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## COMMUNITY BOARD NO. 2, MANHATTAN

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

February 24, 2015

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

Dear Commissioner Menin:

At its Full Board meeting on February 19, 2015, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

### **Renewal app for revocable consent to operate an Enclosed sidewalk cafe for:**

#### **Assignment App. of existing SWC Consent for an unenclosed café:**

- Layla Tov, Inc. d/b/a Westville, 333 Hudson St. (SW corner of Charlton St.) with 10 tables & 22 chairs (160-2015-ASWC)**

**Whereas**, this application is for assignment of the existing SWC Consent from Westville LLC d/b/a Westville to an S Corp., Layla Tov, Inc. d/b/a Westville;

**Whereas**, the area was posted, community groups notified and there were no community members were present regarding this application, and the Committee excused the appearance of the applicant's representative Michael Kelly based upon the submission and review of the following documentation: SWC Application dated 1/7/15; architectural plans dated 1/9/13; CB2 Sidewalk Committee resolution, dated 3/21/13 and CB2 SLA Committee resolution dated 10/23/14; Affidavit by Yaniv Cohen, Vice-President, Layla Tov, Inc., sworn to on 2/5/15, stating that the principals of Westville LLC are the same principals as Layla Tov, Inc.;

**Whereas**, the principals remain the same;

**Whereas**, the sidewalk café configuration remains the same;

**Whereas**, the applicant previously appeared before the SLA Committee in October, 2014 requesting this identical corporate change;

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for an **ASSIGNMENT** of the existing SWC Consent for an unenclosed sidewalk café for **Layla Tov, Inc. d/b/a Westville, 333 Hudson St. (SW corner of Charlton St.) with 10 tables & 22 chairs (160-2015-ASWC)**

**VOTE: Unanimous, with 37 Board Members in favor**

**Renewal app for revocable consent to operate an Unenclosed sidewalk cafe for:**

**2. Greenwich BBQ, LLC d/b/a Mighty Quinn's Barbeque, 75 Greenwich Avenue, with 10 tables and 20 chairs (2011155-DCA)**

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, the principal of the applicant, and its representative, were present;

**Whereas**, this is the first renewal of an assignment from the previous operator and applicant has never appeared before the Committee;

**Whereas**, there was an issue with the pervious operator of chronic over-extension of the café furniture;

**Whereas**, the applicant represented that the café configuration remains the same to wit: the standard two rows of two chair tables with a three foot waiter service aisle in between the rows;

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this **RENEWAL** application for revocable consent to operate an unenclosed sidewalk café for **Greenwich BBQ, LLC d/b/a Mighty Quinn's Barbeque, 75 Greenwich Avenue, with 10 tables and 20 chairs (2011155-DCA) UNLESS wait service is provided.**

**VOTE: Unanimous, with 37 Board Members in favor.**

**New App. for revocable consent to operate an Unenclosed sidewalk cafe for:**

**3. Bowery Restaurant Group, LLC d/b/a/ Bacchanal, 146 Bowery (corner of Broome) with 19 tables and 76 chairs, (149-2015-ASWC)**

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant and its attorney, Hari Nathan Kalyan, Esq. were present;

**Whereas**, this café is located on the ground floor of the SoHotel, a three-story building located at the corner of Bowery and Broome within the Little Italy Special District;

**Whereas**, the sidewalk measures 17', 5.5 " on Bowery St. and 16', 11.25" on Broome St. ;

**Whereas**, the applicant agreed to convert the one row of nine, four chair tables located on Bowery to nine, two chair tables, thus reducing the seating from 9 tables/36 chairs to 9 tables/18 chairs;

**Whereas**, the applicant agreed to remove one four seat table on Broome, thus reducing the tables from 10 to 9, four chair tables and 36 chairs; for a total of 54 chairs;

**Whereas**, the applicant agreed to install DCA approved, retractable awnings, implement a no smoking policy and Noon-10 p.m. (seven days a week) as its hours of operation;

**Whereas**, 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;

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this **NEW** application for revocable consent to operate an unenclosed sidewalk café for **Bowery Restaurant Group, LLC d/b/a/ Bacchanal, 146 Bowery (corner of Broome) with 18 tables and 54 chairs, (149-2015-ASWC)**

**CONDITIONED UPON** applicant submitting to DCA a new architectural plan as reflected above.

**VOTE: Unanimous, with 37 Board Members in favor.**

**4. 002 Mercury Tacos, LLC d/b/a Otto's Tacos, 131 Seventh Avenue South, with 10 tables & 32 chairs (536-2015-ASWC)**

**Whereas**, the area was posted, community groups notified, applicant, Otto Cedeno, applicant's representative, Steve Wygoda and members of the Mid-West 10<sup>th</sup> Street Block Association were present;

**Whereas**, applicant signed a stipulation with the Mid-West 10<sup>th</sup> Street Block Association to reduce 1) the tables and chairs to 8 tables, 25 chairs and 2) the hours of operation from 10 a.m. to 11 p.m., seven days a week;

**Whereas**, a DCA/Landmark approved retractable awning has been installed.

**Whereas**, the applicant agreed to modify the tree guard fence to street level before the City Council hearing on this application;

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this **NEW** application for revocable consent to operate an unenclosed sidewalk café for **002 Mercury Tacos, LLC d/b/a Otto's Tacos, 131 Seventh Avenue South, with 8 tables & 25 chairs (536-2015-ASWC) UNLESS** 1) the tree guard fence is modified to street level before the occurrence of the NYC Council Hearing on this application and 2) applicant submits to DCA a new architectural plan as reflected above.

**VOTE: Unanimous, with 37 Board Members in favor.**

**5. Union Bar and Kitchen, LLC, 300 Spring St. with 5 tables & 10 chairs (865-2015-ASWC)**

**Whereas**, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's principal, Chef Jonathan Renert, was present;

**Whereas**, this café is a standard configuration of one row of five, two seat tables, positioned against the building with a three foot waiter service aisle, for a total of 10 chairs;

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this **NEW** application for revocable consent to operate an unenclosed sidewalk café for **Union Bar and Kitchen, LLC, 300 Spring St. with 5 tables & 10 chairs (865-2015-ASWC)**.

**VOTE: Unanimous, with 37 Board Members in favor.**

**6. Innovation Kitchens LLC, d/b/a Dominique Ansel Kitchen, 137 Seventh Avenue South, with 5 tables & 28 chairs (726-2015-ASWC)**

**Whereas**, the area was posted, community groups notified and the applicant's, principals, Dominique Ansel and Amy Ma, and their two consultants, as well as members of the Mid-West 10<sup>th</sup> St. Block Association were present;

**Whereas**, the applicant previously agreed before the CB2 SLA Committee to close the café at 7 p.m., 7 days a week and limit the occupancy to 26 chairs;

**Whereas**, the applicant agreed to no smoking in the café; and, installation of a DCA/Landmark approval retractable awning;

**Whereas**, Amy Ma, agreed to serve as the "point person" and provide her cell number to the block association;

**Whereas**, the applicant agreed to remove the bike rack before the occurrence of the NYC City Council hearing on this application;

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **DENIAL** of this **NEW** application for revocable consent to operate an unenclosed sidewalk café for **Innovation Kitchens LLC, d/b/a Dominique Ansel Kitchen, 137 Seventh Avenue South, with 5 tables & 26 chairs (726-2015-ASWC)** **UNLESS** 1) the bike rack is removed before the occurrence of the NYC Council Hearing on this application; 2) the café closes at 7 p.m.; and, 3) the applicant submits to DCA a new architectural plan as reflected above;

**THEREFORE BE IT FURTHER RESOLVED**, that Community Board2, Manhattan requests from DCA a clarification as to whether benches are permitted in café configurations.

**VOTE: Approved, with 35 Board Members in favor  
2 Opposed (E. Young and S. Tyree)**

**FYI Renewals:**

**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,

- Fiddelsticks, LLC , 54 Greenwich Ave. with 16 tables & 29 chairs (1133898-DCA);
- Zonor Rest. Corp. d/b/a Riveria Café, 225 W. 4<sup>th</sup> St. with 27 tables & 60 chairs (0922650-DCA);
- Cobra Caterers, Inc. d/b.a Dublin 6/Topsy, 575 Hudson St. with 7 tables & 25 chairs (1135398-DCA);
- Zucca Trattoria, Inc., d/b/a Zucca Trattoria, 95-7<sup>th</sup> Ave. Sth. With 12 tables & 32 chairs (enclosed) (32219701-DCA);
- 31 Great Jones Restaurant Corp. d/b/a Vics, 31 Great Jones Street, New York, N.Y. 10012 with 7 tables and 14 chairs (1034252-DCA);
- All are of the above are unenclosed sidewalk café applications unless otherwise stated.

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

**VOTE: Unanimous, with 37 Board Members in favor.**

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

Sincerely,



Tobi Bergman, Chair  
Community Board #2, Manhattan



Maria Passannante-Derr, Chair  
Sidewalks & Public Access Committee  
Community Board #2, Manhattan

TB/EM

- c:
- Hon. Jerrold L. Nadler, Congressman
  - Hon. Nydia Velázquez, Congresswoman
  - Hon. Brad Hoylman, NY State Senator
  - Hon. Daniel L. Squadron, NY State Senator
  - Hon. Sheldon Silver, Assembly Speaker
  - 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