



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

December 8, 2008

Chairman Daniel Boyle
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210

Re: 802 Restaurant Corp d/b/a Agua Dulce – 802 Ninth Ave (56/57)

Dear Commissioner:

Manhattan Community Board 4 voted to recommend denial of a new full liquor license for 802 Restaurant Corp d/b/a Agua Dulce, unless the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment:

- Hours of operation will be 10 am to 3:30 am, 7 days per week.
Total capacity is 128.
Kitchen exhaust systems will be designed to be compliant with NYC building codes and will be constructed in such a way they will not disturb neighboring tenants.
French doors and windows will be closed S-T by 10 pm and F-S by 11 pm and whenever amplified sound is played inside, as per law.
Outdoor patio space will be constructed to block the open space on the East facing wall of the patio, so it will deflect sound back inward so as not to disturb the neighbors. The applicant agreed to using materials to insulate and muffle the outdoor sound so that it minimizes sound that could be heard by the neighboring apartments.
Maximum outdoor patio capacity is 10 persons, including staff.
The applicant agreed to read and abide by CB4's policy for outdoor patio usage and will incorporate those guidelines into their method of operation. A copy of the policy is attached to this letter.
The applicant will not be applying for a cabaret license.
The applicant will neither use a DJ nor have any live entertainment.

802 Restaurant Corp d/b/a Agua Dulce is a new Cuban-Fusion restaurant with a full kitchen and will play background music only.

Sincerely,

Jean-Daniel Noland

Jean-Daniel Noland
Chair
Manhattan Community Board
Four

Chuck Spence

Lisa Daglian
Co-Chair
Business License & Permits
Committee

Chuck Spence
Co-Chair
Business License & Permits Committee

cc: Applicant
Fred Gioffre
Elected Officials