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COMMUNITY BOARD NO. 2, MANHATTAN

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

December 20, 2013

Jonathan Mintz, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Mintz:

At its Full Board meeting on December 19, 2013, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

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

1. Le Basket Inc., 683 Broadway, with 10 tables & 20 chairs, DCA # 1334388

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this café has been operated for several years by this applicant with some issues including the café using more than half of the sidewalk and unacceptable control of trash in the cafe, and

Whereas, according to SLA records this establishment has a restaurant wine license but has never had wait service to the café in violation of NYC Sidewalk Café rules, and

Whereas, Mr. Kelly committed to discussing the addition of wait service with the applicant, but the committee sees no evidence this business, which is a take-out only deli has any intention to provide it, and

Whereas, a representative from a coop building across Broadway was present to state that the coop Board unanimously voted to oppose renewal of the café due to noise and the lax management of it,

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 **Le Basket Inc., 683 Broadway, with 10 tables & 20 chairs, DCA # 1334388**

UNLESS the applicant provides evidence that there is wait service to the café at all times

VOTE: Unanimous, with 36 Board members in favor.

2. I Malatesta Tratorria Inc., 649 Washington St., with 18 tables & 35 chairs, DCA# 1076713

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant was present, and

Whereas, this café has been operated for several years by this applicant with few known issues but the property is in an R6 zone with no commercial overlay so a café should never have been approved here, and

Whereas, the applicant was sent a letter by DCA in April 2013 detailing the issue with the zoning and allowing the applicant 100 days to show evidence that a change in zoning had been requested of the Dept. of City Planning, and

Whereas, the committee understands the applicant has filed for a rezoning with DCP and that rezoning is in process with, and sponsored by, DCP which would add a C1-5 commercial overlay to this block of Christopher St. which would include this location, and

Whereas, CB2 has not received notification from City Planning of a pending application for a zoning change,

Whereas, a resident of this block of Washington St. came to support renewal of the café as it serves admirably to add “eyes on the street” to a corner that sees substantial loitering from traffic to and from the Christopher St Pier,

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 **I Malatesta Tratorria Inc., 649 Washington St., with 18 tables & 35 chairs, DCA# 1076713**

UNLESS AND UNTIL the property is ultimately included in a rezoning from R6 as noted in Whereas 4

VOTE: Unanimous, with 36 Board members in favor.

3. Spasso, 551 Hudson St., with 11 tables & 22 chairs, DCA# 1382844

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant’s representative, Michael Kelly, was present, and

Whereas, this café has been operated for 2 years by this applicant with some ongoing issues with seating not being set up as approved, and

Whereas, in particular the applicant has used the space furthest west on Perry St not for a table and 2 chairs as shown on the approved plan, but for an illegal service station, and has continued to do so after 2 requests to restaurant managers by the committee chair to have it removed, and

Whereas, as the applicant seems to have no interest in having seating in that space, and since that seating is being illegally moved further east with the rest of the seating on Perry St often leaving just 5-6’ of clear pedestrian path, the committee requests that seating be removed from the approved plan,

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 **Spasso, 551 Hudson St., with 11 tables & 22 chairs, DCA# 1382844**

UNLESS a new plan is filed with DCA removing the most westerly table and 2 chairs on Perry St. from the approved seating as noted in Whereas 4, leaving 10 tables & 20 seats

VOTE: Unanimous, with 36 Board members in favor.

4. P.M.W., Inc., 62 Spring St., with 7 tables & 27 chairs, DCA# 1193198

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant and his attorney, Christopher Wright, were present, and

Whereas, this café has been operated for several years by this applicant with few known issues other than illegal planters which still remain on the sidewalk, but the cafe is in an M1-5B zone south of Houston St where cafes are not permitted, and

Whereas, the applicant was sent a letter by DCA in April 2013 detailing the issue with the zoning and allowing the applicant 100 days to show evidence that a change in zoning had been requested of the Dept. of City Planning, and

Whereas, the applicant's attorney provided the committee with a letter sent to DCA in June 2013 challenging this interpretation of the law and contending that under another portion of the code small sidewalk cafes were allowed on this part of Lafayette St (where the café is actually located), and

Whereas, the committee's understanding of that provision is that these locations allow small sidewalk cafes but only "subject to the underlying zoning" which the attorney failed to note in his letter to DCA, and

Whereas, CB2 has asked for clarification from DCA but has received no indication that the original interpretation of the law is being reconsidered,

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 **P.M.W., Inc., 62 Spring St., with 7 tables & 27 chairs, DCA# 1193198**

UNLESS the applicant can resolve with DCA and/or DCP the eligibility of a sidewalk café under the location's current zoning

VOTE: Unanimous, with 36 Board members in favor.

5. 567 Hudson Street, Inc., d/b/a White Horse Tavern, 567 Hudson St, with 24 tables & 48 chairs, DCA# 0769952

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and neither the applicant nor a representative, were present, and

Whereas, this café has been operated for several years by this applicant with continuing issues with the unapproved use of picnic tables which are never removed from the sidewalk when the café is closed, and

Whereas, as the committee pointed out 2 years ago, there is still a discrepancy between the amount of seating shown on the approved plan (from 2005) which shows 64 seats and the consent documentation which lists it as 48 seats and once again requests DCA resolve the issue, and

Whereas, in addition to the use of picnic tables that are not removed from the sidewalk when the café is closed, the applicant also has umbrellas with beer branding on them which is not permitted, and

Whereas, appearance before the community board is an integral part of the sidewalk café approval process, and the applicant neither appeared nor notified the CB2 office of their inability to do so, this revocable consent should not be renewed unless the applicant complies with this portion of the process,

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 **567 Hudson Street, Inc., d/b/a White Horse Tavern, 567 Hudson St, with 24 tables & 48 chairs, DCA# 0769952**

VOTE: Unanimous, with 36 Board members in favor.

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

6. SLJ Bar, LLC, d/b/a Bar Nana, 63 Gansevoort St, with 14 tables & 29 chairs, DCA# 1800-2013-ASWC

Block:644 Lot:43

Year Built:1908

Residential Units:0 Total # of Units:6

Lot Frontage:104' Lot Depth:158

Number of Buildings:3; Number of Floors:6

Zoning:M1-5

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant, David Rabin, was present, and

Whereas, this café is proposed for a sidewalk of 18'6" width which has no legal obstruction other than a MUNI Meter just beyond the east end to further limit the depth of the café , and

Whereas, the committee as usual requested the café seating be altered to have all 4-seat tables moved against the façade to control noise and the applicant committed to making this change, and

Whereas, the move of the 2-seat tables to the outer perimeter results in the removal of the eastern-most outer 2-top table, and this the applicant agreed to, and

Whereas, the committee was primarily concerned that this business is, in the applicant's own words, "not a restaurant but a lounge" with very little food service, and despite the applicant's assertions may ultimately become nothing more a 'bar on the street', and

Whereas, the applicant offered to close the sidewalk café an hour earlier than allowed by DCA – 11pm Mon-Thur, midnight Fri-Sat, and while DCA will not currently enforce these reduced hours, we encourage the applicants to honor this commitment in any case,

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 **SLJ Bar, LLC, d/b/a Bar Nana, 63 Gansevoort St, with 14 tables & 29 chairs, DCA# 1800-2013-ASWC**

UNLESS the applicant providing DCA with a new plan placing all 4-seat tables against the façade and removing the eastern-most outer table & 2 chairs thereby reducing the total seating to 13 tables & 27 seats

VOTE: Unanimous, with 36 Board members in favor.

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,

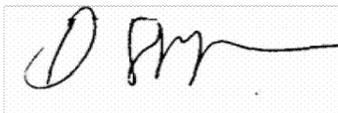
- Spunto, 65 Carmine St. (unenclosed), with 14 tables & 28 chairs, DCA # 1325458
- Café Gitane, 242 Mott St. (unenclosed), with 4 tables & 8 chairs, DCA #1011960
- Café Reggio, 119 MacDougal St.(unenclosed), with 4 tables and 8 chairs, DCA# 0782318
- NoHo Star, Inc. d/b/a NoHo Star, 330 Lafayette St. (unenclosed), with 16 tables & 32 chairs, DCA# 0931822
- 110 Varick St. Corp., d/b/a Amelia's Restaurant Coffee Shop, 110 Varick St, with 12 tables & 24 chairs, DCA# 1312498
- Cornelia Street Café Inc, Cornelia Street Café, 29 Cornelia St, with 6 tables & 14 chairs, DCA# 0786740

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of the RENEWAL applications for revocable consent to operate the indicated sidewalk cafés for the above applicants

VOTE: Unanimous, with 36 Board members in favor.

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

Sincerely,



David Gruber, Chair
Community Board #2, Manhattan



Maury Schott, Chair
Sidewalks & Public Access Committee
Community Board #2, Manhattan

DG/ch

c: Hon. Jerrold L. Nadler, Congressman
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. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Pauline Yu, Community Assistance Unit

