

Da Andrea

Andreas WV LLC dba Da Andrea

35 West 13th Street / New York, New York 10011

Questionnaire for an SLA Alteration Application to Add Exterior Contiguous and Non-Contiguous Municipal Spaces for Sidewalk and Roadway Cafes to an On-Premises Liquor License

1. Department of Transportation Site Plan for the Sidewalk Café
2. Department of Transportation Site Plan for the Roadway Café
3. Photographs
4. Community Board Signed Stipulations dated February 10, 2020 and Community Board Resolutions

BERNSTEIN REDO & SAVITSKY PC
1177 Avenue of the Americas, 5th floor
New York, NY 10036
Tel. 212.651.3100
www.brpclaw.com



COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.manhattancb2.org

P: 212-979-2272 F: 212-254-5102 E: info@manhattancb2.org

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

COMMUNITY BOARD 2 APPLICATION FOR A STATE LIQUOR AUTHORITY LICENSE

For Existing Licensees –

Alteration to add Contiguous or Noncontiguous Municipal Public Space

Instructions

For current licensees applying to add Municipal Public Space to their licensed premises, please supply the following **along with or immediately following submission of the 30-day Notice to Municipalities.**

The 30-day Notice can be found in the [Alteration for Adding or Removing Contiguous and/or Noncontiguous Municipal Public Space Application](#) located on the NYSLA website.

For Sidewalk:

- Submit the attached addendum along with the diagram included with your DOT Dining Out NYC application. The diagram should indicate restaurant frontage (*length*), length and width of set up area(s) inclusive of barriers, location of tables and chairs, service aisle area and sidewalk width.
(Note: Restaurant staff must serve patrons from **within** the sidewalk cafe.)

For Roadway:

- Submit the attached addendum along with the diagram included with your DOT Dining Out NYC application. The diagram should indicate restaurant frontage (*length*), roadbed seating area (*length and width of set up area(s) inclusive of barriers*), location of tables and chairs and service aisle area.
(Note: Restaurant staff must serve patrons from **within** the roadbed dining area.)

For Open Streets:

- Submit the attached addendum along with a diagram of the roadway seating area (*length and width of set up area*) including location of tables and chairs in the roadway. Diagram should include the restaurant frontage. Also include the full roadbed width including the midpoint measurement and the 15' emergency vehicle lane.

For Roadway and Sidewalk:

- Submit photos of the premises where the sidewalk café and/or roadbed will be located. Required photos show one frontal, one left and one right side view of proposed sidewalk café and/or roadbed.
 - For sidewalk café and/or roadbed, photos must show complete sidewalk and/or roadway area including views to curb and neighboring properties.

COMMUNITY BOARD 2 APPLICATION FOR A STATE LIQUOR AUTHORITY LICENSE

**FOR EXISTING LICENSEES –
ALTERATION TO ADD CONTIGUOUS OR NONCONTIGUOUS MUNICIPAL PUBLIC SPACE**

Form to be Completed and Returned with 30-Day Notice

Name/email of Principal/Contact: Abdul Mannan / bdrakib12@yahoo.com

Name/email of Representative: Donald M. Bernstein, Esq. / donald@brpclaw.com

Applicant/Premises Name: Andreas WV LLC

DBA Name: Da Andrea

Address of Premises (include zip code): 35 West 13th Street / New York, NY 10011

Cross Streets of Premises: Fifth Avenue and Avenue of the Americas

License ID #: 0340-22-113236

☒ On Premise Liquor ☐ Restaurant Wine ☐ Tavern Wine ☐ Other _____

Sidewalk Café will have no more than (If premises is located on a corner please indicate for both streets):

5 tables and 10 seats on West 13th Street

_____ tables and _____ seats on _____ Street

Will applicant agree to close sidewalk café area by 10 PM every night? Yes ☐ No ☒ ***The enclosed 2/10/2020 Stipulations and Resolutions allow for a 10pm close Sunday to Thursday and an 11pm close Friday to Saturday**

Will open sidewalk café area at 10am Sunday and
9am Monday to Saturday

Roadbed / Open Streets will have no more than (If premises is located on a corner please indicate for both streets):

12 tables and 24 seats on West 13th Street

_____ tables and _____ seats on _____ Street

Is roadbed in a floating parking lane separated from the curb by a bike path? Yes ☐ No ☒

Does DOT Dining Out NYC application include an FDNY waiver? Yes ☐ No ☒

Will applicant agree to close roadbed seating by 10 PM every night? Yes ☐ No ☒ ***The enclosed 2/10/2020 Stipulations and Resolutions allow for a 10pm close Sunday to Thursday and an 11pm close Friday to Saturday**

Will open roadbed seating area at 10am Sunday and
9am Monday to Saturday

For all Applicants:

Will agree there will be no host stands, bus or service stations on the sidewalk or in the roadbed? Yes ☒ No ☐

Will agree there will be no exterior music, speakers or TVs? Yes ☒ No ☐

Will agree that all patrons in any sidewalk café or roadbed will be seated? Yes ☒ No ☐

Da Andrea

Department of Transportation Site Plan for the Sidewalk Café

SECTION 1: Site Plan

- This Site Plan form is required to be uploaded in the **"Sidewalk Site Plan"** field of your online application.
- Refer to the [How to Apply](#) page in the Dining Out NYC website for more information about the application process.

Identify Clear Path Requirements:

- Clear path requirement for your sidewalk cafe can be found by identifying your corridor type on the DOT's Pedestrian Mobility Plan [Pedestrian Demand Map](#) on Open Data.

- ☐ C1- Global Corridor (12 feet Clear Path)
- ☒ C2- Regional Corridor (10 feet Clear Path)
- ☐ C3- Neighborhood Corridor (8 feet Clear Path)
- ☐ C4- Community Connector (8 feet Clear Path)
- ☐ C5- Baseline Street (8 feet Clear Path)

Setup Area Identification :

- ☐ Please check this box if you plan to have outdoor dining located within private property. If so, indicate the property line in the site plan drawing below.
- ☐ Please check this box if all or part of your sidewalk cafe is in a sidewalk widening area, developed pursuant to the NYC Zoning Resolution. If so, indicate the property line in the site plan drawing below.

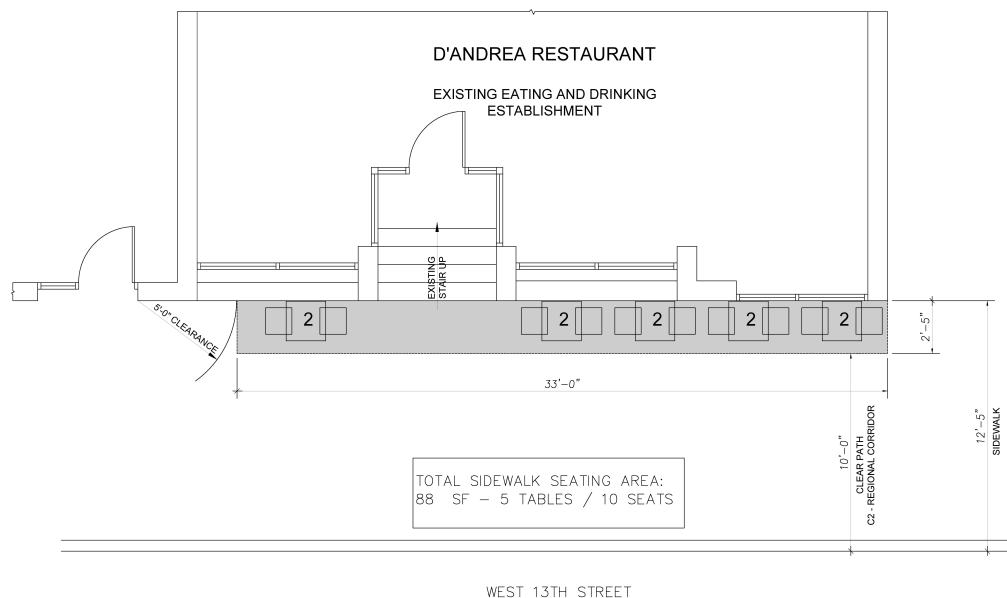
Sidewalk Cafe Site Plan Form

Applicant Name: Andreas WV LLC

Restaurant Name: Da Andrea

FSEP Number: 50094598

Use the space below to draw or upload your Site Plan representing your cafe perimeters, furniture, and clearances.



SIDEWALK CAFE PLAN
SCALE: 1/4"=1'-0"

Length of sidewalk cafe: 33 feet

Width of sidewalk cafe: 2.5 feet

Drawing Requirements

Food service establishment frontage shown by:

- Line representing space occupied in building
- Labels

Street names:

- Labels on each street

Sidewalk shown as:

- Line representing street curb
- Width measured from building line to curb line

Primary building entrance shown as:

- Label
- Distance from proposed setup

Cafe perimeter shown as:

- Line
- Length and width
- (Dashed line) representing Private Property Line

Set-up furniture (tables, chairs, etc.) shown as:

- Lines or symbols at approximate location within setup

Sidewalk elements or objects shown as:

- Lines or symbols
- Labels
- Distance from cafe perimeter

Utility coverings shown as:

- Symbols representing the approximate shape of the covering within the setup
 - MANHOLE COVER
 - ⊗ UTILITY COVERING

SECTION 2: Required Clearances

- Please provide distances from the following objects.
- Only provide a distance if the listed object is within 15 feet of your proposed setup.
- Leave box blank if not applicable.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding clearances.

Elements with minimum 15 feet clearance from sidewalk cafe:

☐ S01- Subway Stair: Open End _____ feet

Elements with minimum 10 feet clearance from sidewalk cafe:

☐ S02- Subway Elevator Entrance _____ feet ☐ S04- MTA Curb Cut _____ feet

☐ S03- Exhaust Duct _____ feet ☐ S05- FDNY Curb Cut _____ feet

Elements with minimum 8 feet clearance from sidewalk cafe:

☐ S06- Street Tree Bed _____ feet ☐ S13- Newsstand _____ feet

☐ S07- Mailbox _____ feet ☐ S14- Streetlight _____ feet

☐ S08- LinkNYC Kiosk _____ feet ☐ S15- Bus Stop Pole _____ feet

☐ S09- Wayfinding Kiosk _____ feet ☐ S16- Fire Hydrant _____ feet

☐ S10- E-charging Station _____ feet ☐ S17- Bus Stop Shelter _____ feet

☐ S11- Parking Meter _____ feet ☐ S18- Traffic Signal _____ feet

☐ S12- Select Bus Service Fare Machine _____ feet

Elements with minimum 5 feet clearance from sidewalk cafe:

☐ S19- CitiBike/Bike Share Station _____ feet ☐ S24- Emergency Exit Hatch _____ feet

☐ S20- Bike Corral _____ feet ☐ S25- Subway Stair: Closed End _____ feet

☐ S21- Micromobility Station _____ feet ☐ S26- Subway Elevator: Non-Entry _____ feet

☒ S22- Primary Building Entrance **5** feet ☒ S27- Siamese Connection **8** feet

☐ S23- Curb Cut _____ feet

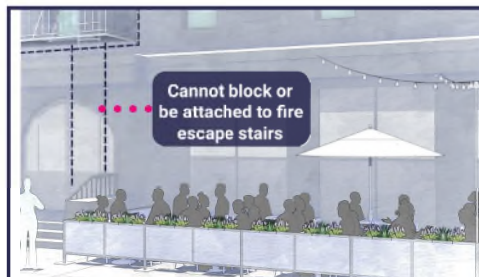
Elements with minimum 3 feet clearance from sidewalk cafe:

☐ S28- Elevated Train Infrastructure _____ feet

☐ S29- Transformer Vault _____ feet

Elements with minimum 1 foot 6 inches clearance from sidewalk cafe elements:

☐ S30- Vent Infrastructure _____ inches



SECTION 3: Material Requirements

- Please indicate which of the following materials will be part of your sidewalk cafe by checking the box next to the category. If applicable, please confirm the materials comply with the Dining Out NYC requirements by checking the box next to the associated requirement.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding materials.

Materials Checklist:

Required

☒ Perimeter Demarcation

- ☒ Perimeter demarcation must be clear and visible by using a lightweight and removable self-supporting base wall, railing, planter, fence, or stanchion and rope.
- ☒ Maximum height is 2 feet 6 inches (excluding planting(s)).
- ☒ Not affixed to the sidewalk.

Optional- Only check the material categories you intend to use in your sidewalk cafe

☒ Furnishings

- ☒ Lightweight and easily movable.
- ☒ Not affixed to the sidewalk.

☒ Awnings (Physically attached to the building)

- ☒ Minimum 8 feet height from the ground and does not exceed 10 feet height.
- ☒ Easily removable, comprised of fire-grade and wind resistant materials.
- ☒ Does not extend beyond the perimeter of the sidewalk cafe.
- ☒ Complies with the New York City Building Code and the requirements of the Landmarks Preservation Commission, as applicable.

☐ Overhead Coverings/ Umbrellas

- ☐ Minimum 7 feet height from the ground and does not exceed 10 feet height.
- ☐ Easily removable, comprised of fire-grade and wind resistant materials.
- ☐ Does not extend beyond the perimeter of the sidewalk cafe.
- ☐ The umbrella/overhead covering has a weighted base and any supports are not affixed to the sidewalk.
- ☐ Any support structures are of sufficient size and strength, made of durable materials, and free of defects.

☒ Lighting and Electrical Connections

- ☒ Any lighting is outdoor rated, properly secured, and lightweight.
- ☒ Connection is directly connected to ground floor restaurant's power source and within the perimeter of the cafe.
- ☒ Does not extend beyond the perimeter of the sidewalk cafe.
- ☒ Does not exceed 10 feet in height.
- ☒ Not attached to any City property, including street trees.
- ☒ Electrical work complies with the applicable requirements set forth in the DOT's rules and the New York City Electrical Code.

☐ Please check this box if you are submitting additional documents for review. Documents may include technical drawings prepared by a licensed professional.

Da Andrea

Department of Transportation Site Plan for the Roadway Café

SECTION 1: Site Plan

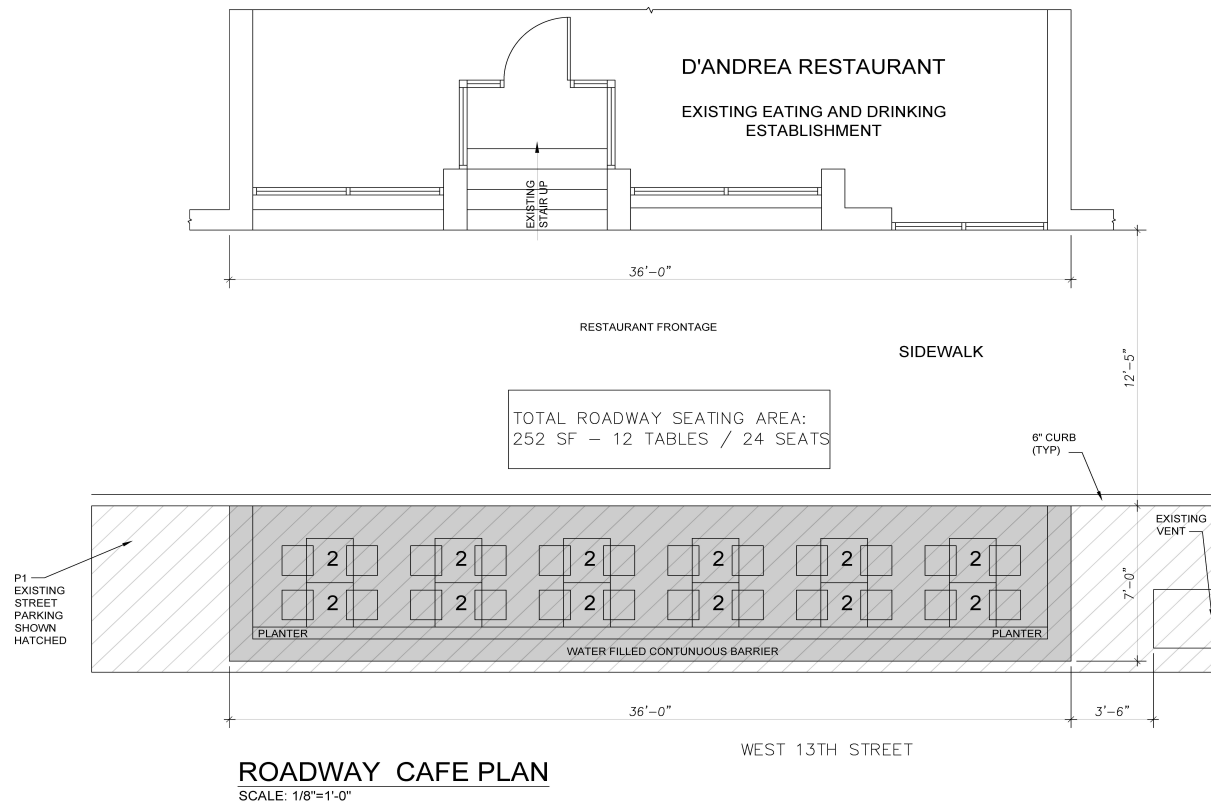
- This Site Plan form is required to be uploaded in the "Roadway Site Plan" field of your online application.
- Refer to the [How to Apply](#) page in the Dining Out NYC website for more information about the application process.

Identify Permitted Parking Location:

- Identify the Parking Sign in front of or around the area where your roadway setup would be located.
- Roadway cafes can only be placed in:
 1. Parking spaces, which include: metered and non-metered spaces, commercial parking, alternate side parking, angled parking, and seasonally restricted parking.
 2. Loading areas, including loading only, truck loading, hotel loading, and no parking zones.
 3. Floating Parking Lane- a parking lane that is separated from the curb by a protected bicycle lane that is adjacent to the curb.

- ☒ P1- Parking Space
- ☐ P2- Loading Area
- ☐ P3- Floating Parking Lane

Use the space below to draw or upload your Site Plan representing your cafe perimeters, furniture, and clearances.



Length of roadway cafe: 36 feet

Width of roadway cafe: 7 feet



Roadway Cafe Site Plan Form

Applicant Name: Andreas WV LLC

Restaurant Name: Da Andrea

FSEP Number: 50094598

Drawing Requirements

Food service establishment frontage shown by:

- Line representing space occupied in building
- Labels
- Length

Street names:

- Labels on each street

Sidewalk shown as:

- Line representing street curb
- Width measured from building line to curb line

Roadway shown as:

- Lines indicating parking lane
- Width of parking lane

Cafe perimeter shown as:

- Lines indicating perimeter
- Length and width of all three sides

Set-up furniture (tables, chairs, etc.) shown as:

- Lines or symbols at approximate location within setup

Elements or objects shown as:

- Lines or symbols
- Labels
- Distance from cafe perimeter

Utility coverings shown as:

- Symbols representing the approximate shape of the covering within the setup

- MANHOLE COVER
- UTILITY COVERING

SECTION 2: Required Clearances

- Please provide distances from the following objects.
- Only provide a distance if the listed object is within 15 feet of your proposed setup.
- Leave box blank if not applicable.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding clearances.

Elements with minimum 15 feet clearance from roadway cafe:

- ☐ R01- Subway Stair: Open End _____ feet
- ☐ R02- Fire Hydrant _____ feet

Elements with minimum 10 feet clearance from roadway cafe:

- ☐ R03- Subway Elevator Entrance _____ feet
- ☐ R04- FDNY Curb Cut _____ feet
- ☐ R05- MTA Curb Cut _____ feet

Elements with minimum 5 feet clearance from roadway cafe:

- ☐ R06- Curb Cut _____ feet
- ☐ R07- Emergency Exit Hatch _____ feet
- ☐ R08- Subway Stair: Closed End _____ feet
- ☐ R09- Subway Elevator: Non-Entry _____ feet
- ☐ R10- Bus Stop Pole: _____ feet
- Non- Approaching Side _____ feet
- ☐ R11- CitiBike/Bike Share Station _____ feet
- ☐ R12- Bike Corral _____ feet
- ☐ R13- Micromobility Station _____ feet
- ☐ R14- Drainage Infrastructure _____ feet

Elements with minimum 3 feet clearance from roadway cafe:

- ☐ R15- Elevated Train Infrastructure _____ feet
- ☐ R16- Transformer Vault _____ feet

Elements with minimum 1 foot and 6 inches clearance from roadway cafe:

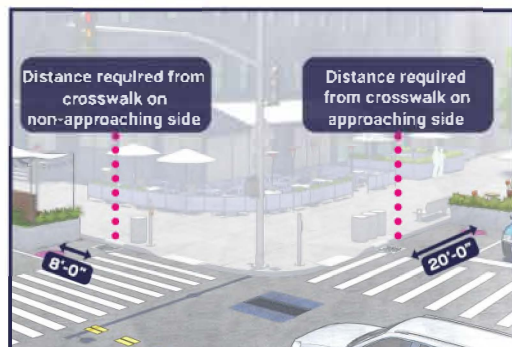
- ☒ R17- Vent Infrastructure _____ 3.5 feet

Elements with minimum 6 inches clearance from roadway cafe:

- ☐ R18- Thermoplastic Marking _____ feet

Roadway cafe distance from crosswalks:

- ☐ R19- Adjacent to non-approaching side of crosswalk (min. 8 foot distance) _____ feet
- ☐ R20- Adjacent to approaching (stopping) side of crosswalk (min. 20 foot distance) _____ feet
- ☐ R21- No crosswalk present (maintain 20 feet from curb line of intersecting street) _____ feet



SECTION 3: Material Requirements

- Please indicate which of the following materials will be part of your roadway cafe by checking the box next to the category. If applicable, please confirm the materials comply with the Dining Out NYC requirements.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding materials.

Materials Checklist:

☒ Barriers

Required

- ☒ Maintained on all sides of the cafe except the side fronting the ground floor restaurant.
- ☒ Not permanently affixed to the roadway.
- ☒ 30-42 inches tall (excluding planting), and at least 4 inches in width.
- ☒ Barriers are interconnected with each other.
- ☒ Any cladding over the barriers is securely fastened or affixed.
- ☒ Minimum 4 inches wide reflective strip on each barrier on the outward facing side.
- ☒ Water-filled with a minimum of 150 pounds per linear foot of barrier length.
- ☐ If your proposed barriers will utilize fill materials other than water please check this box. This may require additional information from the applicant and further review by the Dining Out NYC team, as well as supporting DOT units and City agencies.

Optional- Only check the material categories you intend to use in your roadway cafe

☒ Flooring

- ☒ Durable, lightweight, easily removable, mold-resistant, elevated from the ground level to allow for drainage, and removable to allow for cleaning.
- ☒ Flush with the curb line (except if located on a slope, be flush to the greatest extent feasible), and compliant with applicable accessibility requirements.
- ☒ Maintains a 6 inch covered channel between curb and base of flooring to allow for drainage.

☒ Furnishings

- ☒ Lightweight and easily movable.

☒ Vertical Screenings

- ☒ Located between the barrier and 6 feet above the cafe base or floor.
- ☒ Located on the roadway facing side, does not extend beyond the perimeter of the roadway cafe, and is not affixed to the outward facing side of barriers.
- ☒ Easily removable, comprised of non-opaque, fire-grade, and wind resistant materials.
- ☒ If within 50 feet of any regulatory or warning signs, does not exceed 46 inches in height.

☒ Overhead Coverings/ Umbrellas

- ☒ Minimum of 7 feet and maximum of 10 feet from the base or floor of the roadway cafe.
- ☒ Has a weighted base and any support structures are not affixed to the outward facing side of barriers, are of sufficient size and strength, made of durable materials, and free of defects.
- ☒ Easily removable, comprised of fire-grade and wind resistant materials.
- ☒ If within 50 feet of any regulatory or warning signs, does not exceed 46 inches in height.

☒ Lighting and Electrical Connections

- ☒ Any lighting is outdoor rated, properly secured, and lightweight.
- ☒ At least 14 feet above sidewalk, and 18 feet above roadway.
- ☒ Not attached to any City property, including street trees.
- ☒ Electrical work complies with the applicable requirements set forth in the DOT's rules and the New York City Electrical Code.

- ☐ Please check this box if you are submitting additional documents for review. Documents may include technical drawings prepared by a licensed professional.

Da Andrea

Photographs

Andreas WV LLC
dba Andrea
35 West 13th Street
New York, New York 10011



Andreas WV LLC
dba Andrea
35 West 13th Street
New York, New York 10011



Sidewalk right

Andreas WV LLC
dba Andrea
35 West 13th Street
New York, New York 10011



Andreas WV LLC
dba Andrea
35 West 13th Street
New York, New York 10011



Andreas WV LLC
dba Andrea
35 West 13th Street
New York, New York 10011



Da Andrea

Community Board Signed Stipulations dated
February 10, 2020 and Community Board
Resolutions



COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

Community Board 2 Liquor License Stipulations

The original signed and notarized form must be returned to the CB2 office by February 14 2020

I, Abdul Mannan as a qualified representative of Andreas WY LLC dba Da Andrea

Located at 35 West 13th Street, New York, New York 10011 agree to the following stipulations:

Application Type: ☒ OP Restaurant/Tavern ☐ RW ☐ TW ☐ Alteration ☐ Other: _____

☒ Premise will be advertised and operated as a neighborhood Italian Restaurant

☒ Hours of operation:

Sunday: 9:00 a.m. to 1:00 a.m.	Thursday: 9:00 a.m. to 1:00 a.m.
Monday: 9:00 a.m. to 1:00 a.m.	Friday: 9:00 a.m. to 1:00 a.m.
Tuesday: 9:00 a.m. to 1:00 a.m.	Saturday: 9:00 a.m. to 1:00 a.m.
Wednesday: 9:00 a.m. to 1:00 a.m.	

(Premises will open no later than stated opening time and **NO** patrons will remain after stated closing time.)

☒ Will operate full service restaurant, specifically a (type of restaurant) neighborhood Italian Restaurant with the kitchen open and full menu items available until closing every night.

☒ Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.

☒ Will not have televisions.

☒ Will not operate a backyard garden or any outdoor area for commercial purposes (not including licensed sidewalk café)

☒ Will operate sidewalk café no later than see below* (all tables & chairs will be removed at this hour)

☒ Will play quiet ambient recorded background music only.** No music will be audible in any adjacent residences anytime.

☒ Will close all doors & windows at 9:00 p.m. every night.

☒ Will not install or have French doors, operable windows or open facades.

☒ Will not make changes to the existing façade except to change signage or awning.

☒ Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

☒ Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches". No pitchers of beer.

☒ There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.

☒ Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

Will not have: ☒ Dancing ☒ DJs ☐ live music** ☒ promoted events ☒ any event where cover fee is charged

☒ scheduled performances ☒ Velvet ropes or metal barricades ☒ Security Personnel/Doorman.

*Sidewalk café is 8 tables and 16 seats. Sidewalk café to close by 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.

**Unamplified live soft jazz music permitted during brunch service ONLY (12 p.m.–3 p.m.) at which time all doors and windows will be kept closed.

Residents may contact the Manager/Owner at the following phone number. Any complaints will be addressed immediately

Name: Abdul Mannan

Phone Number: [REDACTED]

<u>x</u>	<u>Abdul Mannan</u>	<u>February 10, 2020</u>
Signed	Print Name	Dated
Sworn to this <u>10th</u> day of <u>February</u> 2020	Notary Public	

CB2 and Applicant/Licensee request that the SLA add these stipulations to the method of operation/conditions of license.

DONALD M. BERNSTEIN
Notary Public, State of New York
No. 02BE4866351
Qualified in New York County
Commission Expires November 30, 2021

THEREFORE, BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan's recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500 foot hearing because the premises has never been licensed for the service of alcohol at any point in the past.

Vote: Passed, with 28 Board members in favor, and 13 in opposition (T. Connor, V. De La Rosa, D. Diether, J. Gallagher, W. Kawadler, P. Laraia, M. Metzger, S. Russo, Rocio Sanz, S. Sartiano, G. Silvera Seamans, C. Spence, A. Zeldin).

7. Andreas WV LLC, d/b/a Da Andrea. 35 W. 13th Street (New OP License)

i. Whereas, the Applicant and his Attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for an upgrade of an existing beer and wine license currently held by Andreas WV LLC d/b/a Da Andrea to continue to operate a restaurant offering Italian cuisine in a C6-2M zoned six story, 1930 commercial building on 13th Street between Fifth and Sixth Avenues (Block #577/Lot #19) in Greenwich Village; and

ii. Whereas, the restaurant will operate under the same ownership and will operate a full service neighborhood Italian restaurant, with a ground-floor level of approximately 1,800 sq. ft., a mezzanine level (storage and office space, employee lockers, mechanicals) of approximately 700 sq. ft., and an unenclosed sidewalk cafe of approximately 168 sq. ft.; the interior space will have 22 tables with 62 seats and one (1) stand-up bar with four (4) seats, and the sidewalk cafe will have eight (8) tables and 16 seats, for a total of 82 seats in the premises; and

iii. Whereas, the Applicant's agreed-to interior hours of operation are 9:00 AM to 1:00 AM seven (7) days a week, with sidewalk cafe hours of 10 AM to 10 PM Sunday, 9:00 AM to 10:00 PM Monday through Thursday and 9 AM to 11 PM Friday and Saturday; music will be quiet background only; there will be no DJs, no promoted events, no live music or scheduled performances, except for unamplified live soft jazz music which will be permitted only during weekend brunch service provided that all doors and windows are closed during such performance, there will be no cover fees and no TVs; and

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

1. Premise will be advertised and operated as a full-service restaurant, specifically a neighborhood Italian restaurant with the kitchen open and full menu items available until closing time every night.
2. The restaurant's interior hours of operation are 9:00 AM to 1:00 AM seven (7) days a week, with sidewalk cafe hours of 10 AM to 10 PM Sunday, 9:00 AM to 10:00 PM Monday through Thursday and 9 AM to 11 PM Friday and Saturday. Premises and sidewalk café will be open no later than stated opening time and no patrons will remain after stated closing time.
3. Will operate with the kitchen open and the full menu available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not permit dancing.
7. Will not operate a backyard garden or any outdoor area for commercial purposes, except for the existing unenclosed sidewalk café.

8. Music will be quiet, ambient recorded background music only, except for the unamplified live soft jazz music permitted during brunch service on the weekends from 12 PM to 3 PM.
9. Will close all doors & windows by 9 PM every night (except only for patron egress) and when live performance is occurring on the weekends.
10. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
13. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. Will not have dancing, DJs, live music or scheduled performances (except as permitted above), promoted events, any event where cover fee is charged, velvet ropes or metal barricades, security personnel or a doorman.

v. Whereas, this application being subject to the 500 ft. rule and public interest standard, this storefront location located midblock, operating with a restaurant wine license and never previously with an on premise license, there being only one other licensed premise on this particular block, known as the Jade Hotel located immediately across the street, and no other restaurants, there being 4 on premise licensed locations within a 500 ft. radius of the subject premises and 18 within 750 feet of the subject premises; and,

vi. Whereas, a number of residential neighbors living in the immediate area of the Restaurant appeared in support of the instant application, indicating that the restaurant is frequented by those living in the immediate area, providing affordable prices and closing by a reasonable hour, with the agreed upon stipulations, assuming they will continue to be followed by the Applicant, being reasonable for the operations proposed at this location, with this being the only restaurant located on the block;

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

Vote: Unanimous, with 41 Board members in favor.

8. The James Hotel Leaseco LLC, Highgate Hotels LP and 530 Lounge LLC 23-27 Grand Street 10013 (Alteration and Change in Method of Operation for Existing Hotel)

i. Whereas, the Applicants and their Attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for alterations to the interior and exterior portions of an existing Hotel and to increase its late night hours of operation in multiple interior and exterior portions of the Hotel, the Hotel being a stand-alone 18-story building built in 2010 and located/facing Grand and Thompson Streets, as well as Sixth Avenue in Soho; and,

ii. Whereas, the Applicants seek **(1)** to convert their existing restaurant on the cellar level to an event space to permit entertainment music levels, DJs, live music and dancing (all of which currently are not permitted), **(2)** to revoke and remove section 5(ii) of its prior MOU agreement with the surrounding Community Group to enable guests/patrons of the Hotel to enter on Grand Street currently prohibited in the prior MOU Agreement, an agreement which served to prevent impacts by the Hotel on Grand Street