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COMMUNITY BOARD NO. 2, MANHATTAN

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June 26, 2017

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

Dear Commissioner Salas:

At its Full Board meeting on June 22nd, 2017 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

Application for a revocable consent to construct, maintain and use a stoop and fenced-in area on the north sidewalk in front of 81 Charles St., between Bleecker and West Fourth Streets.

Whereas, no member of the public appeared to speak in opposition to the application; and

Whereas, the plans presented by the applicant indicate that the proposed stoop would be consistent with other stoops on the block and meets all clearance requirements; and

Whereas, the proposed stoop has been approved by the Landmarks Preservation Commission; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** to construct, maintain and use a stoop and fenced-in area on the north sidewalk in front of 81 Charles Street, between Bleecker and West Fourth Streets.

VOTE: Unanimously, 37 Board Members in favor.

New Assignment Application for revocable consent to operate an unenclosed sidewalk café for:

1. First, LLC, d/b/a Raviolo, 57 7th Avenue South with 10 tables and 30 chairs (7517-2017-ASWC)

Whereas, no member of the public appeared to speak in opposition to the application; and

Whereas, the applicant explained that this is a new restaurant and café in a location that previously received consent for an unenclosed sidewalk café; and

Whereas, the applicant produced the previously approved consent and café plan; and

Whereas, the applicant indicated that they intended to adhere to all the stipulations agreed to in the prior owner's SLA application; and

Whereas, the applicant agreed that the café will close at 11 p.m each evening and that the café furniture will be stored within the restaurant overnight; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café for **First, LLC, d/b/a Raviolo, 57 7th Avenue South**, with 10 tables & 30 chairs, provided that the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

VOTE: Unanimously, 37 Board Members in favor.

New Apps. for revocable consents to operate an unenclosed sidewalk café for:

1. While We Were Young, LLC, 183 W. 10th Street with 4 tables & 8 chairs (6130-2017-ASWC)

Whereas, the applicant withdrew its original sidewalk café plan for 3 tables and 14 chairs and replaced it with a revised plan for 4 tables and 8 chairs; and

Whereas, the proposed revised layout does not comply with FDNY rules as it includes a table and 2 chairs directly under a fire escape drop ladder and FDNY rules prohibit sidewalk café seating in any manner that obstructs or otherwise impedes access to, or use of, any means of egress, including any fire escape drop ladder; and

Whereas, this proposed café is on a sidewalk barely over 12 feet in an area that is saturated with nightlife establishments, including next door to Smalls Jazz Club, which consistently has a queue of patrons down the block and directly parallel to the proposed sidewalk café; and

Whereas, several neighboring residents spoke in opposition to this application citing concerns about the level of noise that emanates from this block of establishments, the fact that the sidewalk is so narrow and already has other impediments including planters in front of this restaurant; that these impediments -and the line at Smalls Jazz Club- produce a domino effect whereas pedestrians creep into the bike lane and bicyclists creep into the traffic lane and the traffic lane becomes clogged with crosstown traffic and the concomitant honking, and

Whereas, the neighboring residents and Community Board 2 members raised serious concerns as to the character of this applicant arising from the applicant's prior attestations to Community Board 2 and the SLA Board that the applicant's establishment would have a fixed façade, meaning no operable French doors or windows, and yet the applicant subsequently installed a fully operable façade; and

Whereas, committee members were concerned that the applicant, on page 2 of the Sidewalk Café Compliance Checklist, attested that this café was NOT in an "historic district or in or adjacent to a landmarked building or district," when, in fact, it IS in an historic district; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of a sidewalk café for **While We Were Young, LLC, 183 West 10th Street**, with 4 tables & 8 chairs, and, now

Therefore Be It Further Resolved that CB2 Manhattan requests that the NYC Department of Consumer Affairs require that a pedestrian flow analysis be submitted with this revocable consent application and that such analysis show that the proposed café would not cause a degradation of level-of-service of the pedestrian path by more than one level pursuant to the NYC Administrative Code before any such sidewalk café application is considered.

VOTE: Unanimously, 37 Board Members in favor.

2. Micbruard, LLC, d/b/a Guilietta's Cantina Club, 13 Carmine Street with 9 tables and 18 chairs (7501-2017-ASWC)

Whereas, no member of the public appeared to speak in opposition to the application; and

Whereas, the applicant explained that this café had previously received consent for an unenclosed sidewalk café and that consent lapsed; and

Whereas, the applicant produced the previously approved consent and café plan; and

Whereas, the applicant agreed that the café furniture will be stored within the restaurant overnight; and

Whereas, the applicant indicated that he would ensure that the tree pit and associated grating in front of the café would be flush with the sidewalk; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café for **Micbruard, LLC, d/b/a Guilietta's Cantina Club, 13 Carmine Street**, with 9 tables & 18 chairs, provided that the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

VOTE: Unanimously, 37 Board Members in favor.

3. Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard Street with 6 tables & 24 chairs (7866-2017-ASWC) (Small Unenclosed Sidewalk Café)

Whereas, the plans presented by the applicant indicate that the small unenclosed sidewalk café meets all clearance requirements; and

Whereas, the operator stated that all beer and wine would be delivered to café tables by waitstaff; and

Whereas, the operator attested that the sidewalk café will initially close by 10 p.m. each evening but will never stay open later than 11 p.m.; and

Whereas, the operator acknowledged that some neighbors had expressed concerns that this would be the first sidewalk café on this mixed use block and, therefore, the operator indicated that the applicant would take care to minimize as much ambient noise as possible and agreed that there would be no amplified sound in the sidewalk café; and

Whereas, the operator agreed that the sidewalk café furniture would be removed at the end of each night and stored within the restaurant; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café for **Centre Howard, LLC, d/b/a Nickel & Diner, 1 Howard Street with 6 tables & 24 chairs**, provided that the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

VOTE: Passed, with 36 Board Members in favor, 1 Against (A. Wong)

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

Sincerely,



Terri Cude, Chair
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. Daniel L. Squadron, NY State Senator
 Hon. Yuh-line Niou, 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