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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

April 19, 2019

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

Dear Commissioner Salas:

At its Full Board meeting on April 18, 2019 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

1. BL 98 Kenmare NY, LLC, d/b/a Bluestone Lane, 19 Kenmare St. between Bowery and Elizabeth St. with 8 tables & 16 chairs (1952-2019-ASWC)

Whereas, this establishment, a full-service, Australian-inspired restaurant and cafe, is located in a mixed-use 1900 residential/commercial building and is operated by the same company with cafe locations at 30 Carmine Street and 55 Greenwich Avenue and coffee shop locations at 35 Spring Street and 51 Astor Place; and

Whereas, the CB2 SLA committee recommended approval for an on-premises liquor license in January 2019 for this establishment which included this sidewalk café and at which time the applicant stipulated that the sidewalk café would not operate past 10 PM, seven days a week; and

Whereas, the sidewalk café plan the applicant presented did not comport with sidewalk café regulations in that there was an absence of any service aisle to access most of the tables within the sidewalk café and when this deficiency was recognized the applicant agreed to amend the sidewalk café application and reduce it from 12 tables and 24 chairs to 8 tables and 16 chairs to accommodate a three-foot service aisle; and

Whereas, the applicant stated that amended plans would be submitted to Community Board 2 (CB2) and the Department of Consumer Affairs (DCA) reflecting the reduction in the number of tables and chairs; and

Whereas, concerns were raised about the numerous complaints received by CB2 concerning the applicant's operation of sidewalk cafes at the locations at 30 Carmine Street and 55 Greenwich Avenue; and

Whereas, the other two locations, like the one proposed, do not utilize railings or other markers and the café tables and chairs have a tendency to "creep" outside of the bounds of the sidewalk café footprint and often obstruct pedestrian access on the remaining part of the sidewalk and often cause pedestrians to resort to walking into the bike lane or street to get by the café; and

Whereas, the applicant expressed regret that these complaints have been received and stated the operator wants nothing more to be compliant with the regulations and to be a good neighbor and pointed to the removal of an oversized storm enclosure at the Carmine Street location that was being used to house an unpermitted sidewalk café earlier this winter; and

Whereas, the committee was grateful that this operator has been successful in keeping these desirable cafes open in CB2 and hoped that the operator, in its expansion, did not lose the ability to rectify community concerns about the sidewalk cafes in a timely manner; and

Whereas, the applicant's representative stated that he would personally communicate all concerns to each individual location including the concern that any A-frame store signage would be kept within three-feet of the building façade at all times and not adjacent to the sidewalk café, further obstructing the sidewalk; and

Whereas, the applicant confirmed that all food and beverage in the sidewalk café would be served and cleared by waitstaff; 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 **BL 98 Kenmare NY, LLC, Bluestone Lane, 19 Kenmare St. with 8 tables & 16 chairs (1952-2019-ASWC)**, and

Therefore Be It Further Resolved, that DCA will not consider this sidewalk café unless the applicant has submitted amended plans reflecting the reduction from **12 tables and 24 chairs to 8 tables and 16 chairs**; and provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 36 Board Members in favor.

2. Alfred B Hospitality, LLC, d/b/a Katana Kitten, 531 Hudson St. between Charles and West 10th Sts. with 1 table & 4 chairs (3362-2019-ASWC)



Whereas, this establishment, is a full-service café and bar serving izakaya fare, traditional American food, and specialty cocktails, and is located in a mixed-use 1901 residential/commercial building in a designated historic district and has been in operation since July of 2018; and

Whereas, the interior of the establishment comprises roughly 2,000 sq. ft. (ground floor & basement 1,000 sq. ft. each), and the applicant states a letter of no objection exists which provides for no more than 25 persons in the basement and 30 persons on the ground floor at any time; and

Whereas, in September 2017 the applicant appeared before the CB2 SLA committee and stated that there is a small outdoor area in the front of the establishment that is completely enclosed by a pre-existing railing and recessed from the sidewalk with 4 stools that it believed to be within their property line; and

Whereas, the applicant stated that in September 2017 the CB2 SLA Committee instructed the applicant that a sidewalk café permit must be attained for the outdoor area of the establishment and ultimately the CB2 Executive Committee recommended denial for the on-premises liquor license; and

Whereas, in September 2017, the applicant told the CB2 SLA committee that the outdoor area, if permitted by DCA, would only be used by patrons until 10PM; and

Whereas, the previous operator of this location, Swine, utilized this outdoor space without a sidewalk café permit from DCA and CB2 recommended approval for the on-premises liquor license in February 2012; and

Whereas, the committee was grateful that the applicant was following the advice of the CB2 SLA committee in striving to comply with all applicable City rules and regulations and wished to attain revocable consent to operate this small café from the DCA with the community's recommended approval; and

Whereas, the members of the committee expressed that the area proposed for the sidewalk café would have little to no impact on the adjoining public sidewalk since the area was wholly enclosed and the only access point to and from the café would be through the establishment's interior door; and

Whereas, the applicant was informed that a sidewalk café may not utilize permanent fixtures, such as the railing enclosing this café, as part of the service area of the sidewalk café, at which time the applicant stated that it would not use the railing for service but would instead use one small table in the corner of the café with 4 adjoining seats; and

Whereas, there is no prohibition on a sidewalk café existing on a surface that is recessed from the main sidewalk and this style is utilized by other restaurants in CB2 such as Crispo at 240 West 14th Street; and

Whereas, the applicant stated that the railing enclosing the sidewalk café predated both the current owner and the previous occupant, Swine, and the current operator would continue to maintain the area with planters and would not utilize amplified sound in the café; and

Whereas, the applicant will offer full-service waitstaff who will deliver all food and drink to patrons at their seats; 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 **Alfred B Hospitality, LLC, d/b/a Katana Kitten, 531 Hudson St. with 1 table & 4 chairs (3362-2019-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 36 Board Members in favor.

3. C7 Ave South, LLC, d/b/a N/A, 1 7th Avenue South between Carmine and Leroy Sts. with 18 tables & 36 chairs (3268-2019-ASWC)

Whereas, this establishment, to be operated by the owners of Greenwich Street Tavern in TriBeCa, is located in a mixed-use residential/commercial building built in 2006 in this landmarked district of Greenwich Village, and the sidewalk café will be located wholly on 7th Avenue South with no tables or chairs on the Carmine Street side of the restaurant; and

Whereas, in May 2016, CB2 unanimously recommended approval for a sidewalk café at this location for the previous operator, El Gallo de Oro, with the same number of tables and chairs; and

Whereas, the CB2 SLA committee recommended approval for an on-premises liquor license in September 2018 for this establishment which included this sidewalk café and at which time the applicant stipulated the café will close no later than 11 PM Sundays through Thursdays, and midnight on Fridays and Saturdays; and

Whereas, the applicant will offer full-service waitstaff who will deliver all food and drink to patrons at their seats; 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 **C7 Ave South, LLC, d/b/a N/A, 1 7th Avenue South between Carmine and Leroy Sts. with 18 tables & 36 chairs (3268-2019-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 36 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

TB/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