

September 10, 2003

Commissioner Gretchen Dykstra
Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Spirit New York LLC d/b/a Spirit, 530-542 West 27th Street

Dear Commissioner Dykstra,

At its August 12 meeting, the Business Licenses and Permits Committee of Manhattan Community Board No. 4 voted to recommend the approval with stipulations of the cabaret license application of Spirit New York LLC d/b/a Spirit, at 530-542 West 27th Street. This applicant previously appeared before the Committee and the Full Board for consideration of its liquor license application. During that appearance, the applicant stipulated to a range of conditions designed to allow its establishment to fit as smoothly as possible into its surrounding neighborhood. The applicant recommitted to these stipulations before the Committee voted on its cabaret license and the Committee's approval is based on that commitment. To the extent possible, Board 4 requests that this agreement be incorporated into the eventual cabaret license.

The agreed upon stipulations for Spirit New York LLC are:

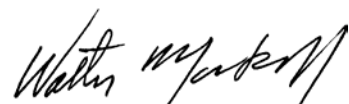
- Spirit agrees not to rent or otherwise turn over control of its premises to any third-party promoter for private parties, promotions, or any other events.
- Spirit agrees to implement the recommendations of its soundproofing consultant, Alan Fierstein (Acoustilog), as contained in his document dated September 22, 2002 (in Spirit's application to CB4) during construction of the premises. Should unanticipated problems with sound or vibration leakage outside the premises arise, Spirit will make all changes necessary to remedy them.
- Spirit will keep any and all doors and windows closed on its street front, except during patron entry and exit.
- Spirit will not allow patron use of any outdoor space including but not limited to the roof or yard of its building, or any decks it might build.

- Spirit will provide adequate indoor space for patron queuing and will not use its sidewalks for this purpose.
- Spirit will not allow cabs, limousines, or other vehicles used by patrons attending or leaving the premises to queue on the block outside Spirit or in any other areas nearby except for taxis needed at closing time. Spirit will use its best efforts to prevent vehicles coming to and leaving the premises from double-parking on 27th Street.
- In addition to indoor security personnel, Spirit will maintain an outside security staff to control outdoor patron traffic and to patrol the block and areas around Spirit during night-time hours of operation and to maintain order until crowds have cleared out after closing.
- If the need arises, Spirit will provide a shuttle bus to ferry patrons leaving the premises to public transportation stations.
- Spirit will employ workers to provide, on a regular basis, street and sidewalk cleaning services outside its premises and in nearby areas in order to improve the appearance of the block. These services shall be in addition to those required by the NYC Department of Sanitation.
- Spirit will not hand out flyers or promotional materials of any sort to patrons in or outside the establishment or to people in the vicinity.
- Spirit will plant street trees and/or install street lighting to improve the appearance and safety of the block.
- Spirit's management shall meet with the Quality of Life Committee of CB4 on a monthly basis beginning one month prior to commencement of its operation and continuing through the first year of operation to discuss and implement remedies for any quality-of-life issues stemming from Spirit's operation.
- Spirit will make available the direct phone number of a decision-capable manager on the premises during all hours of operation. In addition, Spirit will establish and maintain open lines of communication with representatives of nearby buildings, especially residential buildings.
- If Spirit wishes to amend or transfer its original liquor license application, it shall first notify CB4 in writing of its intention to do so not less than 30 days for an amendment and 90 day for a transfer prior to filing such amendment with the State Liquor Authority.
- When Spirit decides on a use or uses for the upper floors of its building, it shall so inform the Chelsea Planning and Preservation Committee (zoning) of CB4 and seek its advice.
- If Spirit wants to change its business plan as currently submitted to CB4, it shall notify CB4 of its intention to do so at least 30 days before such action, and agrees to meet with the CB4 BL&P Committee to discuss such changes.

- Spirit shall make reasonable efforts to employ people from the local community in its establishment in areas including, but not limited to, cleaners, security, bartenders, entertainment, and management. Spirit intends to hold a community job fair at the time it commences hiring.

Thank you for your time and consideration.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Cheryl Kupper
Co-Chair
Business License & Permits Committee

Kevin Kossi
Co-Chair
Business Licenses & Permits Committee

The Full Board voted to approve this letter at its September 3, 2003 meeting.

cc: Applicant
Local Elected Officials