.

62
63
64 Sincerely,



65
Christine Berthet
Chair

[signed 8/28/15]

Burt Lazarin
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee

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It is being sent in advance for your information in order to meet the deadline.

1 **Business License & Permits Committee**

Item #: 15

2
3 September 2, 2015

4
5 Vincent G. Bradley
6 Chairman
7 New York State Liquor Authority
8 80 S. Swan Street, 9th Floor
9 Albany, New York 12210

10
11 **Re: 787 Eighth Ave Corp**
12 **d/b/a Brazil Grill**
13 *787 8th Avenue (West 48th Street)*

14
15 Dear Chairman Bradley:

16
17 Manhattan Community Board 4 (MCB4) recommends denial of the alteration application of 787 Eighth
18 Ave Corp d/b/a Brazil Grill to extend its On-Premise license to a sidewalk cafe. (Although the
19 applicant's submission to MCB4 categorized this as a new application, our understanding is that the
20 applicant holds an On-Premise license for this establishment and that the current application is more
21 properly categorized as an alteration.) Given the congestion and pedestrian traffic at this busy corner in
22 the theatre district, concerns from nearby community residents about the increased noise and disruption
23 that would accompany this sidewalk café, and community reports of issues and concerns surrounding
24 another sidewalk café operated across the street by the same owner, allowing the alteration would not
25 serve, and would be contrary to, the public interest.

26
27 This establishment is located on the corner of Eighth Avenue and West 48th Street (with frontage on
28 both the street and the avenue), an exceedingly busy and congested corner in the heart of the theatre
29 district that is constantly thronged with tourists, theatregoers, commuters heading to and from Port
30 Authority, and other pedestrians. In fact, in likely recognition of this congestion, the Zoning Resolution
31 of the City of New York, Article I, Chapter 4, Section 14-41 prohibits sidewalk cafes on this stretch of
32 Eighth Avenue. Given that prohibition, the applicant has shifted his proposed sidewalk café so that all
33 the tables and chairs are around the corner, on West 48th Street. But that shift does not alleviate the
34 crowded conditions at this busy corner. The sidewalk on the residential side street of West 48th Street is
35 already too congested to reasonably accommodate a sidewalk café. The stretch of sidewalk where the
36 café would be located contains a string of obstacles -- a large telephone booth, a traffic sign, and a tree --
37 that, together with a sidewalk café, would obstruct the pedestrian clear path along West 48th Street to
38 Eighth Avenue, particularly for wheelchairs and strollers.

39
40 Community members, including a representative of the large residential building across the street from
41 the proposed sidewalk café, have pointed out that this corner is already heavily trafficked and that
42 adding a sidewalk café can only reduce sidewalk space and increase noise and congestion. They are also
43 concerned that, as part of the current re-design, the applicant plans to add a door for public access on the
44 residential West 48th Street side of this establishment (in addition to the existing door on Eighth
45 Avenue). The applicant's increased use of the West 48th Street side of the establishment is troubling to
46 community members who report existing problems with noise and music, including live music, escaping

2

3 August 26, 2015

4

5 Erycka Montoya

6 Community Engagement Manager

7 Friends of the High Line

8 The Diller – von Furstenberg Building

9 820 Washington Street

10 New York, NY 10014

11

12 **Re: High Line Community Engagement**

13 **Dear Ms Montoya,**

14 Manhattan Community Board 4 (MCB4) was presented with details of the High Line’s programs
15 focused on engaging with our community. MCB4 was pleasantly surprised to learn of these
16 programs and the positive impact they have especially for the youth in the surrounding NYCHA
17 housing apartments. MCB4 is wholly supportive of these programs and believes they are a
18 model of how other institutions around our city should engage with their local communities.

19 The High Line has become the second most visited attraction in New York City behind the
20 Metropolitan Museum of Art. 2014 saw 6.2 million people travel the High Line of which an
21 estimated 2 million were New Yorkers. A few years ago after realizing much of the local
22 community were not among those numbers, the High Line conducted a community survey.
23 Local teens were hired to assist in conducting the survey. Born out of the results of these
24 surveys were the Teen Job and Leadership Training Programs. Over 5,000 hours of work at
25 competitive pay, \$10 - \$12 per hour were offered to teens from the neighborhood and 29 teens
26 were hired in 2015. These young employees were exposed to professionals from the High Line
27 and their many partners as well as learned about career opportunities.

28 In addition to the jobs programs for neighborhood teens, the High Line hosts NYCHA Family
29 Days which has logged over 3,000 participants and Arriba, Latin Dance Parties, attracting 1,200
30 people. The High Line also continues to engage students throughout the city, having hosted
31 4,500 students on field trips this year. Another 6,000 students have walked the High Line on
32 self-guided tours. The High Line currently partners with three neighboring schools and three
33 year round after-school programs.

34 All of these programs demonstrate the High Line’s commitment to being a good neighbor and
35 being a positive influence for the youth within our district and throughout the city. MCB4 is
36 thankful for such a resource within our community and we hope the High Line will be able to not
37 only maintain such programming, but expand it for years to come.