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## COMMUNITY BOARD NO. 2, MANHATTAN

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March 23, 2018

Lorelei Salas, Commissioner  
NYC Department of Consumer Affairs  
42 Broadway  
New York, NY 10004  
Lorelei Salas, Commissioner

Dear Commissioner Salas:

At its Full Board meeting on March 22, 2018 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

### **New Applications for revocable consents to operate an unenclosed sidewalk café for:**

#### **1. West 4th & Barrow, LLC, d/b/a The Spaniard, 190 W. 4th St. with 7 tables & 16 chairs (1888-2018-ASWC)**

**Whereas**, the applicant's original application requested approval for 8 tables and 18 chairs but the applicant agreed to remove one table and 2 chairs from the application in order to create greater service area space near the front entrance to the establishment and the applicant amended the application and plans to reflect this change; and

**Whereas**, the applicant stipulated in its SLA application in November 2015 that it would meet with the Central Village Block Association (CVBA) for feedback prior to ever applying for a sidewalk café permit, and

**Whereas**, CVBA sent a letter stating that the applicant "has been a positive presence in our community and a welcome addition to West 4<sup>th</sup> Street. CVBA is happy to recommend approval" of this sidewalk café application; and

**Whereas**, the applicant was informed that two letters were received by Community Board 2 from area residents expressing opposition to this application due to the increased congestion in this area, and the fear that the café will encourage loitering by drunk and disorderly individuals outside this establishment and the applicant expressed its intention to minimize any noise and activity connected with this sidewalk café and confirmed that the café would not use any amplified sound and that the buildings original windows were in the process of being replaced which should help diffuse some of the noise heard by residents above this establishment; and

**Whereas**, the applicant stated that the café would operate from 11:30 AM-11:00 PM, seven days a week; and

**Whereas**, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored either within the restaurant or in the cellar of the establishment when the sidewalk café was closed; and

**Whereas**, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all food and drink would be delivered by restaurant staff; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of a sidewalk café for **West 4th & Barrow, LLC, d/b/a The Spaniard, 190 W. 4th St. with 7 tables & 16 chairs (1888-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

**Vote: Unanimous, with 34 Board Members in favor.**

**2. Fiftytwo Merchants, LLC, d/b/a Pisellino, 52 Grove St. with 20 tables & 40 chairs (2200-2018-ASWC)**

**Whereas**, the applicant's original application requested approval for 24 tables and 48 chairs which didn't appear possible to meet the clearance requirements from a tree bed on the Grove Street side of the café and, once alerted of this, the applicant agreed to amend the application and plans and reduced the application to 20 tables and 40 chairs; and

**Whereas**, the applicant confirmed that it intended to comply with the stipulations agreed to in before the CB2 SLA committee in April 2017 including that the café would close before 11 PM, 7 days a week; and

**Whereas**, a neighboring resident appeared to speak in favor of this application citing that this applicant currently operates Via Carota across the street from this establishment and has been an exemplary neighbor and is always available to discuss any concerns and that a café at this location will help to brighten the spirit of this block; and

**Whereas**, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed; and

**Whereas**, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all drinks would be delivered by restaurant staff; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of a sidewalk café for **Fiftytwo Merchants, LLC, d/b/a Pisellino, 52 Grove St. with 20 tables & 40 chairs (2200-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

**Vote: Unanimous, with 34 Board Members in favor.**

**3. Bold Food Lafayette St., LLC, d/b/a Gato, 324 Lafayette St. with 13 tables & 26 chairs (2201-2018-ASWC)**

**Whereas**, this establishment has been in operation for over four years and the applicant appeared before the CB2 SLA committee in March of 2013, at which time the applicant stated that there would be no sidewalk café at this location; and

**Whereas**, in 2013 the applicant entered into a Memorandum of Agreement with NoHo Bowery Stakeholders (NBS) that similarly stated that there would be no sidewalk café with

the application but that the applicant agreed that they would meet and discuss any proposed change in method of operation with NBS before applying for a sidewalk café permit; and

**Whereas**, a representative from NBS appeared before the committee and stated that the applicant did meet and discuss this application with NBS and that NBS was in support of this application; and

**Whereas**, NBS and the applicant agreed that the sidewalk café would close by 10 PM, 7 days a week and any extension in hours of operation would not occur without consulting with NBS and the community first; and

**Whereas**, two area residents appeared before the committee expressing opposition to this application due to the increased sidewalk activity in this area; and

**Whereas**, there is a unique standpipe and two bollards near the curb of the proposed sidewalk café location and the applicant stated that these items require 5 feet of clearance from the proposed sidewalk café; and

**Whereas**, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed; and

**Whereas**, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all food and drink would be delivered by restaurant staff; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of a sidewalk café for **Bold Food Lafayette St., LLC, d/b/a Gato, 324 Lafayette St. with 13 tables and 26 chairs (2201-2018-ASWC)**, provided that DCA conducts a qualifying inspection of this sidewalk café and confirms that the application meets all clearance requirements and conforms with all applicable zoning and sidewalk café laws.

**Vote: Unanimous, with 34 Board Members in favor.**

**4. Dez Mulberry LLC, d/b/a Dez, 227 Mulberry St. with 4 tables & 8 chairs (2811-2018-ASWC)**

**Whereas**, the applicant appeared before the CB2 SLA committee in December 2017 and confirmed that it intended to comply with all stipulations agreed to, including the stipulation that the sidewalk café would not operate past 10 PM Sunday-Thursday and not past 11 PM on Fridays and Saturdays; and

**Whereas**, the applicant was informed that a letter was received by Community Board 2 from an area resident expressing opposition to this application due to the fact that no other storefronts on this block of Mulberry Street operate a sidewalk café and that a café would present safety, noise, and nuisance concerns; and

**Whereas**, the applicant stated that this block is indeed zoned for sidewalk cafes and that this is a small application for 4 tables and 8 chairs and that the owner would make all efforts to reduce any impact on the block; and

**Whereas**, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed; and

**Whereas**, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all alcoholic drinks would be delivered by restaurant staff; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of a sidewalk café for **Dez Mulberry LLC, d/b/a Dez, 227 Mulberry St. with 4 tables and 8 chairs (2811-2018-**

ASWC), provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

**Vote: Unanimous, with 34 Board Members in favor.**

**5. Chick & Co LLC, d/b/a Cocu, 26 Carmine St. with 6 tables & 14 chairs (3344-2018-ASWC)**

**Whereas**, the area was posted, community groups notified, and the applicant was present, and no member of the public appeared to speak regarding this application; and

**Whereas**, the applicant agreed that the sidewalk café would not operate past 10 PM Sunday-Thursday and not past 11 PM on Fridays and Saturdays; and;

**Whereas**, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored in the cellar of the establishment when the sidewalk café was closed; and

**Whereas**, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all food and drink would be delivered by restaurant staff; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of a sidewalk café for **Chick & Co LLC, d/b/a Cocu, 26 Carmine St. with 6 tables & 14 chairs (3344-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

**Vote: Unanimous, with 34 Board Members in favor.**

**Modificaiton Application for revocable consent to operate an unenclosed sidewalk café for:**

**6. 151 Bleecker LLC, d/b/a Red Lion, 151 Bleecker St. with 7 tables & 17 chairs (2056566-DCA)**

**Whereas**, the applicant has operated an unenclosed sidewalk café at this location for over 20 years and recently the City removed and replaced an existing fire hydrant at this location to a new location that requires a modification of the sidewalk café application; and

**Whereas**, the applicant is waiting on the City to return the fire hydrant to the original location and when it does, the applicant plans to arrange the sidewalk café as reflected in this current application, and

**Whereas**, the applicant confirmed that it intends operate the sidewalk café in the same manner and fashion as it has for many years; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of this modification application for a sidewalk café for **151 Bleecker LLC, d/b/a Red Lion, 151 Bleecker St. with 7 tables & 17 chairs (2056566-DCA)**, provided that the City relocates the moved fire hydrant and the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

**Vote: Unanimous, with 34 Board Members in favor.**

Please advise us of any decision or action taken in response to these resolutions.

Sincerely,



Terri Cude, Chair  
Community Board #2, Manhattan



Joseph Gallagher, Chair  
Quality of Life Committee  
Community Board 2, Manhattan

TC/EM

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Carolyn Maloney, Congresswoman  
Hon. Nydia Velázquez, Congresswoman  
Hon. Brad Hoylman, NY State Senator  
Hon. Brian Kavanagh, NY State Senator  
Hon. Yuh-line Niou, Assembly Member  
Hon. Deborah J. Glick, Assembly Member  
Hon. Gale Brewer, Man. Borough President  
Hon. Margaret Chin, Council Member  
Hon. Carlina Rivera, Council Member  
Hon. Corey Johnson, Council Member