



COMMUNITY BOARD NO. 2, MANHATTAN

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

June 22, 2012

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

Dear Commissioner Mintz:

At its Full Board Committee meeting on June 21, 2012, Community Board #2, Manhattan adopted the following resolution:

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

1. Cosi, Inc., 841 Broadway (NW corner E. 13 St), with 14 tables & 36 seats, DCA# 1027305

Block:565 Lot:15

Year Built:1900

Residential Units:0 Total # of Units:180

Lot Frontage:219' Lot Depth:124

Number of Buildings:2; Number of Floors:21

Zoning:C6-1C6-4

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's manager was present, and

Whereas, this café has been operated for approximately four years by this applicant with few known issues other than consistent changes in the seating layout with tables/chairs which should be on E. 13 St being placed on Broadway, and

Whereas, the committee noted the plan, which was originally submitted in 2000, does not accurately show the location of the restaurant entrance on Broadway and does not show at all an entrance on E. 13 St, and

Whereas, the applicant uses less than half of the length of the approved café on the E. 13 St side, and

Whereas, as the applicant should be required to produce an updated print that reflects both the correct location of the restaurant entrances and the seating as used in daily operation,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **Cosi, Inc., 841 Broadway (NW corner E. 13 St), with 14 tables & 36 seats, DCA# 1027305**

CONDITIONAL UPON the applicant providing to DCA an updated plan correctly reflecting the establishment entrances and the more limited café footprint being used in the operation

VOTE: Unanimous, with 39 Board members in favor.

2. 1 Perry St. Restaurant, Inc., 57 Greenwich Ave. (NW corner Perry St), with 4 tables & 16 seats, DCA# 1360787

Block:613 Lot:61

Year Built:1901(estimated)

Residential Units:5 Total # of Units:6

Landmark Building: Yes

Lot Frontage:29.08' Lot Depth:70

Number of Buildings:1; Number of Floors:4

Zoning:C2-6

Historic District: Greenwich Village

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 approximately two years by this applicant with few known issues other than issues with the approved seating numbers and the lack of an opening in the awning for the fire escape drop ladder clearance, and

Whereas, the committee noted the plan, which was originally submitted in 2010, places one of the tables directly under the fire escape drop ladder and Mr. Kelly submitted an updated plan from 2010 that appeared to have been filed with DCA after the committee's initial hearing in 2010 which reduced the seating to 4 tables and 14 seats, and

Whereas, with this renewal Mr. Kelly submitted a plan which further reduces the seating to 4 tables and 12 seats by using a 2-seat table at the west end of the café instead of a 4-seat table in order to provide clearance for the drop ladder, and

Whereas, there is currently substantial confusion between the committee, the Council, DCA, DoB and FDNY on what clearance is required for fire escape drop ladders relative to café furniture, and

Whereas, the committee noted that despite the updated print from 2010 showing just 14 seats, the applicant has consistently been seating 4 tables and 16 seats,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a RENEWAL App. for revocable consent to operate an Unenclosed sidewalk café for **1 Perry St. Restaurant, Inc., 57 Greenwich Ave. (NW corner Perry St), with 4 tables & 16 seats, DCA# 1360787**

UNLESS

- **the seating on file is reduced to 4 tables and 12 seats consistent with the new plan provided by Mr. Kelly**
- **Resolution is reached by the City Council on the needed drop ladder clearance which may require a further reduction in seating by removal of the 1 table and 2 chairs at the west end of the café**
- **The applicant provides the required 3' x 3' opening in the awning for the fire escape drop ladder**

VOTE: Unanimous, with 39 Board members in favor.

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

3. Toby's Public House II LLC, d/b/a Toby's Public House, 86 Kenmare Street, with 6 tables & 12 seats, DCA # 1431897

Block:481 Lot:32

Year Built:1900(estimated)

Residential Units:30 Total # of Units:32

Lot Frontage:100' Lot Depth:100.17

Number of Buildings:1; Number of Floors:6

Zoning:C6-1

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, a sidewalk café was previously operated at this location by a previous applicant for a short time with no known issues, and

Whereas, the café is located entirely on Kenmare St on a 18'6" sidewalk but the depth of the café is further restricted by a double phone booth and a street light on the Kenmare side of the corner with Mulberry St, and

Whereas, CB2-Manhattan had previously denied both an SLA on-premise and a beer and wine license request from this applicant and the Board has serious concerns about this applicant extending this operation onto the sidewalk, and

Whereas, the café also includes a service aisle from the establishment entrance around the corner on Mulberry St, and

Whereas, four residents of the area expressed concern over the addition of another café in an area that has experienced quality of life issues due to the large number of food/drink establishments in the area, and

Whereas, in discussion with the residents, Mr. Kelly committed to requesting the applicant to reduce the closing time of the café by 1 hour every night: 11pm, Sun–Thur and 12 midnight, Fri–Sat., and

Whereas, Mr. Kelly also committed to requesting the applicant to use either an installed awning or umbrellas over the seating to reduce any noise that might reach the residential windows above, and

Whereas, the committee reminds the applicant that the use of either an awning or umbrellas in the café means that smoking must be prohibited in the café, which will also remove that issue for the residents,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Toby’s Public House II LLC, d/b/a Toby’s Public House, 86 Kenmare Street, with 6 tables & 12 seats, DCA # 1431897**

UNLESS

- **the applicant closing the café 1 hour earlier than stated on the contract with DCA: 11pm, Sun–Thurs. and 12 midnight, Fri–Sat**
- **the applicant installing an awning over the café or using umbrellas to limit noise**
- **the application is called up by the City Council**

VOTE: Unanimous, with 39 Board members in favor.

4. Mappamondo, LLC d/b/a Mappamondo, 11 Abingdon Square, with 4 tables and 8 seats, DCA# 1426799

Block:624 Lot:30

Year Built:1920(estimated)

Residential Units:4 Total # of Units:5

Landmark Building: Yes

Lot Frontage:22.33' Lot Depth:40.75

Number of Buildings:1; Number of Floors:5

Zoning:C1-6

Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant, Gianni Romagnolo, and his architect, John Bedard, were present, and

Whereas, the committee received two emails from residents opposing this café due to the congested and busy nature of this location, including a bus stop and neighboring flower stand, and

Whereas, the café is located on a sidewalk which was originally just over 12 feet wide but is now just under 11’11” due to a metal façade that was added to the structure many years ago, and

Whereas, as the effective width of the sidewalk is less than **“a minimum 12 feet or wider on all sides where a sidewalk café is requested”** as noted in the DCA Sidewalk Café Regulations, the committee cannot approve this application for an unenclosed sidewalk café, and

Whereas, even if the sidewalk were deemed wide enough by DCA and the City Council, the seating to the right of the entrance would need to be reduced to provide clearance for the fire escape drop ladder which was missing from and would need to be added to the blueprint,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **Mappamondo, LLC d/b/a Mappamondo, 11 Abingdon Square, with 4 tables and 8 seats, DCA# 1426799**

Vote: Unanimous, with 39 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



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

BH/gh

c: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
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
Jessica Silver, Man. Boro. President's Office
Pauline Yu, Community Assistance Unit
Peter Janosik, Council, Land Use Division