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COMMUNITY BOARD NO. 2, MANHATTAN

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

March 20, 2015

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

Dear Commissioner Menin:

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

1. **New App. to Department of Consumer Affairs for Newsstand at:**
North West Corner of Washington St. & Little West 12th St. (in front of 848 Washington St.)
(1852-2015- ANWS) **Withdrawn**
2. **New App. for revocable consent to operate an unenclosed sidewalk café for:**

Buona Notte, Inc., 120 Mulberry St., with 6 tables & 12 chairs (1698-2015-ASWC)

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by its representative, Michael Kelly;

Whereas, this café has been operating at this located for more than twelve years with the DCA regulated hours of operation; the principals remain the same; and, the sidewalk café configuration, with 18" x 18" tables, remains the same;

Whereas, this is a new application because the consent to operate the café had expired;

Whereas, DCA directed the removal of the concrete platform in the summer of 2014;

Whereas, applicant removed the platform in the fall of 2014 after its consent had expired;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **APPROVAL** of NEW APPLICATION for revocable consent to operate an unenclosed

sidewalk café for: **Buona Notte, Inc., 120 Mulberry St., with 6 tables & 12 chairs (1698-2015-ASWC).**

VOTE: Passed, Unanimous with 38 Board Members in favor.

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

E2 185 Bleecker LLC., 185 Bleecker St., (NE corner of Bleecker & MacDougal Sts.,) with 4 tables & 8 chairs (1857-2015-ASWC), INCORRECTLY stated as 5 tables & 10 chairs;

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by its representative, Jim Haber;

Whereas, this is a new owner, at a location (formerly known as Ciao) where the priori owners, operated a sidewalk café for more than eight years with the DCA regulated hours of operation;

Whereas, the plans show 4 tables and 8 seats, a significant reduction in tables from that of the former café operator who had 11 tables and 22 chairs;

Whereas, the hours of operation in the sidewalk café are the DCA regulated hours of operation;

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: **E2 185 Bleecker LLC., 185 Bleecker St., (NE corner of Bleecker & MacDougal Sts.,) with 4 tables & 8 chairs (1857-2015-ASWC), INCORRECTLY stated as 5 tables & 10 chairs;**

VOTE: Passed, Unanimous with 38 Board Members in favor.

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

Italian Wine Company, LLC, d/b/a Anima, 38 8th Avenue, (bet 12th & Jane Sts.) with 7 tables & 14 chairs (1765-2015-ASWC), INCORRECTLY stated as 14 tables & 7 chairs;

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by its representative, Ron Levine;

Whereas, this is a new application because the consent to operate the café expired;

Whereas, there has been a café (with tables on W. 4th St. only) with the same operator, approved by CB2, at this location, for more than five years with DCA regulated hours of operation and with no quality of life issues;

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: **Italian Wine Company, LLC d/b/a Anima, 38 8th Avenue, with 7 tables and 14 chairs (1765-2015-ASWC), INCORRECTLY stated as 14 tables & 7 chairs;**

VOTE: Passed, Unanimous with 38 Board Members in favor.

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

Happy Cooking Bistro LLC, 322 Spring St., (corner of Greenwich St.) with 10 tables & 24 chairs (2297-2015-ASWC);

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by its representative, Michael Kelly;

Whereas, this is a new owner, at a location, formerly known as Pao, since on or about 1997; with the DCA regulated hours of operation;

Whereas, this application is a significant reduction in tables from that of the former café operator who operated a café with 16 tables and 32 chairs;

Whereas, there are no tables on Greenwich Street; and,

Whereas, the applicant agreed to maintain the DCA regulated/Landmarks approved retractable awning and remove the bench on Greenwich Street as well as the cement planters on Spring Street;

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: **Happy Cooking Bistro LLC, 322 Spring St., (corner of Greenwich St.) with 10 tables & 24 chairs (2297-2015-ASWC);**

VOTE: Passed, Unanimous with 38 Board Members in favor.

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

Yerina Restaurant Corp. d/b/a Arte Restaurant, 21 E 9th St., (bet. Univeristy Pl. & Fifth Ave.) with 3 tables & 8 chairs (2306-2015-ASWC);

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by its representative, Michael Kelly;

Whereas, this restaurant has operated for more than 19 years at this location by the same owner/principal;

Whereas, the zoning designation at this location changes from C-1 to R-7 somewhere along the westerly property line; but the City zoning maps are inconclusive as to exactly where the change occurs;

Whereas, the street light placement results in a clearance issue for the front row of tables;

Whereas, the applicant has agreed to 1) eliminate the front row tables and to a reduction to 3 tables and 8 chairs; 2) submit a modified plan to DCA reflecting the new configuration as

stated above; 3) maintain the retractable awning; and, 4) operate pursuant to the DCA regulated hours of operation;

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: **Yerina Restaurant Corp. d/b/a Arte Restaurant, 21 E 9th St., (bet. University Pl. & Fifth Ave.) with 5 tables & 10 chairs (2306-2015-ASWC); and,**

FURTHER, BE IT RESOLVED, that Community Board requests that DCA verify the zoning boundaries at 21 East 9th Street.

VOTE: Passed, Unanimous with 38 Board Members in favor.

7. New App. for revocable consent to operate an enclosed café for:

Starbucks Corporation d/b/a Starbucks Coffee Company, 454 Lafayette St. with 25 tables & 77 chairs (0924582-DCA)

Whereas, the area was posted, community groups notified and there were no community members present regarding this application; however, the applicant was not present;

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this NEW application for revocable consent to operate an ENCLOSED sidewalk café for **Starbucks Corporation d/b/a Starbucks Coffee Company, 454 Lafayette St. with 25 & 77 chairs (0924582-DCA).**

VOTE: Denied, Unanimous with 38 Board Members opposed.

8. New App. for revocable consent to operate an enclosed café for:

Duet NY, LLC d/b./a Duet Brasserie, 74 Seventh Ave. Sth. a/k/a 37 Barrow St., with 13 tables & 42 chairs (2015267-DCA)

Whereas, the area was posted, community groups notified and there were no community members were present regarding this application and applicant appeared by principal, Natalia Batash and its attorney Constantine Frangopoulos;

Whereas, this is new owner at this location where there has existed an enclosed sidewalk café since the 1980's (most recently Lemongrass Grill & Cento);

Whereas, this applicant agrees to remove all the planters along the outside of the café for greater pedestrian access;

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this NEW application for revocable consent to operate an enclosed sidewalk café for **Duet NY, LLC d/b/a Duet Brasserie, 74 Seventh Avenue Sth. a/k/a 37 Barrow St., with 13 tables & 42 chairs (2015267-DCA) CONDITIONED UPON** the removal of all of the planters along the outside of the café.

VOTE: Passed, Unanimous with 38 Board Members in favor.

FYI Renewals:

9. Renewal Application For Sidewalk Café (Enclosed):

Sangre Rest. Inc., d/b/a Tio Pepe, 168 W.4th St., with 8 tables & 16 chairs (0693313-DCA);

Whereas, this renewal was posted on the CB2 renewal calendar and no community member requested that this application be heard before the committee; however, one committee member Rocio Sanz, recused herself, as she is a principal of Sange Rest. Inc., resulting in other than a “unanimous” vote;

Whereas, this applicant has operated this enclosed café for more than 20 years with no issues;

THEREFORE BE IT RESOLVED, that Community Board 2, Manhattan recommends **APPROVAL** of this RENEWAL application for **Sangre Rest. Inc., d/b/a Tio Pepe, 168 W.4th St., with 8 tables & 16 chairs (0693313-DCA);**

VOTE: Passed, Unanimous with 38 Board Members in favor.

10. Renewal Applications For Sidewalk Cafes (Unenclosed):

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.

- Maneken Corp., d/b/a Petite Abeille, 466 Hudson St., with 6 tables & 12 chairs (0979768-DCA) (unenclosed)
- Mulberry Street Bar LLC, d/b/a Mulberry Street Bar, 176 ½ Mulberry St., with 4 tables & 16 chairs (1164852-DCA) (unenclosed)
- 316 Bowery LLC, 316 Bowery, with 17 tables & 34 chairs (1281748-DCA) (unenclosed)
- West 12th Street Restaurant Group LL C, d/b/a Wall Flower, 235 W. 12th St., with 2 tables & 4 chairs (2000382-DCA) (unenclosed)
- Four Green Fields LLC, 140 7th Ave. S., with 19 tables & 38 chairs (1220688-DCA) (unenclosed)
- 643 Hudson LLC, d/b/a Fatty Crab, 643 Hudson St., with 6 tables & 12 chairs (1230448-DCA) (unenclosed)

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: Passed, Unanimous with 38 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