



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

DELORES RUBIN
Chair

Jesse Bodine
District Manager

December 29, 2016

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

**Re: MHI 510 W42 Hotel LLC (Owner)/Cachet Hotel Group Limited (Manager)
d/b/a Cachet Boutique and Eden Restaurant
508-510 West 42nd Street (10/11 Avenues)**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends **denial** of the application for a new On-Premise Liquor License by MHI 510 W42 Hotel LLC (Owner)/Cachet Hotel Group Limited (Manager) d/b/a Cachet Boutique and Eden Restaurant, 508-510 West 42nd Street (10/11 Avenues). Given the applicant's refusal to agree to limitations on the use of the problematic outdoor space at this location -- limitations necessary to preserve the reasonable quality of life for hundreds of residents whose apartments surround this location and its outdoor space; the extremely troubled history of community complaints and criminal activity regarding this location; and the additional noise, traffic, and congestion this establishment would bring to the area; **granting a new On-Premise license to the present applicant would not serve, and would be contrary to, the public interest.**

This establishment falls within the 500 foot rule as there are at least 9 (nine) OP liquor licenses within 500 feet of this address (per the SLA's website). The present application seeks a license that encompasses room service to approximately 105 hotel guest rooms, three separate outdoor spaces with two stand-up bars, and a hotel restaurant with 31 tables and 120 seats (collectively, the "Hotel/Restaurant"). In addition, the same owner and manager are also applying for a separate license for a larger club space at this location, which the applicant refers to as the "Playboy Supper Club." Because the Playboy Supper Club application presents several independent issues, that application is the subject of a separate letter to the SLA from MCB4, although the cumulative impact on the community of both proposed licenses should be considered together.

The proposed use of the three outdoor spaces at this location -- labeled the "Great Lawn," the "Spa Atrium," and the "Bamboo Garden" on applicant's floor plans accompanying their Stipulations Application (a copy of which is attached) -- is of particular and urgent concern to the community. These spaces are located in an inner courtyard that is partially surrounded by the applicant's premises, but is also surrounded by two sizeable residential buildings containing over 500 apartments. The disturbances caused by the use of these outdoor spaces are not speculative. At the December 13, 2016 meeting of the Business Licenses and Permits (BLP) Committee of MCB4, at which this application was considered, representatives of both buildings described how music, amplified sound, and crowd noise from patrons consuming alcoholic beverages in the outdoor spaces at issue severely compromised their residential quality of life. Bothersome noise was heard by residents as high as the 28th floor in an adjoining building, and the noise was equally disturbing and disruptive during the day as it was at night.

This location previously operated as the Out NYC Hotel (License No. 1257280), with the club space operating as at the XL Dance Bar LLC (License No. 1248373) with a capacity of 650 people. From the time of their opening, those establishments caused major issues for the community, including (as reported by the community) noise from the hotel's outdoor spaces disturbing the residents in hundreds of apartments that overlook these outdoor spaces; inebriated patrons of the club space found passed out on the neighboring sidewalks and even in the lobbies of nearby residential buildings; increased traffic; and pedestrian congestion with lines of people waiting to enter the club and smokers and noisy patrons clogging the sidewalks.

Of equal concern, the police have informed us of dramatic increases in criminal activity and liquor violations at this location, with 32 police incidents in 2016 alone. (A copy of the police summary of these incidents is attached.) An important factor in assessing whether the granting of a new license would be in the public interest under the 500 Foot Rule is the "history of liquor violations and reported criminal activity at the proposed premises." Alcoholic Beverage Control (ABC) Law Sec. 64(6-a)(3). According to information from the police, criminal incidents have occurred in both the hotel and the club spaces. For example, in 2016 alone, there were at least four reported incidents of robbery or larceny in the hotel rooms at this location; incidents in the club space or the surrounding public areas included assault, larceny, and harassment, as well as police summons for violations such as prohibited sales to a minor, failure to control crowd, and disorderly premise. Although the present applicant has represented that there is no connection between the applicant and the prior owners or managers, the troubled history at this location remains highly relevant, with no guarantee that the problems will cease.

Other factors also support the conclusion that a new license here would not be in the public interest. As discussed above, these premises have demonstrably caused a dramatic increase in noise levels and disorderly conduct in the neighborhood. In

addition, granting this license will not add anything new to the neighborhood. Within a block and a half of these premises, there are two other hotels with licensed restaurants and significant bar/lounge spaces: the Yotel Hotel, almost across the street at 570 Tenth Avenue (at 42nd Street) and the soon-to-open Pod Hotel at 400 West 42nd Street (at Ninth Avenue) (whose application is pending before the SLA).

Particularly troubling with respect to this application is the cavalier attitude that this applicant has shown toward the community and its concerns. This applicant first appeared before the BLP Committee at its November 15, 2016 meeting, represented by two executives from the Cachet Hotel Group, which we were informed would be the managers of these premises. After hearing the community's concerns and after over an hour of discussion with the BLP Committee, those representatives agreed to and signed a series of stipulations that would limit the use of the outdoor spaces at the Hotel/Restaurant in order to ameliorate the community's concerns. A copy of the Stipulations Application, signed by the applicant, is attached. Based on these stipulations, the BLP Committee on November 15 voted to recommend approval of this application to the full MCB4 Board.

On December 7, 2016 -- the day this application was to be considered by the full MCB4 Board -- the lawyer for the applicant informed MCB4 that the "owner" of the proposed establishment could not agree to the stipulations, stipulations to which their management team had agreed in writing on November 15. Seeing no other alternative, MCB4 asked the applicant to return to the BLP Committee at its December 13 meeting to again discuss the application. On December 13, after an extensive airing of the community's concerns and another discussion lasting over an hour -- the applicant refused to confirm their agreement to the prior stipulations or to agree to any limitations on their use of the outdoor spaces. Accordingly, the BLP Committee on December 13 voted to recommend that the application be denied.

For the reasons stated above, MCB4 requests that the present application be **denied**.¹

If the SLA were to consider granting this Hotel/Restaurant application, MCB4 believes that it is essential for the community's protection that any license be subject to all the conditions outlined in the attached Stipulations Applications and, in particular, the conditions regarding the use of the establishment's outdoor spaces to which the applicant's management team agreed on November 15. Those stipulations are set out on page 7 of the attached Stipulations Application and are summarized here for convenience:

- The space labeled the "Great Lawn" on the applicant's submitted floor plans will be covered with a retractable roof that, when closed, will completely enclose the

¹ This letter is subject to ratification at its Full Board meeting on Wednesday, January 4, 2017.

Great Lawn space. This retractable roof will be fully closed for any scheduled or planned event at which alcohol is served.

- There will be no music (live or amplified) or amplified sound of any kind in the Great Lawn space unless the retractable roof is fully closed.
- There will be no alcohol service or consumption in the spaces labeled “Spa Atrium” and “Bamboo Garden” on the applicant’s submitted floor plans. In those outdoor spaces, there will be background music only.
- All scheduled or planned events in any outdoor space will finish no later than 10 p.m. on Sundays through Thursdays and 11:00 p.m. on Fridays and Saturdays.

Thank you for your attention and cooperation with this application.

Sincerely,



Delores Rubin
Chair

[Signed on 12/29/16]

Burt Lazarin
Co-Chair
Business Licenses & Permits
Committee

[Signed on 12/29/16]

Frank Holozubiec
Co-Chair
Business Licenses & Permits
Committee

ENCLOSURE

cc: Hon. Brad Hoylman, State Senate
Hon. Richard Gottfried, State Assembly
Joseph Levey, Esq.

Manhattan Community Board 4
(All Fields Must Be Completed)

Liquor License Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
MHI 510 W42 Hotel LLC (Owner) Cachet Hotel Group Limited (Manager)		Cachet Boutique and Eden Restaurant	
STREET ADDRESS		CROSS STREETS	ZIP CODE
508-510 W 42ND STREET		11TH AVENUE	10036
OWNER <i>(Attach a list of all the people that will be associated/licensed with the license)</i>	NAME:	RICHARD COHN	NAME: JOSEPH LEVEY
	PHONE:	212-871-5602	PHONE: 212-219-1193
	EMAIL:	RCOHN@ MERCHANTSHOSPITALITY.COM	EMAIL: JOSEPH@HELBRAUNLEVEY.COM
MANAGER	NAME:	NICOLE HENDRIX	NAME: WEST 42ND STREET DEVELOPEMENT
	PHONE:	703-409-5109	PHONE: PENDING
	EMAIL:	NICOLE.H@ CACHETHOTELGROUP.COM	EMAIL: PENDING
ATTORNEY/ REPRESENTATIVE			
LANDLORD			
APPLICATION TYPE (Check One)			
<input 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?	VARIOUS- MERCHANTS HOSPITALITY (LICENSE HOLDER ABRAHAM MERCHANTS)	
	What were the dates applicant was involved with this former premise?		
<input checked="" type="radio"/> Transfer	What is the prior license # and expiration date?	42ND ST HOLDINGS LLC, EXP 02/28/2018, SERIAL 1257280 (HOTEL LICENSE)	
	Is applicant making any alterations or operational changes?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> 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="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 checked="" 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 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	PENDING CB HEARING
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	SEE ATTACHED
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	7a-4a (restaurant & room service for hotel)							
	Kitchen	AT ALL TIMES ----->							
	Music	AT ALL TIMES ----->							
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	170	170	49	116	0	1	12	(Restaurant)	
OUTSIDE (Other than sidewalk cafe)	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?					FIVE (TWO OF FIVE ARE EMPLOYEE ONLY ACCESS)				
How frequently will the owner(s) be at the establishment?					AT ALL TIMES				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	EXISTING		
Will applicant have bottle or table service for beverage alcohol?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will you be hosting private, promotional or corporate events?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will outside promoters be used on a regular basis? If yes please describe.					<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			
Will you have a security plan? If, yes please attach.					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will security plan be implemented?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will State certified security personnel be used?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
Will applicant be using delivery bicycles? If yes, how many?					<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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?					<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO			
Where will delivery bicycles be stored during the day when not in use?					N/A				

* 107 hotel
guest rooms.

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

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	NOTICE POSTING- PER BOARDS REQUIREMENTS	
	# 2	RESIDENTIAL BUILDINGS IN SURROUNDING AREAS (PENDING)	
	# 3	BLOCK ASSOCIATIONS, PER BOARDS SUGGESTIONS	
	# 4	- HotelAmericano: (212) 216-6000 --> IN SUPPORT - Highline 537: (212) 518-4942 --> IN SUPPORT - West 36th Street Block Association: Frank Strock at mcgee79@aol.com --> NO RESPONSE	
	# 5	- HKNA Association: Kathleen Treat at kathleentreat123@gmail.com --> PENDING	
Please provide dates when applicant met with the groups listed above.		PENDING	
Who was your contact person at each group you met with?		PENDING	
When did applicant post the notice that was provided?		YES 10/26/2016	
Where did applicant post the notice that was provided?		AT THE ENTRANCE OF THE ESTABLISHMENT	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	HOTEL AND 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="checkbox"/> YES	<input type="checkbox"/> NO	42ND ST HOTEL LLC & 42ND ST KITCHEN LLC
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	NAME CHANGE
Will applicant have a vestibule within the establishment?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Will applicant use a storm enclosure?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> 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 type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="checkbox"/> FRENCH DOORS	<input type="checkbox"/> GARAGE DOORS	<input type="checkbox"/> 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 type="checkbox"/> YES	<input type="checkbox"/> 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?	<input type="checkbox"/> YES	<input type="checkbox"/> 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?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	N/A
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="checkbox"/> YES	<input type="checkbox"/> NO	
Will the kitchen exhaust system extend to the roof?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	EXISTING
Will the establishment have an illuminated sign?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have a canopy extending over the sidewalk?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Where will the air conditioner be located? What type is it?	EXISTING		
When was the air conditioner installed?	N/A - IN GOOD CONDITION		

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

NO OUTSIDE SPACE

OUTDOOR ITEMS – SIDEWALK CAFÉ

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

**NO CURRENT
SIDEWALK
CAFÉ PLANS**

ADDITIONAL STIPULATIONS: (Office Use Only)

- This application applies only to license for hotel rooms and restaurant space on east side of property and DOES NOT extend to spaces labeled "PB Cocktail", "PB Game Room", and "PB Supper Club" on attached plans
- There will be no alcohol service or consumption in spaces labeled "Spa Atrium" and "Bamboo Garden" on attached second floor plans
- Space labeled "Great Lawn" will be covered with a retractable roof which, when closed, will completely enclose the "Great Lawn" outdoor space
- Retractable roof will be fully closed for any scheduled or planned event at which alcohol is served
- There will be no music (live or amplified) or amplified sound of any kind in the "Great Lawn" space unless the retractable roof is fully closed. This provision does not apply to the personal electronic devices of guests. In all other outdoor spaces there will be background music only
- All scheduled or planned events in any outdoor space will finish no later than 10 p.m. on Sundays to Thursdays and 11 p.m. Friday & Saturdays




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.

ADDITIONAL STIPULATIONS: (Office Use Only), *Continued*

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.

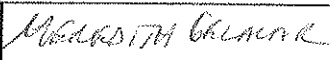

Manhattan Community Board 4 (MCB4) recommends:	<input checked="" type="radio"/> Denial unless all stipulations agreed to by applicant/owner are part of the method of operation <input type="radio"/> Denial <input type="radio"/> Approval
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CB4 REPRESENTATIVES

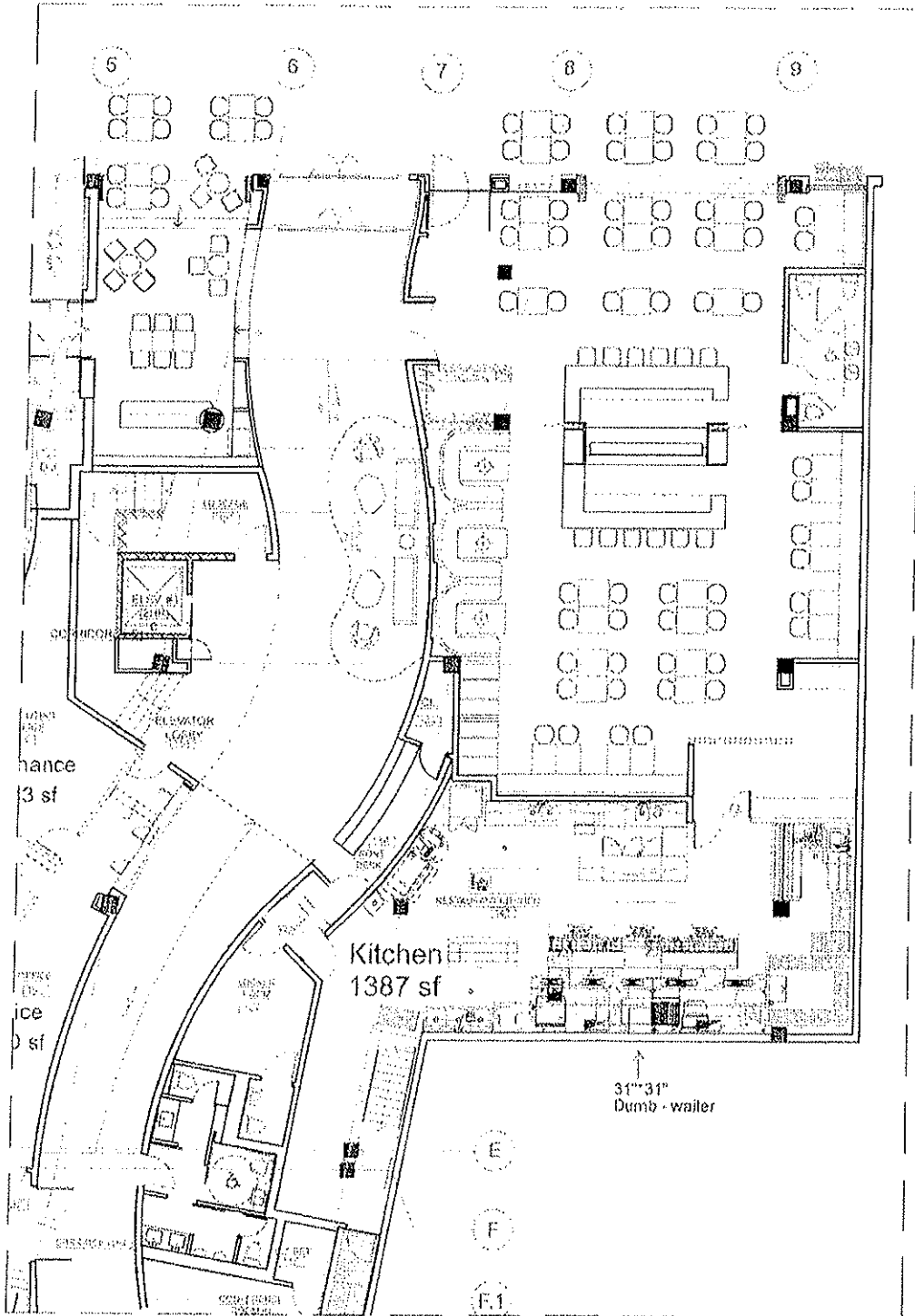
 Nelly Gonzalez <i>CB4 Assistant District Manager</i>	 Frank Hlozobiec <i>CB4 BLP Committee Co-Chair</i>	 Burt Lazarin <i>CB4 BLP Committee Co-Chair</i>
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APPLICANT AGREEMENT WITH THE COMMUNITY

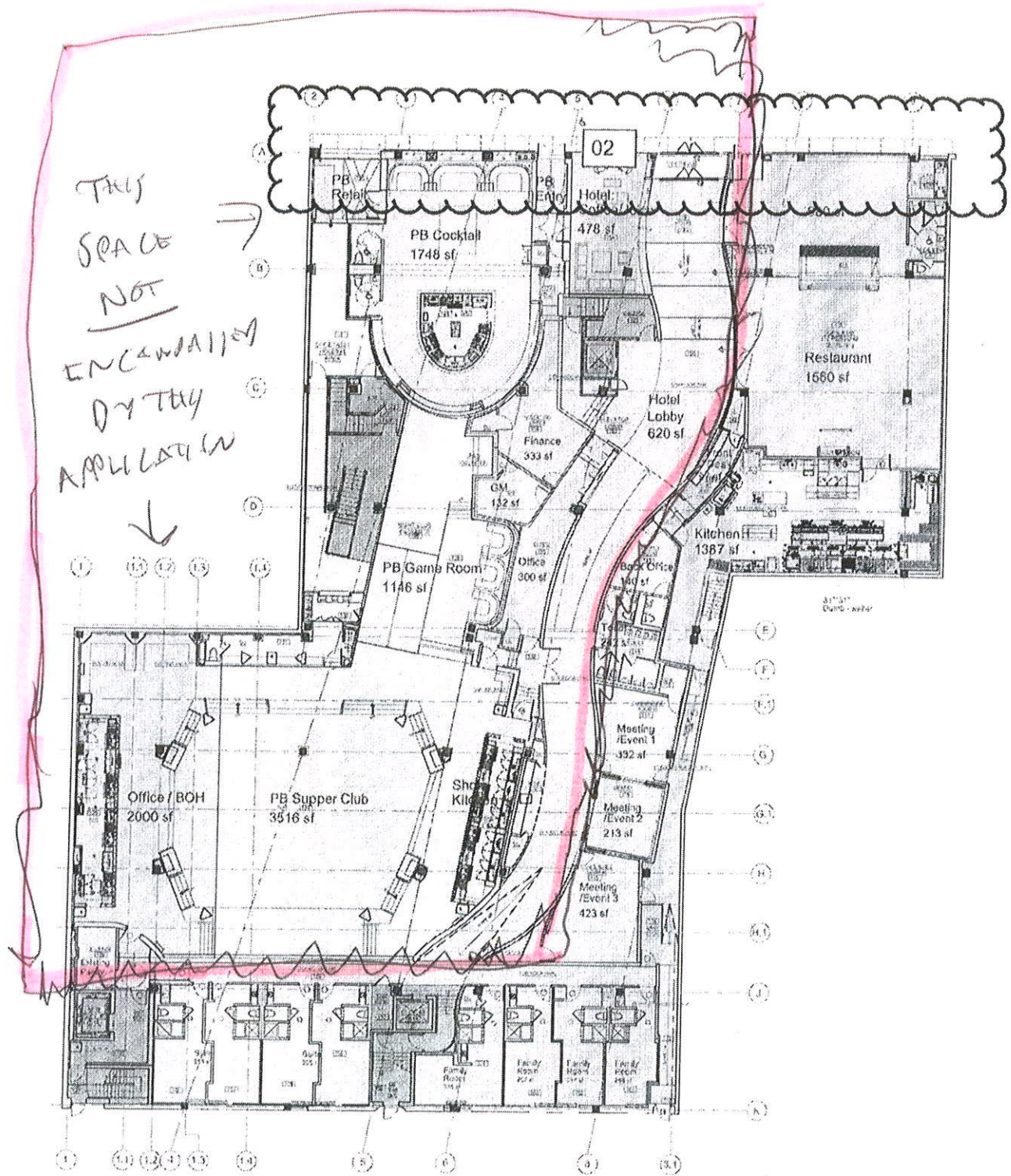
Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

SIGN HERE →	 MEREDITH CHLANA PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	11/15/2016 11/15/2016 DATE
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RESTAURANT DETAIL



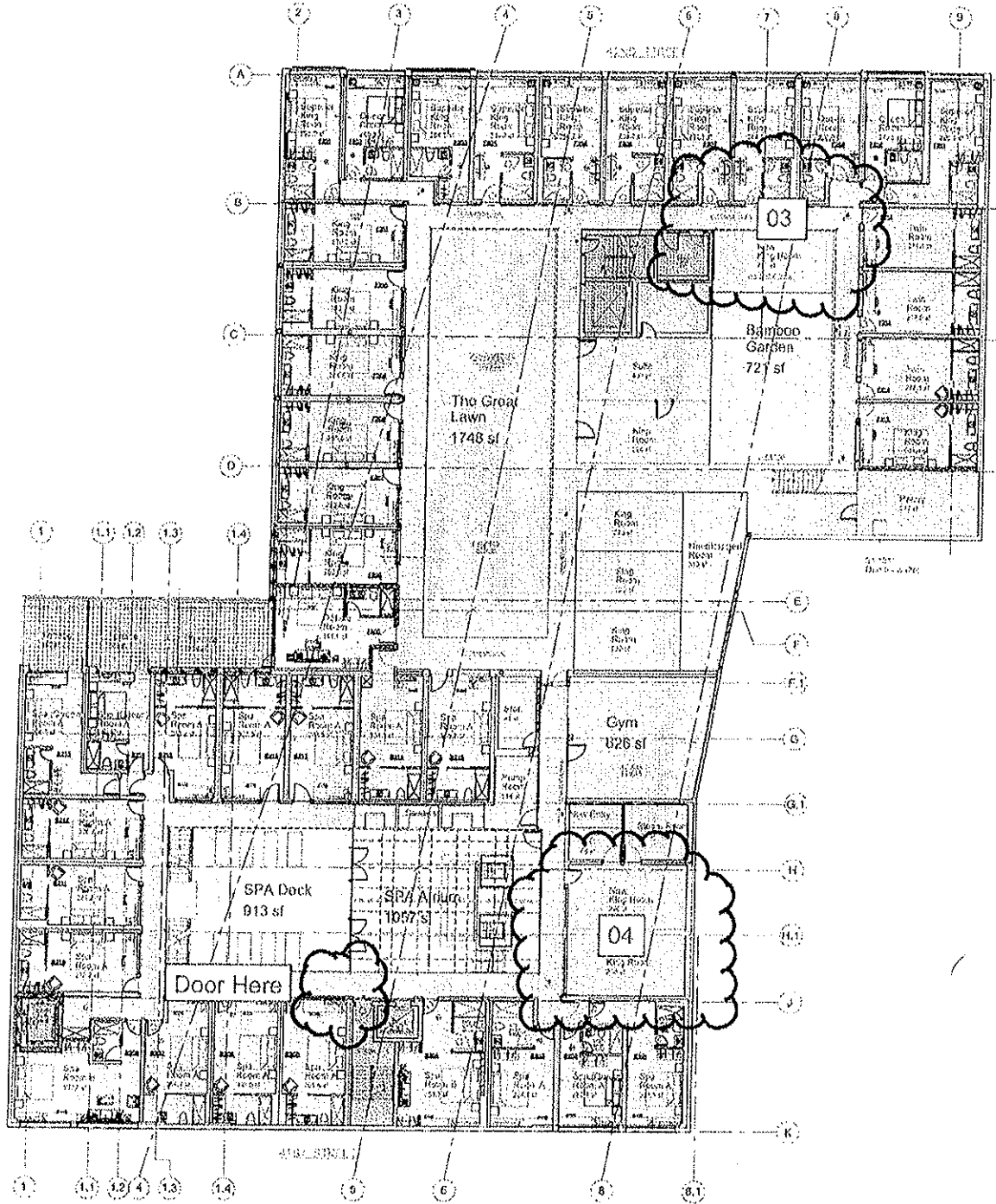
RESTAURANT / GROUND FLOOR



Ground Floor

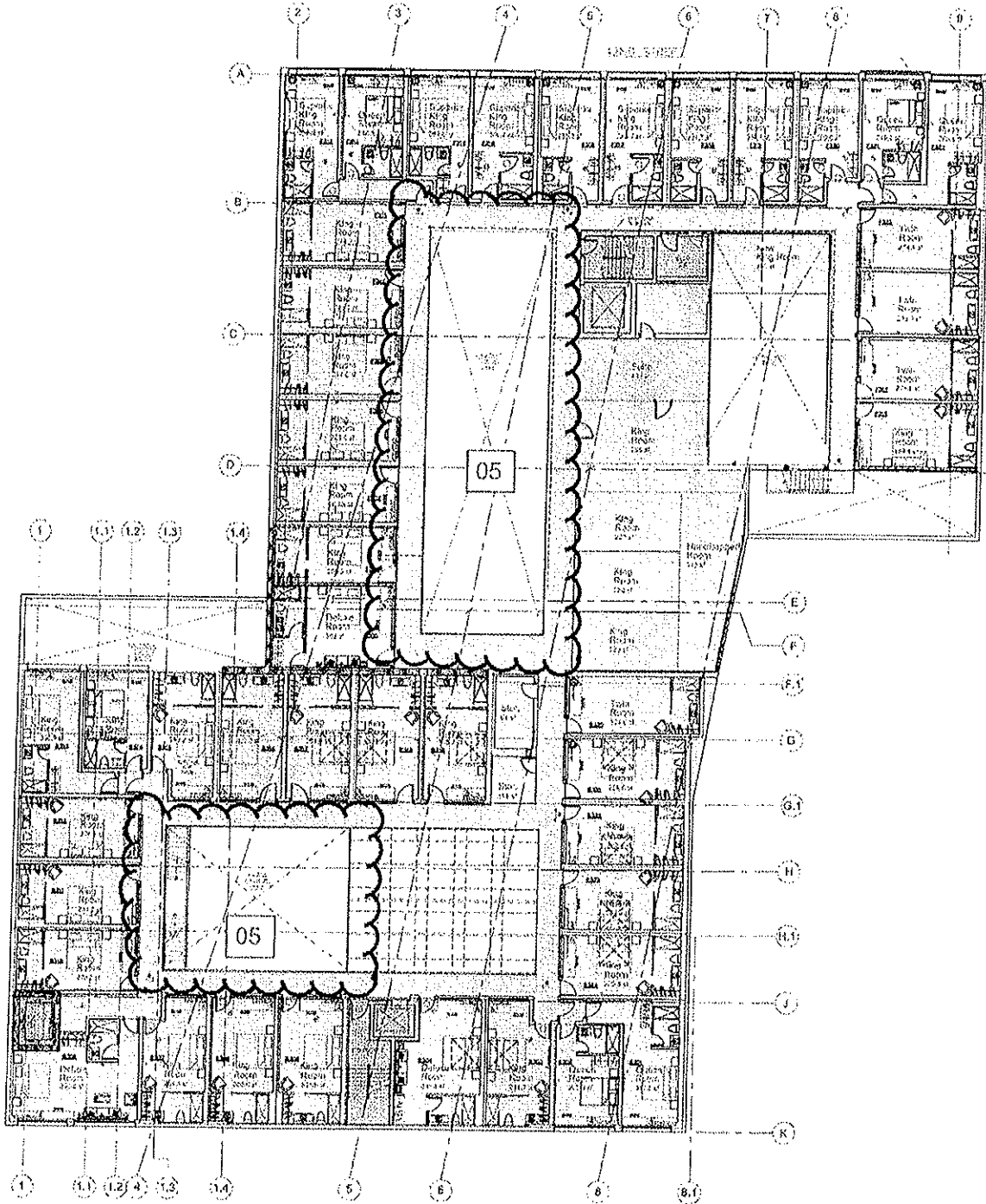
DATE: 03-11-10

(ADDITIONAL FLOORS)



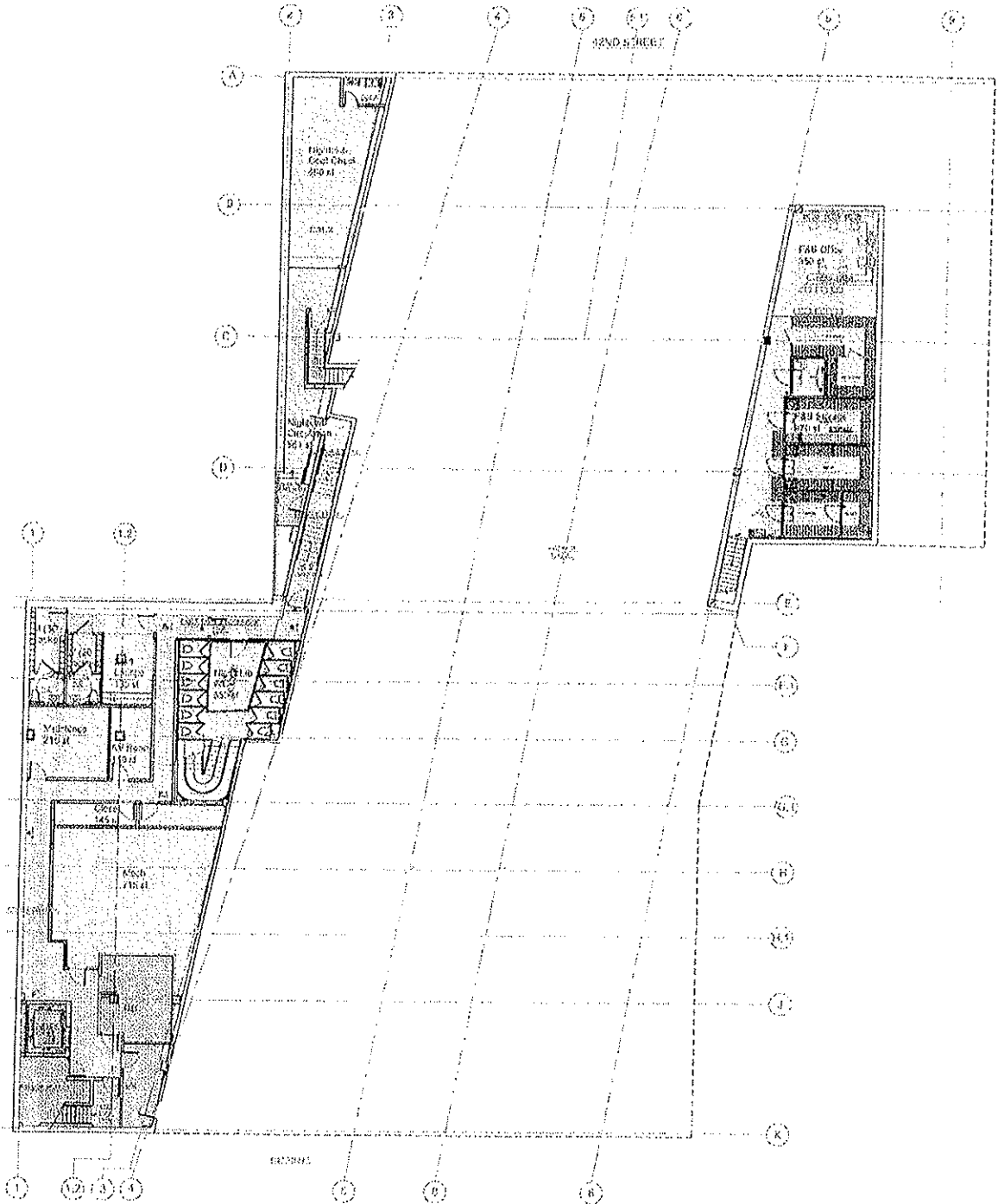
Second Floor

(ADDITIONAL FLOORS)



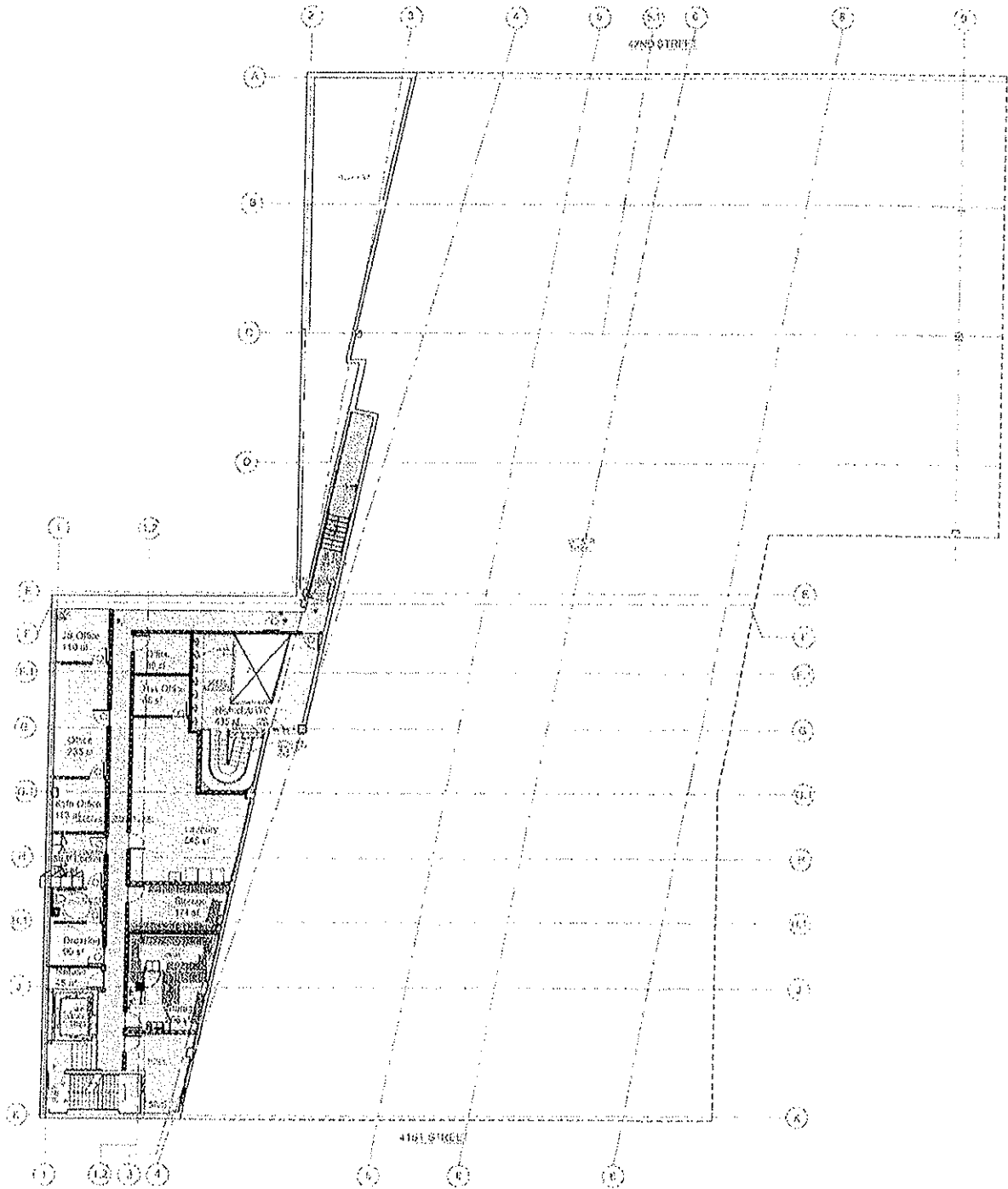
Third Floor

(ADDITIONAL FLOORS)



Cellar Mezz. Floor(B2)
(As per Exist)

(ADDITIONAL FLOORS)



41ST STREET
41ST STREET
Cellar Mezz. Floor(B1)
PROPOSED CELLAR PLAN - MEZZANINE LEVEL (As per Exist)

CLUB XL LOUNGE

516 West 42nd Street

	DATE	61#	OFFENSE	ENFORCEMENT ACTIVITY	SLA Y/N
1	01/01/16	0014	PETIT LARCENY	(The Out NYC) Room 246	
2	02/01/16	0418	ROBBERY		
3	02/02/16	N/A	N/A	Summons # 4420969086 for "Fail to Control Crowd"	Y
	02/09/16	0533	LOST PROPERTY (Tennessee license)	(room 245)	1
4	02/12/16	N/A	N/A	MARCH Operation -7 summonses (DEP - 1 for "Unreasonable Noise"; and SLA - 1 for "No Under 21 Sign", 1 for "No Pregnancy Warning Sign", 1 for "Fail to Attend Annual Security Training", 1 for "No Roster", 1 for "No Proprietor License to Employ" and 1 for "No Food Served as Indicated on License")	Y
5	03/06/16	0958	CRIM. CONTEMPT (F)	(front of)	
	03/12/16	1077	LOST PROPERTY (I-phone)	(opposite)	2
6	04/04/16	1404	HARASSMENT	(The Out NYC) 3 rd floor	
7	04/08/16	1469	ASSAULT 3	(The Out NYC) bathroom	
	04/14/16 rpt on 04/26/16	1740	PETIT LARCENY		
8	05/02/16	1845	PETIT LARCENY	(The Out NYC) room 101	
9	05/22/16	2163	PETIT LARCENY		
10	05/21/16	2231	GRAND LARCENY		
	05/29/16	2259	LOST PROPERTY (credit card)		3
	06/04/16	2337	LOST PROPERTY (I-phone)	(Syndrome 42)	4
11	06/12/16	2474	GRAND LARCENY	(The Out NYC)	
12	06/18/16	2540	ASSAULT 3	(front of)	
13	06/18/16	2554	FORCIBLE TOUCHING (M)		
	06/19/16	2565	ASSAULT 2	2 arrests at 524 W. 42 St. (SRG)	
14	07/08/16	2858	BURGLARY	(The Out NYC)	
15	07/21/16	3036	HARASSMENT	(The Out NYC)	
	07/30/16	3190	LOST PROPERTY (credit card)	(The Out NYC)	5
16	08/28/16	3601	GRAND LARCENY		
	08/27/16	3700	LOST PROPERTY (credit card/purse)		6
17	09/12/16	3851	GRAND LARCENY	(The Out NYC)	
18	09/24/16	4027	CPCS (F)	1 arrest (The Out) room N302	
	09/27/16	4125	LOST PROPERTY (credit card/Mexican passport)	(The Out NYC)	7
19	10/02/16	4141	ROBBERY	2 arrests (The Out NYC) room 221	
20	10/02/16	4162	PETIT LARCENY	(The Out NYC) room 328	
21	09/13/16 rpt on 10/11/16	4258	HARASSMENT	(The Out NYC)	
22	10/08/16	N/A	N/A	Summons # 4429489534 for "Over Crowded"	Y
23	10/08/16	N/A	N/A	Summons # 4429489481 for "No Public Assembly Permit"	Y

24	10/08/16	N/A	N/A	Summons # 4429489551 for "Fail Properly Display Secondary Bar Liquor License"	Y
25	10/08/16	N/A	N/A	Summons # 4429489520 for "Unlicensed Cabaret"	Y
26	10/08/16	N/A	N/A	Summons # 4429489517 for "Prohibited Sales to Minor"	Y
27	10/08/16	N/A	N/A	Summons # 4429489495 for "Unreasonable Noise (People)"	Y
28	10/08/16	N/A	N/A	Summons # 4429489503 for "Failure to Control Crowd"	Y
29	10/08/16	N/A	N/A	Summons # 4429489666 for "Disorderly Premise"	Y
30	10/20/16	4414	CPCS (F)	1 arrest (The Out NYC)	
31	10/23/16	4490	ASSAULT 3		
	11/01/16	4634	LOST PROPERTY (credit cards)		8
32	11/04/16	4670	CRIMINAL SEXUAL ACT (F)		

CLUB XL LOUNGE

516 West 42nd Street

	DATE	61#	OFFENSE	ENFORCEMENT ACTIVITY	SLA Y/N
1	01/01/16	0014	PETIT LARCENY	(The Out NYC) Room 246	
2	02/01/16	0418	ROBBERY		
3	02/02/16	N/A	N/A	Summons # 4420969086 for "Fail to Control Crowd"	Y
	02/09/16	0533	LOST PROPERTY (Tennessee license)	(room 245)	1
4	02/12/16	N/A	N/A	MARCH Operation -7 summonses (DEP - 1 for "Unreasonable Noise"; and SLA - 1 for "No Under 21 Sign", 1 for "No Pregnancy Warning Sign", 1 for "Fail to Attend Annual Security Training", 1 for "No Roster", 1 for "No Proprietor License to Employ" and 1 for "No Food Served as Indicated on License")	Y
5	03/06/16	0958	CRIM. CONTEMPT (F)	(front of)	
	03/12/16	1077	LOST PROPERTY (I-phone)	(opposite)	2
6	04/04/16	1404	HARASSMENT	(The Out NYC) 3 rd floor	
7	04/08/16	1469	ASSAULT 3	(The Out NYC) bathroom	
	04/14/16 rpt on 04/26/16	1740	PETIT LARCENY		
8	05/02/16	1845	PETIT LARCENY	(The Out NYC) room 101	
9	05/22/16	2163	PETIT LARCENY		
10	05/21/16	2231	GRAND LARCENY		
	05/29/16	2259	LOST PROPERTY (credit card)		3
	06/04/16	2337	LOST PROPERTY (I-phone)	(Syndrome 42)	4
11	06/12/16	2474	GRAND LARCENY	(The Out NYC)	
12	06/18/16	2540	ASSAULT 3	(front of)	
13	06/18/16	2554	FORCIBLE TOUCHING (M)		
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