

HELBRAUN || LEVEY

510 W42 Hotel Operating LLC
510 West 42nd Street
New York, NY 10036

MANHATTAN COMMUNITY BOARD 4
Alteration Application to SLA

Manhattan Community Board 4

(All Fields Must Be Completed)

Liquor License/Sidewalk Cafe Stipulations Application

| | | | |
|---|---|--|---|
| CORPORATION NAME | | DOING BUSINESS AS (DBA) | |
| 510 W42 Hotel Operating LLC | | Cachet Hotel and Treadwell Park | |
| STREET ADDRESS | | CROSS STREETS | ZIP CODE |
| 510 West 42nd Street, New York, NY 10036 | | 10th Avenue and 11th Avenue | 10036 |
| OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small> | NAME: MHI 510 W42 Hotel Operating LLC | ATTORNEY/ REPRESENTATIVE | NAME: Helbraun & Levey LLP (JOSEPH LEVEY, HEATHER KIRK) |
| | PHONE: 2128715603 | | PHONE: 2122191193 |
| | EMAIL: RMarcus@merchantshospitality.com | | EMAIL: Heather@helbraunlevey.com |
| MANAGER | NAME: Richard Cohn | LANDLORD | NAME: 510 W42 Holdings LLC |
| | PHONE: 212 871 5603 | | PHONE: 212 871 5603 |
| | EMAIL: Rcohn@merchantshospitality.com | | EMAIL: RCohn@merchantshospitality.com |
| APPLICATION TYPE (<input checked="" type="checkbox"/> <i>Liquor License</i> <input type="checkbox"/> <i>Unenclosed Sidewalk Cafe</i>) | | | |
| <input type="radio"/> New | Has applicant owned or managed a similar business? | YES | NO |
| | What is/was the name and address of establishment? | | |
| | What were the dates applicant was involved with this former premise? | | |
| <input type="radio"/> Corp Change/Class Change/Removal | What is the license # and expiration date? | | |
| | Is applicant making any alterations or operational changes? | YES | 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? | 1299231 7/31/19 | |
| | <i>Please list/describe the nature of all the changes and attach the plans:</i> ALTERATION TO REMOVE A BAR FROM THE 2ND FLOOR AND ADD A BAR AND USE OF THE CELLAR TO THE LICENSE | | |
| METHOD OF OPERATION | | | |
| TYPE OF ALCOHOL | <input checked="" type="checkbox"/> Liquor/Wine/Beer & Cider <input type="checkbox"/> Beer & Cider <input type="checkbox"/> Wine/Beer & Cider | | |
| 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? | 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. | <input checked="" type="radio"/> YES | NO | No changes from original application that was filed and approved by the SLA |
| 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 | 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 | 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) | | | BAC GROUND | 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 | 796 (ALL FLRS) | - | 27 | 174 | 1 | 3 | 26 | RM |
| OUTSIDE (Other than sidewalk café) | n/a | | | | | | | |
| SIDEWALK CAFÉ | 16 | 16 | 8 | 16 | | | | |
| How many floors are there? What is the capacity for each floor? | | | | | only changes are to the cellar and 2nd fl but there are 5 total floors (hotel) | | | |
| How frequently will the owner(s) be at the establishment? | | | | | as needed - full time manager on-ste | | | |
| Will there be dancing? | | | | | YES | <input checked="" type="checkbox"/> | | |
| Will applicant have bottle or table service for beverage alcohol? | | | | | YES | <input checked="" type="checkbox"/> | | |
| Will you be hosting private; promotional or corporate events? | | | | | <input checked="" type="checkbox"/> | NO | | |
| Will outside promoters be used on a regular basis? If yes please describe. | | | | | YES | <input checked="" type="checkbox"/> | | |
| Will you have a security plan? If, yes please attach. | | | | | YES | <input checked="" type="checkbox"/> | | |
| Will security plan be implemented? | | | | | YES | <input checked="" type="checkbox"/> | | |
| Will State certified security personnel be used? | | | | | YES | <input checked="" type="checkbox"/> | | |
| Will New York Nightlife Association and NYPD Best Practices be followed? | | | | | <input checked="" type="checkbox"/> | NO | | |
| Will applicant be using delivery bicycles? If yes, how many? | | | | | YES | <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 | IF APPLICANT USES DELIVERY BIKES, IT WILL BE DONE IN CONJUNCTION WITH A 3RD PARTY DELIVERY SERVICE | |
| 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="checkbox"/> | |
| Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection? | <input checked="" type="checkbox"/> | NO | |
| Is a Public Assembly permit required? | <input checked="" type="checkbox"/> | NO | |
| Are your plans filed with DOB? | <input checked="" type="checkbox"/> | 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 | email notification to the list given to us by the CB | |
| | # 2 | NOTICE POSTING | |
| | # 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? | | 12/26/2018 - photo included | |
| Where did applicant post the notice that was provided? | | posted on the front door of the business | |
| 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"/> | 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"/> |

| BUILDING DESIGN | | | |
|---|---|--|---|
| State the name and type of business previously located in the space. | CACHET HOTEL - SAME OWNERSHIP | | |
| 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 | |
| Do you plan any changes to the existing façade? If yes, please describe. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| 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 type="checkbox"/> NO | no changes from previous application |
| 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="checkbox"/> YES | <input 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) | FRENCH DOORS | GARAGE DOORS | WINDOWS THAT CAN BE OPENED <input checked="" type="checkbox"/> |
| 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="checkbox"/> YES | <input type="checkbox"/> NO | no changes from previous application |
| 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="checkbox"/> YES | <input type="checkbox"/> NO | no changes from previous application |
| 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 checked="" type="checkbox"/> 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 type="checkbox"/> YES | <input type="checkbox"/> NO | no changes from previous application |
| Will the kitchen exhaust system extend to the roof? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Will the establishment have an illuminated sign? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO | |
| Will the establishment have a canopy extending over the sidewalk? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Where will the air conditioner be located? What type is it? | Existing Roof-Based Water Cooled System | | |
| When was the air conditioner installed? | no changes from previous application | | |

| OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ | | | |
|--|---|-----------------------------|--|
| 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 checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | no changes from previous application outside space includes a sidewalk cafe |
| Are the floorplans for the outdoor space(s) included? | <input checked="" 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 checked="" 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 checked="" 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 checked="" 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 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 lighting plan that allows safe usage of the outdoor space without disrupting neighbors? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |

| 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 type="checkbox"/> NO | applicant has already applied for and been approved for a sidewalk cafe |
| 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 checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Will applicant mark the perimeter of the café on the sidewalk? | <input checked="" 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 checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Will the sidewalk café not provide standing space for drinking or smoking? | <input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | |
| Will applicant use umbrellas? | <input type="checkbox"/> YES | <input checked="" 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 | n/a |

NEW DIAGRAM OF CELLAR

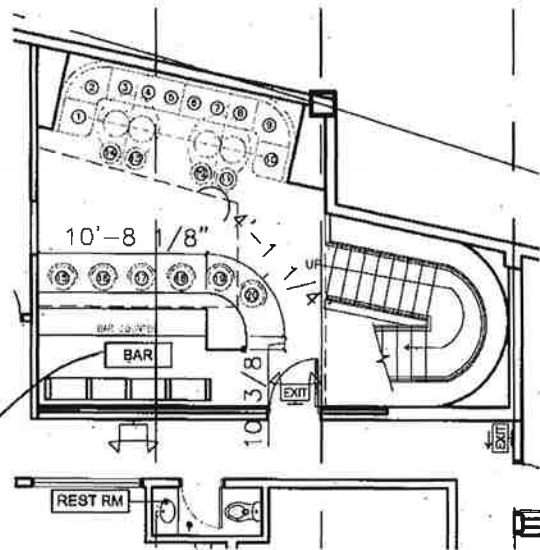
LEGEND

NUMBER OF TABLES: 9

NUMBER OF SEATS: 34

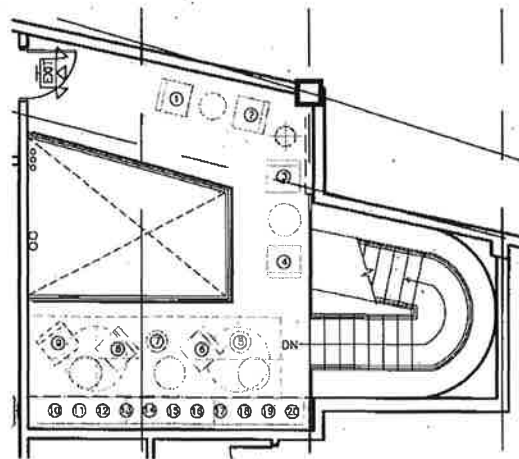
LENGTH OF BAR: 15'-7 3/4"

SEATS AT BAR: 6



WILL BE
KNOWN AS
BAR #2

1 PROPOSED CELLAR PLAN
SCALE: 3/32"=1'-0"



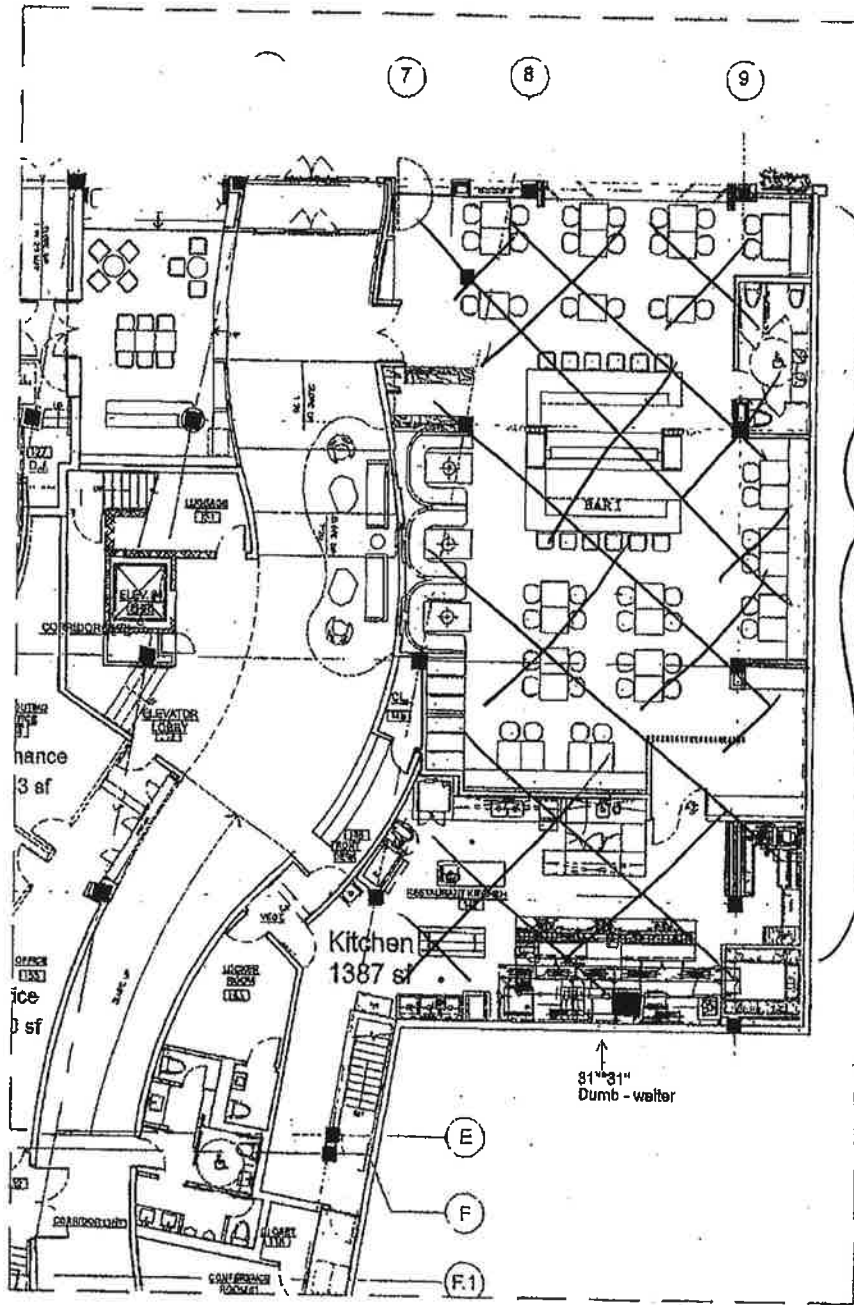
2 PROPOSED CELLAR MEZZANINE PLAN
SCALE: 3/32"=1'-0"

EATING OR DRINKING
ESTABLISHMENT

510 WEST 42ND STREET
NEW YORK, NY 10036

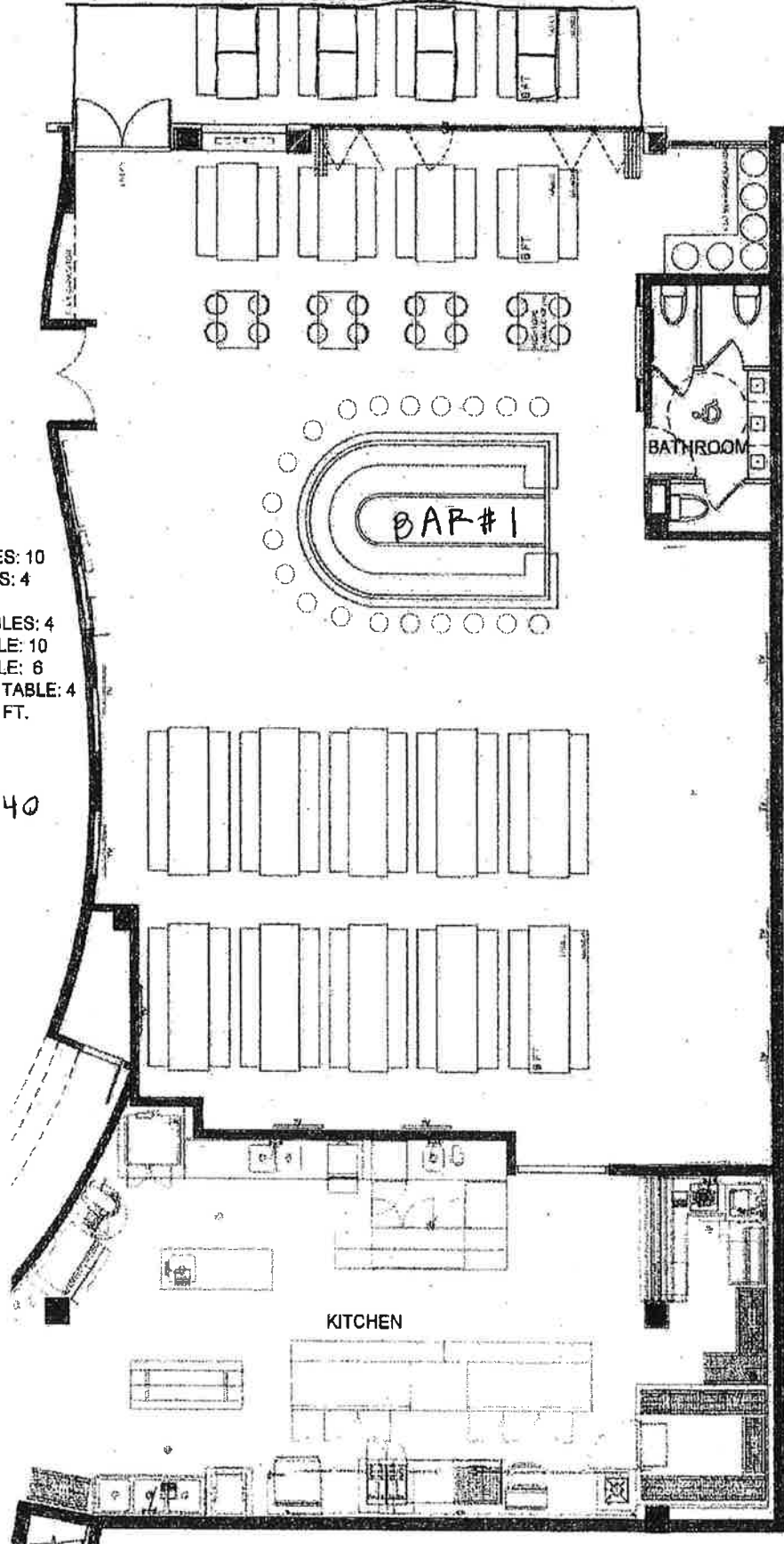
RESTAURANT (DETAIL)

(EXISTING DIAGRAM)



AMENDED
ON NEXT
PAGE

RESTAURANT GROUND FLOOR



LEGEND

- INDOOR 9 FT. TABLES: 10
- INDOOR 6 FT. TABLES: 4
- HIGHTOP TABLES: 4
- OUTDOOR 6 FT. TABLES: 4
- SEATS AT 9 FT. TABLE: 10
- SEATS AT 6 FT. TABLE: 6
- SEATS AT HIGHTOP TABLE: 4
- LENGTH OF BAR: 30 FT.

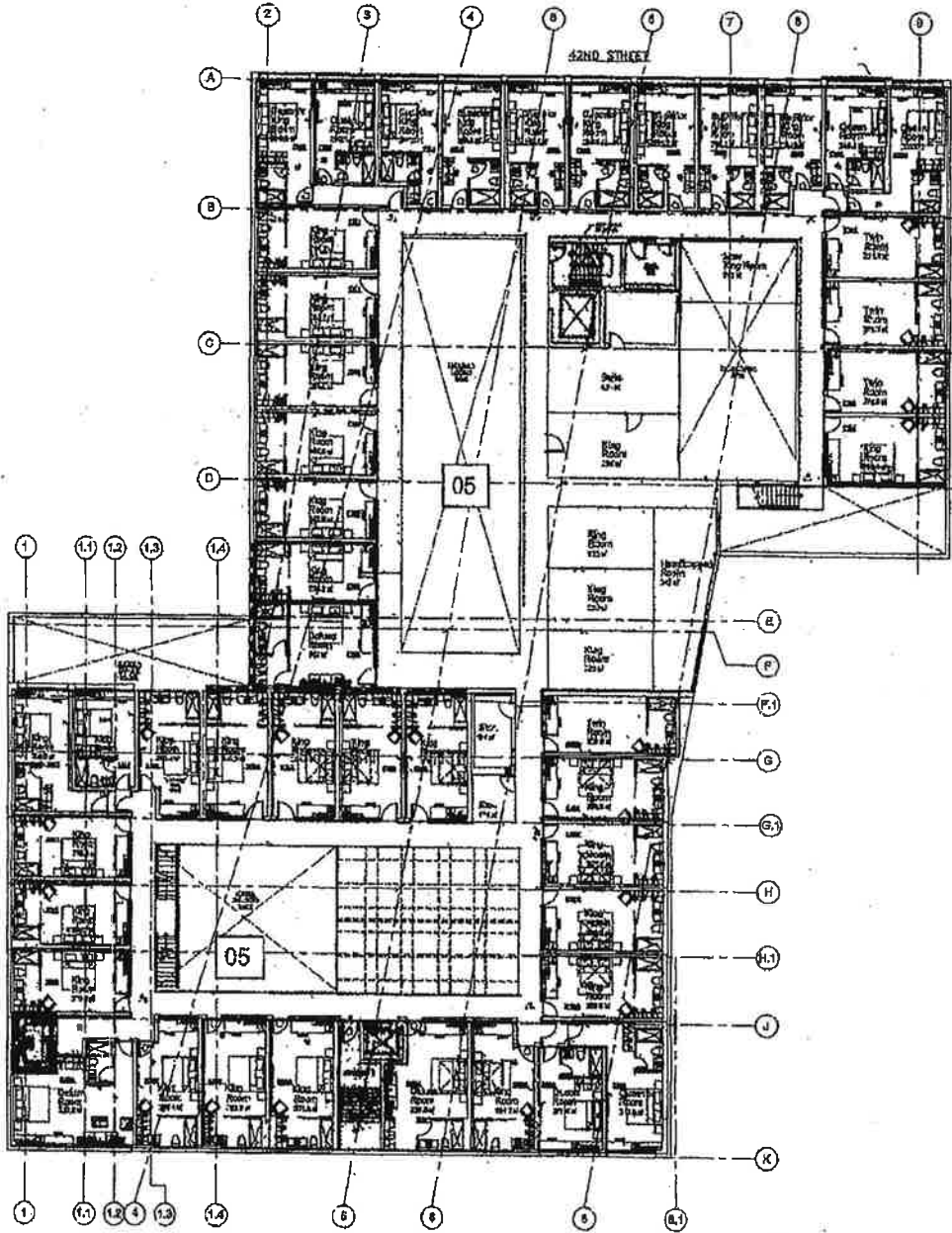
(INSIDE)
 TABLES: 18 SEATS: 140
 BAR: 1 STOOLS: 20

(OUTSIDE)
 TABLES: 8 SEATS: 16

* ALTERATION CURRENTLY PENDING
 WITH THE SLA *

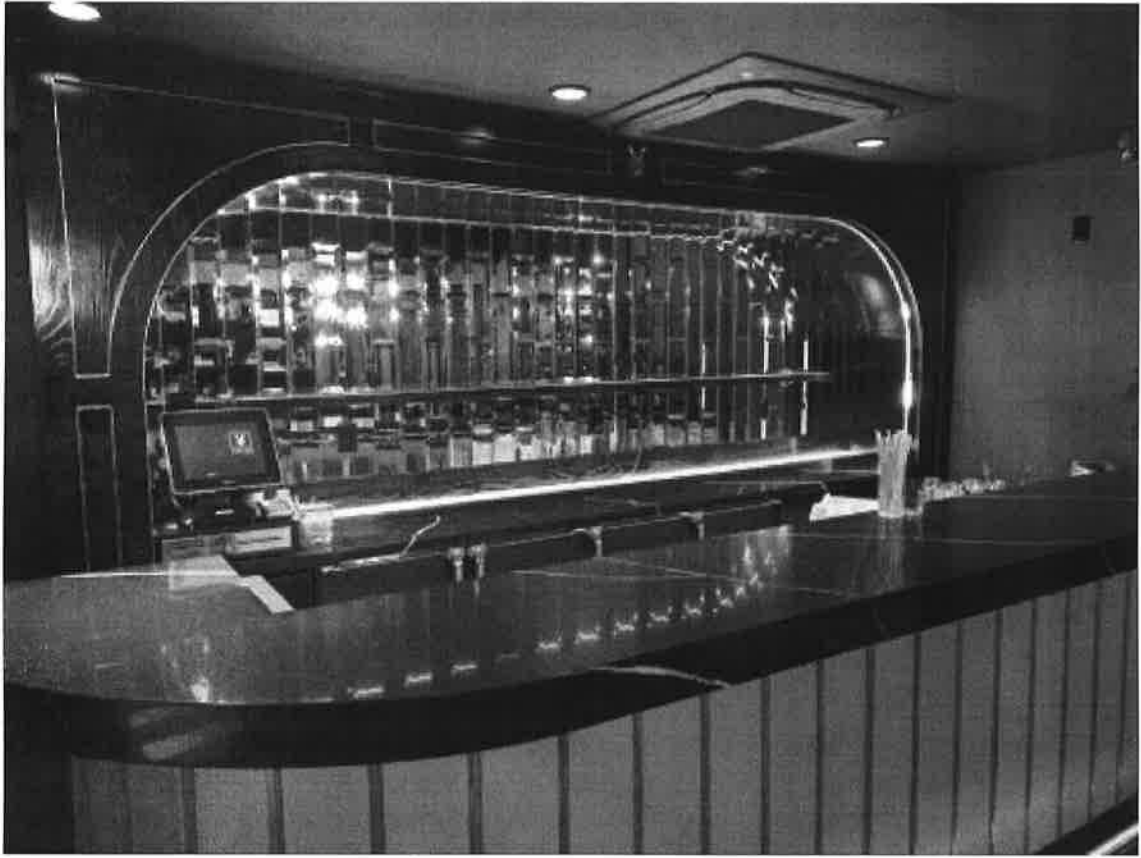
(ADDITIONAL FLOORS)

(EXISTING DIAGRAMS - NO CHANGES)



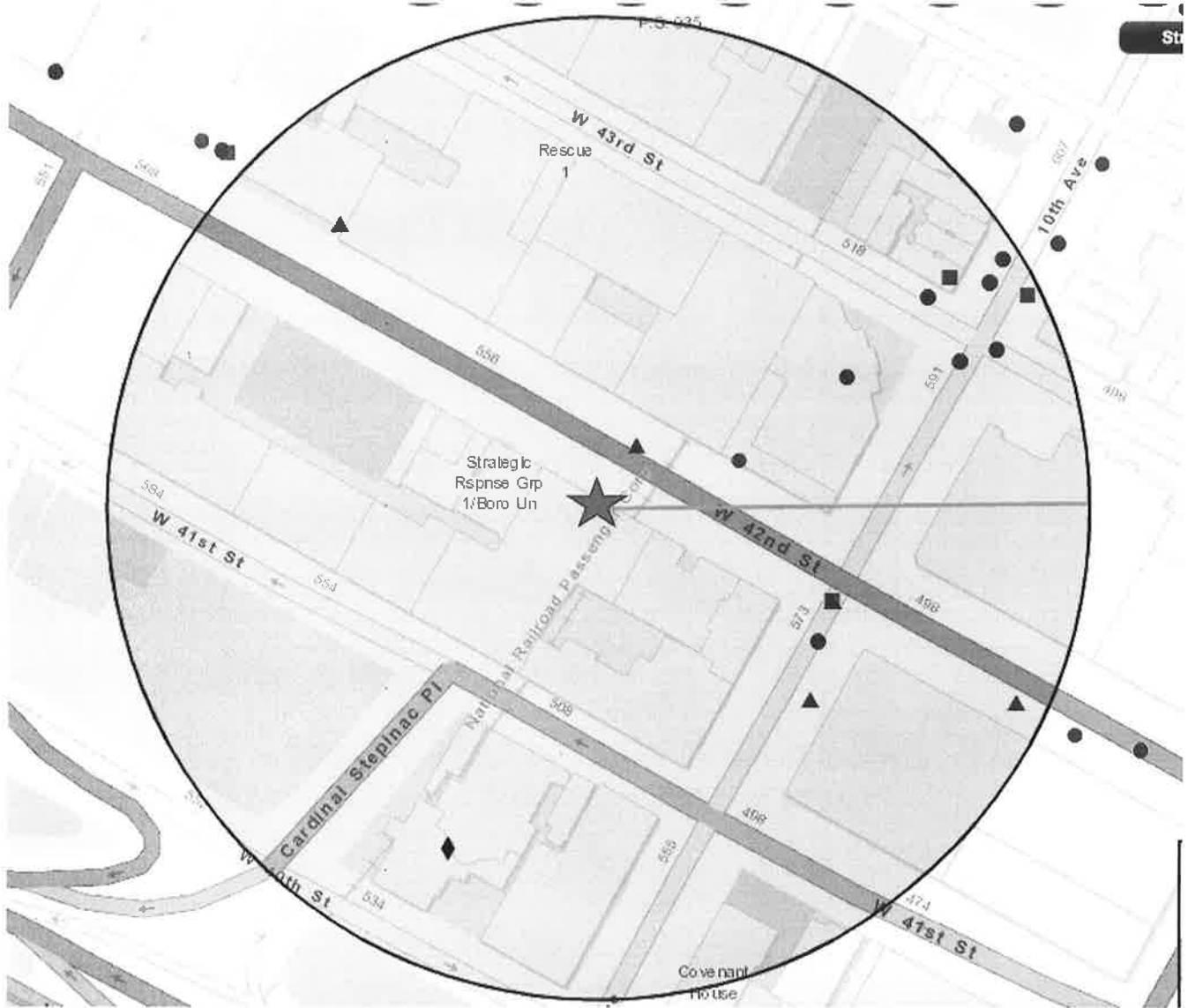
Third Floor







500 FOOT MAP (PER LAMP):



- RED CIRCLE: ON PREMISE LICENSE
- RED TRIANGLE: BEER AND WINE LICENSE
- BLACK DIAMOND: CHURCH
- BLUE SQUARE: GROCERY LICENSE
- BLUE LINE: MARKS 500 FEET
- BLUE STAR: PREMISE

Proximity Report for Location:

December 27, 2018

510 W 42 St, New York, NY, 10036

* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Closest Liquor Stores

| Name | Address | Approx. Distance |
|-------------------------------|-----------------|------------------|
| WEST 42 WINE & SPIRITS INC | 507 W 42ND ST | 155 ft |
| 460 WINE MARKET INC | 460 W 42ND ST | 545 ft |
| GRAND CRU WINE \$ SPIRITS INC | 560 11TH AVE | 550 ft |
| GRACE WINE & SPIRITS INC | 610 10TH AVENUE | 625 ft |
| VERITAS STUDIOS INC | 527 W 45TH ST | 880 ft |
| KSS WINE LLC | 509 W 38TH ST | 960 ft |
| 589 NINTH AVENUE CORP | 589 9TH AVENUE | 1150 ft |

Churches within 500 Feet

| Name | Approx. Distance |
|--|------------------|
| Saint Raphael's Croatian Catholic Church | 385 ft |

Schools within 500 Feet

| Name | Address | Approx. Distance |
|------|---------|------------------|
|------|---------|------------------|

On-Premise Licenses within 750 Feet

| Name | Address | Approx. Distance |
|--|------------------------|------------------|
| 510 W42 Hotel Operating LLC & Cachet Hotel Group LTD | 510 W 42ND ST | 0 ft |
| 42ND&10THHOTELLLC;42ND&10THUSOPCPLL; YOTEL | 570 10TH AVENUE 4TH FL | 270 ft |
| ROSIERAE'S INC | 500 W 43RD ST | 290 ft |
| CANARD INC | 503 W 43RD STREET | 400 ft |
| DIVISION ONE MANAGEMENT GROUP INC | 500 W 43RD ST | 400 ft |
| MR BIGGS BAR & GRILL INC | 596 10TH AVE | 440 ft |
| WEST SIDE STEAKHOUSE LLC | 597 10TH AVENUE | 460 ft |
| 599 TENTH AVENUE CORP | 599 10TH AVE | 485 ft |
| LA VELA RISTORANTE INC | 558 11TH AVE | 530 ft |
| PIO PIO OCHO INC | 604 10TH AVE | 540 ft |
| TOR RESTAURANT LLC | 607 10TH AVE | 580 ft |
| SIGNATURE THEATRE COMPANY INC | 450 W 42ND ST | 615 ft |
| LTF CLUB OPERATIONS COMPANY INC | 605 W 42ND ST | 710 ft |

Pending Licenses within 750 Feet

| Name | Address | Approx. Distance |
|------|---------|------------------|
|------|---------|------------------|

Unmapped licenses within zipcode of report location

| Name | Address |
|-----------------------------|-----------------------|
| MR BING OF TIMES SQUARE LLC | 00 BROADWAY PLAZA |
| SWEET CHURROS INC | 00 BROADWAY PLAZA |
| LOGANS SANCTUARY LLC | 130 132 W 47TH STREET |

NOTICE POSTING 12/26/18:



ADDITIONAL STIPULATIONS: (Office Use Only)

THERE WILL BE NO
OUTSIDE SPEAKERS OR
MUSIC PLAYED BUT DRUMS
AND/OR ON SIDEWALK

ALL OUTSIDE SPEAKERS
WILL BE REMOVED
NO LATER THAN
2/1/19.

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:
 (MCB4's recommendation is based on a vote taken at its
 February 6, 2019 full board meeting, with 33 members voting in favor
 of the recommendation, 0 members opposed, 0 members
 abstaining and 0 present but not eligible)

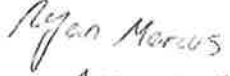

Denial unless all stipulations agreed to by applicant/owner are part of the method of operation
 Denial Approval

CB4 REPRESENTATIVES

| | | |
|---|--|--|
|  Nelly Gonzalez CB4 Assistant District Manager |  Frank Holoubiec CB4 BLP Committee Co-Chair |  Yoni Bokser CB4 BLP Committee Co-Chair |
|---|--|--|

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.

| | | | |
|---------------------------|--|--|------------------------------|
| <p>SIGN HERE →</p> |  Ryan Marcus Associate Counsel PRINT NAME OF APPLICANT |  SIGNATURE OF APPLICANT | 12/27/2018 1/8/19 DATE |
|---------------------------|--|--|------------------------------|