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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

November 22, 2019

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

Dear Commissioner Salas:

At its Full Board meeting on November 21, 2019 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

Assignment application for revocable consent to operate an unenclosed sidewalk café for:

1. White Horse Hospitality, 567 Hudson Street between Perry and West 11th Sts. with 24 tables and 72 chairs (10785-2019-ASWC)

Whereas, the applicant did not appear on behalf of this application, after asking to reschedule the applicant's October appearance before the committee; and

Whereas, several residents appeared to oppose the application because the applicant has been operating the café well past the closing time stipulated in the applicant's current State Liquor Authority (SLA) license; and

Whereas, the neighboring residents who appeared said that the sidewalk café is regularly operated outside the permitted area of the sidewalk, causing impediments to pedestrian traffic; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of the assignment application for revocable consent to operate an unenclosed sidewalk café for **White Horse Hospitality, 567 Hudson Street with 24 tables and 72 chairs (10785-2019-ASWC)**.

Vote: Unanimous, with 39 Board Members in favor.

New applications for revocable consent to operate an unenclosed sidewalk café for:

2. Kut Operating Corp., d/b/a Marie Blachere, 303 6th Avenue between Carmine and West 3rd Sts. with 10 tables and 20 chairs (11748-2019-ASWC)

Whereas, this establishment, a traditional French bakery and café, is located on the ground floor of a mixed-use residential/commercial building and originally applied for a sidewalk café with 20 tables and 40 chairs but reduced the application to 10 tables and 20 chairs after discussions with neighboring residents; and

Whereas, the establishment will offer counter service and eventually waitstaff service and the sidewalk café will be monitored and cleared by restaurant staff; and

Whereas, the applicant stated that the establishment does not currently offer wine and beer but might in the future and already has a wine and beer license and stated that the sidewalk cafe will be open no later than 8 PM, seven days a week; and

Whereas, two neighboring residents appeared and expressed hesitation about the sidewalk café but were supportive of the smaller café with 10 tables and 20 chairs; and

Whereas, the applicant stated that all tables and chairs would be stored within the restaurant overnight and that, off-season, the café would be stored off-premises; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Kut Operating Corp., d/b/a Marie Blachere, 303 6th Avenue with 10 tables and 20 chairs (11748-2019-ASWC)** provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 39 Board Members in favor.

3. Bleecker Street Pizza Corp., d/b/a Bleecker Street Pizza, 69 7th Avenue South between Bleecker and Barrow Sts. with 6 tables and 12 chairs (12083-2019-ASWC)

Whereas, this establishment, a neighborhood fixture since 2004, is located on the only floor of a commercial building and is expanding the current sidewalk café to include the most recent addition to the establishment in the storefront directly next door; and

Whereas, the sidewalk café will now include 3 tables and 6 chairs in front of each storefront and the applicant stated that the sidewalk café would not operate past 11 PM, seven days a week; and

Whereas, the applicant stated that the establishment offers alcohol and all alcohol will be delivered by restaurant staff to the guests in the sidewalk café and the café will be monitored and cleaned by restaurant staff; and

Whereas, a member of the public appeared to express frustration with the number of delivery bicycles that frequently clog the sidewalk in front of the establishment; and

Whereas, the applicant stated that Bleecker Street Pizza only utilizes 3 delivery bicycles and the applicant repeatedly contacts the NYPD to have the other “phantom” bicycles removed from the premises and will continue to do so; and

Whereas, the applicant stated that they strive to keep the sidewalk café and the areas outside the café free from litter and debris and that the establishment frequently empties the DSNY garbage can in front of the restaurant when it is full; and

Whereas, the applicant confirmed that all tables and chairs would be stored within the restaurant overnight and that, off-season, the café would be stored off-premises; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Bleecker Street Pizza Corp., d/b/a Bleecker Street Pizza, 69 7th Avenue South with 6 tables and 12 chairs (12083-2019-ASWC)** provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 39 Board Members in favor.

4. Banter West Village, LLC d/b/a Banter, 643 Hudson St. between Gansevoort and Horatio Sts. with 6 tables and 12 chairs (12147-2019-ASWC)

Whereas, this establishment, a small, Australian style restaurant and café, is located on the ground floor of a mixed-use residential/commercial building and is expecting to open in the next few months; and

Whereas, a sidewalk café operated by a different establishment was previously unanimously recommended for approval at this location by CB2 in February 2018 for 6 tables and 12 chairs; and

Whereas, the applicant received a recommendation of approval from the CB2 SLA committee in August 2019 for an on-premises liquor license, at which time the applicant stipulated that the café will close by 10 PM from Sunday-Thursday and by 11 PM on Fridays and Saturdays; and

Whereas, the applicant stated that the café would be attended by full waitstaff at all times; and

Whereas, no member of the public appeared to express support for or opposition to this application; and

Whereas, the applicant confirmed that all tables and chairs would be stored within the restaurant overnight and that, off-season, the café would be stored off-premises; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Banter West Village, LLC d/b/a Banter, 643 Hudson St. with 6 tables and 12 chairs (12147-2019-ASWC)** provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 39 Board Members in favor.

Renewal Application for revocable consent to operate an enclosed sidewalk café for:

5. Super Noriega, LLC d/b/a Baby Brasa, 173 7th Avenue South between Perry and West 11th Sts. with 11 tables and 22 chairs (8720-2019-ASWC)

Whereas, this establishment, a Peruvian restaurant offering rotisserie chicken and other dishes, is located on the first and second floors of a commercial building in a landmarked district and has been operating for over two years; and

Whereas, the establishment and this applicant have been plagued with various compliance issues (detailed below) since beginning operations at this location; and

Whereas, the applicant operated an unpermitted sidewalk café for many months at this location and flouted the SLA license for this location by serving alcohol in the sidewalk café; and

Whereas, the operators refusal to cease operation of the unpermitted sidewalk café for many months resulted in the establishment being padlocked shut by the Department of Consumer Affairs (DCA) until the violation was remedied; and

Whereas, rather than remedy the unpermitted sidewalk café, the operator clipped the padlock installed by the DCA and continued operation until the DCA repadlocked the establishment; and

Whereas, the operator routinely plays very loud, bass-heavy club music at all hours of operation that is expressly prohibited in the establishment's SLA license which allows for background music only; and

Whereas, the applicant painted a large, bright yello logo on the side of the establishment without approval from the Landmarks Preservation Commission; and

Whereas, several members of the community appeared in opposition to this application citing the operator's lack of respect and unwillingness to work with neighboring residents to remedy the quality of life issues created by this establishment; and

Whereas, this operator distributed "Baby Brasa" stickers to customers that were found all over the West Village and resulted in violations from the NYC Department of Sanitation; and

Whereas, the committee does not have confidence in the applicant's ability to operate this establishment and this enclosed sidewalk café according to City Rules and Regulations; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of the application for revocable consent to operate an enclosed sidewalk café for **Super Noriega, LLC d/b/a Baby Brasa, 173 7th Avenue South between Perry and West 11th Sts. with 11 tables and 22 chairs (8720-2019-ASWC)**.

Vote: Unanimous, with 39 Board Members in favor.

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

Sincerely,



Carter Booth, Chair
Community Board #2, Manhattan



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

CB/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, Manhattan Borough President
Hon. Corey Johnson, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Carlina Rivera, Council Member