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## COMMUNITY BOARD No. 2, MANHATTAN

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June 24, 2011

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

Dear Commissioner Mintz:

At its Full Board meeting on June 23, 2011, Community Board #2, Manhattan adopted the following resolution:

### **Renewal App. for revocable consent to operate an Enclosed sidewalk café for:**

- 74 Seventh LLC, d/b/a Centro Vinoteca, 74 Seventh Ave. South (SW corner of Barrow St.), with 13 tables & 42 seats, DCA# 1233131**

Block:587 Lot:56  
Year Built:1910(estimated)  
Residential Units:0 Total # of Units:1  
Landmark Building: Yes

Lot Frontage:56' Lot Depth:41  
Number of Floors:2  
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 was present, and

**Whereas**, this café has been operated by this applicant for several years with no known issues, and

**Whereas**, the committee asked that a planter with an evergreen which stands beyond the north corner of the café restricting the traffic flow between it and the street light pole at the corner be moved and the applicant agreed,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for **74 Seventh LLC, d/b/a Centro Vinoteca, 74 Seventh Ave. South (SW corner of Barrow St.), with 13 tables & 42 seats, DCA# 1233131**

**VOTE:** Unanimous, with 38 Board members in favor.

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

2. **T. Hospitality, Inc. d/b/a Sea, 835 Washington St. aka 39 Little West 12th St. (NE corner of Little W. 12<sup>th</sup> St.), with 29 tables & 58 seats, DCA# 1190801**

Block:645 Lot:62	Lot Frontage:25' Lot Depth:103.25
Year Built:1900	Number of Floors:2
Residential Units:0 Total # of Units:1	Zoning:M1-5
Landmark Building: Yes	Historic District: Gansevoort Market

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

**Whereas**, this café has been operated by this applicant for several years with no known issues,

**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 **T. Hospitality, Inc. d/b/a Sea, 835 Washington St. aka 39 Little West 12th St. (NE corner of Little W. 12<sup>th</sup> St.), with 29 tables & 58 seats, DCA# 1190801**

**VOTE:** Unanimous, with 38 Board members in favor.

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

3. **Two Bacalhaus Inc. d/b/a Pao, 322 Spring St. with 16 tables & 32 seats, DCA# 0957079 (addition)**

Block:595 Lot:73	Lot Frontage:18.75' Lot Depth:40.33
Year Built:1900(estimated)	Number of Floors:4
Residential Units:3 Total # of Units:4	Zoning:C6-2A

**Whereas**, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant was present, and

**Whereas**, this café has been operated by this applicant for several years with no known issues, and CB2 Board member and nearby resident David Reck verified the applicant has consistently been an excellent neighbor,

**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 **Two Bacalhaus Inc. d/b/a Pao, 322 Spring St. with 16 tables & 32 seats, DCA# 0957079**

**VOTE:** Unanimous, with 38 Board members in favor.

**Modification/Assignment of Consent for App. for revocable consent to operate an unenclosed sidewalk cafe for:**

4. **Akram Restaurant Management, Inc. d/b/a Da Gennaro, 129 Mulberry St. (NW corner of Hester St.), with 19 tables & 38 seats, DCA# 1249523**

Block:236 Lot:31	Lot Frontage:25' Lot Depth:60
Year Built:1900(estimated)	Number of Floors:5
Residential Units:8 Total # of Units:9	Zoning:C6-2G

**Whereas**, the area was posted, community groups notified and there was one community member present regarding this application, and the applicant and her representative, Michael Kelly, were present, and

**Whereas**, this application is for expansion of an existing café and the agenda for this meeting inaccurately listed the original 13 tables and 26 seats instead of the expanded 19 tables and 38 seats, and

**Whereas**, this café has been noted by several committee members who have documented this with photographs taken at multiple times to consistently violate its seating plan by extending tables to the corner of the building at Hester Street leaving as little as 3 or 4 feet of sidewalk between the tables and the corner streetlight pole, and

**Whereas**, the restaurant staff has no other way to serve those misplaced tables but use the remaining sidewalk, and

**Whereas**, there is almost always an additional staff member haranguing pedestrians to eat at the restaurant further blocking the corner and wait staff consistently using the public sidewalk all along the café to serve rather than restricting service to the designated service aisles, and

**Whereas**, the applicant claims that this is not happening when the committee clearly witnesses it happening on virtually a daily basis, and

**Whereas**, one member of the public spoke in favor of the restaurant with the argument that while the restaurant does do this they should not be penalized because other operators on Mulberry Street break the same rules, and

**Whereas**, DCA appears to be either incapable of or unwilling to bring this applicant into compliance, and

**Whereas**, the committee feels strongly that rewarding this applicant with additional tables and chairs without evidence of improvement in compliance by the applicant and her staff would be unacceptable,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan **STRONGLY** recommends **DENIAL** of this application for a **MODIFICATION/ASSIGNMENT OF CONSENT** App. for revocable consent to operate an Unenclosed sidewalk café for **Akram Restaurant Management, Inc. d/b/a Da Gennaro, 129 Mulberry St. (NW corner of Hester St.), with 19 tables & 38 seats, DCA# 1249523**

**VOTE:** Unanimous, with 38 Board members in favor.

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

5. **Super Noodle Inc. d/b/a Old Town Hot Pot, 70 7<sup>th</sup> Ave. South (NW corner of Commerce St), with 13 tables & 27 seats, DCA# 1391722**

Block:587 Lot:61	Lot Frontage:38.71' Lot Depth:28.56
Year Built:1950	Number of Floors:1
Residential Units:0 Total # of Units:1	Zoning:C2-6
Landmark Building: Yes	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 James Wang, was present, and

**Whereas**, the print supplied with the application was drawn with two major errors on it:

- two sidewalk grates were drawn 3 feet further out on the sidewalk than they are
- the side street sidewalk of Commerce Street was drawn 4 feet wider than it is which effectively shows more space on the corner than there is

both of which would allow a larger café than is legal, and

**Whereas**, the committee suggested the plan might be brought into compliance with the loss of only 1 table and 3 seats, or 2 tables and 5 seats depending on new measurements, by angling both the north and south ends of the café more sharply than shown on the print,

**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 **Super Noodle Inc. d/b/a Old Town Hot Pot, 70 7<sup>th</sup> Ave. South (NW corner of Commerce St), with 13 tables & 27 seats, DCA# 1391722**

**UNLESS DCA ensures the applicant files a print for the café correcting the two issues noted above and reducing the café seating to either 12 tables and 24 seats or 11 tables and 22 seats depending on the measurements on the corrected print.**

**VOTE:** Unanimous, with 38 Board members in favor.

6. **St. Jude Enterprises, LLC d/b/a Benito One, 174 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1394721**

Block:471 Lot:34  
Year Built:1900(estimated)  
Residential Units:16 Total # of Units:17

Lot Frontage:26.08' Lot Depth:99.75  
Number of Floors:7  
Zoning:C6-2G

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

**Whereas**, this café has been operated by a previous applicant for several years with few known issues, and

**Whereas**, the applicant was reminded that the plan for the café was dependent on service taking place from the designated service aisle between the two tables and not from the public sidewalk at the end of the tables,

**THEREFORE BE IT RESOLVED** that Community Board 2 Manhattan recommends **APPROVAL** of this application for a NEW App. for revocable consent to operate an Unenclosed sidewalk café for **St. Jude Enterprises, LLC d/b/a Benito One, 174 Mulberry St. (btw Grand St & Broome St), with 4 tables & 8 seats, DCA# 1394721**

**VOTE:** Unanimous, with 38 Board members in favor

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

Sincerely,



Jo Hamilton, Chair  
Community Board #2, Manhattan



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

JH/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  
Lolita Jackson, Manhattan Director, CAU  
Peter Janosik, Council, Land Use Division  
Michael Ben-Asher, Dept. of Consumer Affairs  
Applicants