



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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DELORES RUBIN
Chair

JESSE R. BODINE
District Manager

January 15, 2016

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

Re: 7 Washington Lane Corp
369 West 51st Street (8th/9th Avenues)

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of the application for a full **On-Premise Liquor** operating license. **Granting this On-Premise license would not serve, and would be contrary to, the public interest.** The applicant's location is mid-block on a residential street and falls within the 500 foot rule. Its sidewalk café creates an additional burden on the community. There are 38 On-Premise liquor licenses within 500 feet of this address as indicated on the SLA's website.

The license to 7 Washington Lane Corp would cover a new owner (Roberto Passon). He proposes to operate a venue to be named Aria in the space occupied by Xai Xai, an existing establishment with a history of complaints. Reading them provides a detailed narrative of its negative impact on the neighborhood's quality of life going back to 2008. The proposed operation of Aria under its new owner would also continue to involve the present owner/operator of Aria

Currently, the new owner runs Briciola which is immediately across the street from the Xai Xai site. It, too, has a tumultuous history. It is one with which the community and MCB4 also have had issues around the disruptive nature of Briciola's operations.

This past spring, 7 Washington Lane Corp came before the Business License and Permits Committee (BLP) of MCB4 with two applications. One was similar to the one before us now with the same proposed new owner; and the other would have

altered Xai Xai's operating license to include its sidewalk café. This café was granted approval to open in 2014 by the NYC Department of Consumer Affairs (DCA) over MCB4's objection. As the SLA is aware, Xai Xai served alcohol at the sidewalk café without seeking permission to do so through an alteration to its liquor license.

In May, MCB4 voted to recommend that the SLA deny both applications. It is our understanding that the applicant did not bring the first proposal to the SLA and that the SLA denied the extension of the license to the sidewalk café.

The operating circumstances of the applicant have not changed materially since the spring. The current owners of Xai Xai do seem to be more aware of the community's concerns and have attempted some outreach. But the seven months since their last appearance before BLP and the full Board does not substantially alter their track record of failing to comply with their agreements with MCB4 and the community and their manipulation and violation of SLA and DCA rules and regulations.

Thank you for your attention and cooperation with this application.

Sincerely,



Delores Rubin
Chair

[signed 1/15/16]

Burt Lazarin
Co-Chair
Business License &
Permits Committee



Frank Holozubiec
Co-Chair
Business License &
Permits Committee