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COMMUNITY BOARD NO. 2, MANHATTAN

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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

October 23, 2015

Julie Menin, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Menin:

At its Executive Committee meeting on October 22, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

1. Renewal/Modification App. for revocable consent to operate an unenclosed sidewalk café for:

Sud123, Incorporated, d/b/a Ciao, 178 Mulberry Street with 11 tables & 23 chairs (1382366-DCA)

Whereas,

- a. the area was posted, community groups notified and there were no community members present regarding this application, and the applicant was not present, but the application was represented by expediter Robert Callahan, and
- b. the existing sidewalk café license allowed nine table and nineteen chairs in front of the restaurant on Mulberry Street; and
- c. the application is to renew and modify and existing sidewalk café by adding four tables and eight chairs on Broome Street to replace the loss of two tables and four chairs on Mulberry Street when the adjacent property was leased by another restaurant, thereby leaving seven tables and fifteen chairs on Mulberry Street for a total of eleven tables and twenty three chairs; and
- d. the sidewalk on Broome Street is 12'3" and the applicant proposes putting two tables and four chairs on each side of a doorway on the Broome Street side of the restaurant and using the area between the tables as the required wait service aisle; and
- e. an on-site inspection by the CB2 Chair and District Manager, in addition to photos submitted by the applicant, confirmed that there is a step protruding approximately one foot from the building on the Broome Street side as well as doors which open out, neither of which are shown on the applicants sidewalk café plan and which make it impossible to have four tables and eight chairs in the sidewalk and still maintain the required 8' pedestrian clear path; and
- f. to address the lack of legal pedestrian clearance the applicant's representative agreed to reduce the number of tables and chairs on Broome Street to two and four for a total number of nine tables and nineteen chairs in the modified sidewalk café plan; and

- g. the applicant received a two violations on August 20, 2015 from the Department of Consumer Affairs for not complying with its revocable consent term and for not providing legally required clearance for pedestrians; and
- h. this property lies within the Special Little Italy District and Section 109-02 of the Zoning Resolution states: "The use of the public streets and sidewalks for the maintenance of sidewalk cafes, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate," and
- i. for this reason a sidewalk cafe at this location should not be considered as-of-right and should require separate consideration and approval of the City Council.

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this RENEWAL/MODIFICATION application for revocable consent to operate an unenclosed sidewalk café for **Sud123, Incorporated, d/b/a Ciao, 178 Mulberry Street with the number of tables reduced to 9 tables & 19 chairs (1382366-DCA).**

VOTE: Unanimous, with 36 Board Members in favor

2. **New App. for revocable consent to operate an Enclosed sidewalk café for:**

Innovation Kitchens, LLC, d/b/a Dominique Ansel Kitchen, 137 7th Avenue South with 5 tables & 24 chairs (9978-2015-ASWC)

Whereas,

- a. the area was posted and the applicant was not present, and
- b. there have been no applications for a new enclosed sidewalk café in Community District 2 for at least twenty years; and
- c. in advance of the meeting of the Sidewalks and Street Activities Committee, the applicant, Dominique Ansel, told Community Board 2 that he was “reconsidering” going forward with his application for an enclosed sidewalk café; and
- d. the applicant was advised by CB2 that, if he intended to pursue the application, he needed to present his application at the meeting of CB2’s Sidewalks and Street Activities Committee; and
- e. the applicant did not appear at the committee meeting; and
- f. in any event, the NYC Zoning Resolution states “There shall be a minimum distance of 40 feet between the near end walls of two enclosed sidewalk cafes if an entrance to a ground floor commercial use, other than an entrance to the eating or drinking place associated with either enclosed sidewalk cafe, is located between them.” (ZR §40-11(d)); and
- g. this proposed enclosed sidewalk café is less than 40’ from the enclosed sidewalk café located at 133 7th Avenue South.

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **DENIAL** of a new application for revocable consent to operate an enclosed café to **Innovation Kitchens, LLC, d/b/a Dominique Ansel Kitchen, 137 7th Avenue South with 5 tables & 24 chairs (9978-2015-ASWC).**

VOTE: Unanimous, with 36 Board Members in favor

3. **New App. App. for revocable consent to operate an unenclosed sidewalk café for:**

Rehandari, LLC, 24 9th Avenue, with 8 tables & 16 chairs (13040-2015-ASWC)

Whereas,

- a. the area was posted, there were no community members present regarding this application, and the application was presented by owners Scott Kebrick and Ariel Ferreira; and
- b. this is a new application for eight tables and sixteen chairs on a 20' sidewalk with the tables, chairs and planters occupying 10' of the sidewalk on Ninth Avenue; and
- c. six of the tables, each measuring 1'10', abut each other in a way that seem to make easy wait service impossible; and
- d. to address this problem, the applicant agreed to remove one table and two chairs.

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **APPROVAL** of a new application for revocable consent to operate an unenclosed café to **Rehandari, LLC, 24 9th Ave., with the number of tables and chairs reduced to 7 tables & 14 chairs (13040-2015-ASWC)**.

VOTE: Unanimous, with 36 Board Members in favor

4. **FYI Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed):**

Whereas, the renewals below were posted on the CB2 Manhattan website and there were no community members requesting these applications be heard, and

Whereas, these cafés have been operated for at least 2 years by these applicants and the Board has not been notified of any issues with their operation.

- French Roast, Inc., 78 W. 11th St. with 8 tables & 16 chairs (0907203-DCA) (unenclosed)
- RDK Restaurant Corp., 180 Spring St. with 14 tables & 30 chairs (1101999-DCA)(unenclosed)
- Garden Café Associates, LLC, d/b/a B Bar & Grill, 40 E. 4th St. with 5 tables & 20 chairs (1381793-DCA)(unenclosed)
- Tre Giovani, Inc., d/b/a Tre Giovani, 548 LaGuardia Pl. with 4 tables & 12 chairs (0997686-DCA)(unenclosed)
- PQ Union Square, Inc., d/b/a Le Pain Quotidien, 801 Broadway with 19 tables & 38 chairs (1380933-DCA) (unenclosed)
- PQ 550 Hudson, Inc, 550 Hudson St. with 13 tables & 26 chairs (1274769-DCA) (unenclosed)
- 64 Greenwich Restaurant, LLC, 64 Greenwich Ave. with 4 tables & 9 chairs (1385289-DCA) (unenclosed)
- City Winery New York, LLC, d/b/a City Winery, 155 Varick St. with 11 tables & 22 chairs (1464516-DCA) (unenclosed)
- 10 Downing Restaurant, LLC, d/b/a Café Clover, 10 Downing St. with 28 tables & 59 chairs (2019393-DCA)
- Rajmar Holdings, Inc. d/b/a Hudson Bar and Books, 636 Hudson St. with 4 tables & 8 chairs (1092103-DCA) (unenclosed)
- Jack's Coffee IV, LLC, 10 Downing St. with 6 tables & 13 chairs (1466246-DCA)(unenclosed)
- Schatzi Corp., 342 W. 11th St. with 8 tables & 16 chairs (1257073-DCA)(unenclosed)

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of the above referenced **RENEWAL** applications for revocable consents to operate unenclosed and enclosed sidewalk cafés.

VOTE: Unanimous, with 36 Board Members in favor

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tobi Bergman', written in a cursive style.

Tobi Bergman, Chair
Community Board #2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Sheldon Silver, Assembly Member
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member