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COMMUNITY BOARD No. 2, MANHATTAN

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February 18, 2011

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

Dear Commissioner Mintz:

At its Full Board meeting on February 17, 2011, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

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

- PQ Union Square, Inc., d/b/a Le Pain Quotidien, 801 Broadway (NW corner of W 11 St), with 19 tables & 38 seats, DCA# 1380933**

Block:563 Lot:37 Lot Frontage:76.58' Lot Depth:221.75
Year Built:1930(estimated) Number of Floors:7
Residential Units:144 Total # of Units:152 Zoning:C6-1

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 applicant has operated sidewalk cafes at other locations with no known issues, and

Whereas, the applicant stated that the restaurant will close by 11:00pm 7 nights a week, and

Whereas, the applicant has agreed to the reduction of 1 table and 2 chairs at the east end of the café and the movement west of the east café railing to ensure a building Siamese connection will now be outside the café, and

Whereas, the applicant has agreed to the elimination of several round planters that were shown spaced along the periphery of the café, and

Whereas, while two members of the community expressed concern over the size of the café and congestion on the corner, the committee felt that traffic on the block was actually relatively minimal, the café will not be open late and the removal of the table and 2 chairs closest to the corner should minimize any crowding issues,

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 PQ Union Square, Inc., d/b/a Le Pain Quotidien, 801 Broadway (NW corner of W 11 St),

WITH THE REDUCED SIZE OF 18 tables & 36 seats, DCA# 1380933

VOTE: Unanimous, with 41 Board members in favor

2. L&D Hospitality Management, 5 King St, d/b/a The King (NE corner of 6th Ave)., with 29 tables & 59 seats, DCA# 1381424

Block:520 Lot:85	Lot Frontage:34.9' Lot Depth:72.75
Year Built:1925(estimated)	Number of Floors:5
Residential Units:22	Total # of Units:22 Zoning:R7-2, Commercial Overlay:C1-5
Landmark Building:Yes	Historic District:Charlton-King-Vandam

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicants and their representative, Steve Wygoda, were present, and

Whereas, the applicant has agreed to a reduction of 2 tables and 4 chairs at the north end of the café to provide more clearance between the café and one street light and 1 chair at the south end of the café with the south corner of the café angled further in toward the building to provide more clearance from a second street light, and

Whereas, the applicant has been advised that all furniture, umbrellas are to be cleared and bordering planters placed against the building when the café is not open, and

Whereas, while one resident of Houston St. contacted the committee to express concern over the location and size of the café, the committee felt the café was on a sidewalk with relatively light pedestrian traffic,

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 L&D Hospitality Management, 5 King St, d/b/a The King (NE corner of 6th Ave)., DCA# 1381424

WITH THE REDUCED SIZE OF 27 tables & 54 seats

VOTE: Unanimous, with 41 Board members in favor.

3. SBAFO N.Y.C., LLC d/b/a Lievito Pizzeria, 581 Hudson St (btw W 11 St & Bank St), with 9 tables & 20 seats, DCA# 1381707 (addition)

Block:634 Lot:60	Lot Frontage:50.08' Lot Depth:71.08
Year Built:1930	Number of Floors:5
Residential Units:22	Total # of Units:25 Zoning:C1-6
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 and his representative, Michael Kelly, were present, and

Whereas, the applicant has been advised that all furniture, umbrellas are to be cleared when the café is not open, and

Whereas, the committee noted that there might be issues of sufficient clearance for entry to the establishment between the northernmost table and the adjacent sidewalk café, but that the spacing between the sidewalk café tables appeared to be sufficient to allow that table and 2 chairs to be shifted slightly south, and

Whereas, the committee noted that both a menu podium and sandwich board sign that have often been as much as 7 or 8 ft out into the sidewalk, and reminded the applicant that they must be up against the building or within the sidewalk café when it is operating and he committed to assure compliance,

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 SBAFO N.Y.C., LLC d/b/a Lievito Pizzeria, 581 Hudson St (btw W 11 St & Bank St), with 9 tables & 20 seats, DCA# 1381707

VOTE: Unanimous, with 41 Board members in favor.

4. Garden Cafe Associates, LLC d/b/a B Bar & Grill, 40 East 4th St (btw Bowery & Lafayette St)., with 14 tables & 28 seats, DCA# 1381793 (addition)

Block:531 Lot:37 Lot Frontage:81.5' Lot Depth:101.17
Year Built:1915 Number of Buildings:2, Number of Floors:1
Residential Units:0 Total # of Units:1 Zoning:M1-5B

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant 's representatives, Courtney Garron and David Latrielle were present, and

Whereas, this applicant has operated this restaurant with a capacity of 299 and a garden with a capacity of 151 for approximately 15 years, and

Whereas, this establishment has throughout its history been a constant thorn in the side of its neighbors, with issues of substantial crowds, music and amplified sound from the garden area, issues of DoB compliance with both the garden wall and partial roof over the garden, large concrete planters in front of the main entrance severely impeding the E 4th St sidewalk and still unresolved illegal signage fines of over \$90,000 relating to a painted billboard advertising the restaurant, and

Whereas, a nearby residential building replaced all the windows in the first 4 floors of the building to deal with the noise issues from the establishment, and

Whereas, the establishment's management has consistently done little to address noise and crowding issues when they've been brought to their attention, and

Whereas, the proposed sidewalk café would entail creating two openings in the garden wall, which would serve to exacerbate noise levels from the garden, and

Whereas, there appears to be a Stop Work order currently in effect on the wall alterations and it appears the wall was illegally constructed in the first place, and

Whereas, while the applicants stated the proposed sidewalk café was part of an intent to shift the focus of the business from more of a bar to more of a restaurant, they appeared unwilling to rule out any of the current 'bar' activities, including a long-running Tuesday night party,

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 Garden Cafe Associates, LLC d/b/a B Bar & Grill, 40 East 4th St (btw Bowery & Lafayette St)., with 14 tables & 28 seats, DCA# 1381793

UNLESS the café is governed by a Change Order, negotiated with community representatives and referred to the City Council for oversight

VOTE: Unanimous, with 41 Board members in favor.

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

5. **Zonor Rest Corp. d/b/a Riviera Café, 225 W. 4th St. (btw 7th Ave S & W 10th St) with 17 tables & 36 seats, DCA# 0629616**

Block:610 Lot:9 Lot Frontage:90.25' Lot Depth:64.17
Year Built:1910 Number of Buildings:3, Number of Floors:4
Residential Units:12 Total # of Units:16 Zoning:C4-5
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 was present, and

Whereas, this enclosed 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 Enclosed sidewalk café for Zonor Rest Corp. d/b/a Riviera Café, 225 W. 4th St. (at 7th Ave S), with 17 tables & 36 seats, DCA# 0629616

VOTE: Unanimous, with 41 Board members in favor.

Red Bamboo on 7th Ave. Inc. d/b/a Soy & Sake Village Vegetarian Café, 47-49 7th Avenue So. (NE corner of Morton St), with 21 tables & 52 seats, DCA# 1301309

Block:587 Lot:7502 Lot Frontage:57.7' Lot Depth:54.76
Year Built:1925 Number of Floors:5
Residential Units:5 Total # of Units:7 Zoning:C2-6

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

Whereas, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends DENIAL of this application for a RENEWAL App. for revocable consent to operate an Enclosed sidewalk café for Red Bamboo on 7th Ave. Inc. d/b/a Soy & Sake Village Vegetarian Café, 47-49 7th Avenue So. (NE corner of Morton St), with 21 tables & 52 seats, DCA# 1301309

UNLESS the applicant appears before this committee as required

VOTE: Unanimous, with 41 Board members in favor.

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

6. **Maneken Corp. d/b/a Petite Abeille, 466 Hudson St. (btw Barrow St & Grove St), with 6 tables & 11 seats, DCA# 0979768**

Block:585 Lot:1 Lot Frontage:146.92' Lot Depth:189.08
Year Built:1900(estimated) Number of Buildings:2, Number of Floors:6
Residential Units:133 Total # of Units:137 Zoning:C1-6R6
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 was present, and

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

Whereas, the committee noted that a sandwich board sign and sometimes a 2nd sign have been placed well out on the sidewalk and the applicant assured they would be kept up against the building,

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 Maneken Corp. d/b/a Petite Abeille, 466 Hudson St. (btw Barrow St & Grove St), with 6 tables & 11 seats, DCA# 09797

VOTE: Unanimous, with 41 Board members in favor.

7. Cobra Caterers, Inc. d/b/a Dublin 6/Topsy, 575 Hudson St. (btw W 11th St & Bank St), with 7 tables & 25 seats, DCA# 1135398

Block:634 Lot:63 Lot Frontage:43.58' Lot Depth:75.17
Year Built:1900(estimated) Number of Buildings:2, Number of Floors:4
Residential Units:7 Total # of Units:9 Zoning:C1-6
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 was present, and

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

Whereas, the committee noted that the railings of the café have often been left set up on the sidewalk when the café was not in operation and the applicant committed to removing them or moving them against the building,

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 Cobra Caterers, Inc. d/b/a Dublin 6/Topsy, 575 Hudson St. (btw W 11th St & Bank St), with 7 tables & 25 seats, DCA# 11353

VOTE: Unanimous, with 41 Board members in favor.

8. Zonor Rest. Corp. d/b/a Riviera Café, 225 W. 4th St. (btw 7th Ave S & W 10th St), with 27 tables & 60 seats, DCA# 0922650

Block:610 Lot:9 Lot Frontage:90.25' Lot Depth:64.17
Year Built:1910 Number of Buildings:3, Number of Floors:4
Residential Units:12 Total # of Units:16 Zoning:C4-5
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 was present, and

Whereas, this unenclosed 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 Zonor Rest. Corp. d/b/a Riviera Café, 225 W. 4th St. (btw 7th Ave S & W 10th St), with 27 tables & 60 seats, DCA# 0922650

VOTE: Unanimous, with 41 Board members in favor

9. 174 Grand St. d/b/a Onieals, 174 Grand St. (NE corner of Centre Market St) with 7 tables & 14 seats, DCA# 1218544

Block:471 Lot:28 Lot Frontage:24.75' Lot Depth:72.33
Year Built:1910(estimated) Number of Floors:4
Residential Units:6 Total # of Units: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 unenclosed 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 174 Grand St. d/b/a Onieals, 174 Grand St. (NE corner of Centre Market St) with 7 tables & 14 seats, DCA# 1218544

VOTE: Unanimous, with 41 Board members in favor.

10. 114 Kenmare Associates, LLC, d/b/a La Esquina, 114 Kenmare St (btw Lafayette St & Centre St), with 8 tables & 26 seats, DCA # 1227042 (addition)

Block:482 Lot:7501 Lot Frontage:149.5' Lot Depth:100.42
Year Built:1900 Number of Floors:7
Residential Units:0 Total # of Units:25 Zoning:C6-2

Whereas, the area was posted, community groups notified and there were community members present regarding this application, and the applicant's representatives, Ricardo Morgan and Arthur Goldstein, were present, and

Whereas, numerous additional comments were received by the committee in opposition to the renewal of this sidewalk café while no direct comments were received in favor, and

Whereas, the applicant presented a petition with approximately 600 signatures requesting the applicant be allowed to return to regular sidewalk café hours, although the committee noted that many of the addresses listed were not in the immediate vicinity of the establishment, and

Whereas, the confluence of streets immediately adjacent to Petrosino Park have become a 'ground zero' of sorts for a particularly rowdy brand of nightlife participants, much of it in great part initiated by this applicant who began violating their sidewalk café permit almost immediately after receiving it by hosting street parties around sports events with outdoor speakers and televisions, and

Whereas, most known violations of the sidewalk café permit appear to have been corrected, the applicant appears to have consistently addressed issues only to ensure renewal of the café permit or by force of agreement with the City Council under whose restrictions of nine (9) items it has been operating since its last sidewalk café renewal in 2009, and

Whereas, NYPD enforcement of nightlife issues remains virtually non-existent and there has been no other solution offered by the applicant to this location's nightlife issues, the committee feels the best path is to either eliminate the sidewalk café altogether or continue the existing 9-point agreement with the City Council from 2009 as noted below including all patrons being out of the sidewalk café by the closing times noted in items 2 & 3,

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 **114 Kenmare Associates, LLC, d/b/a La Esquina, 114 Kenmare St (btw Lafayette St & Centre St), with 8 tables & 26 seats, DCA # 1227042**

UNLESS the applicant continues to operate under the 9 points agreed to with the City Council in 2009:

1. **The outdoor seating will remain at 26, down from its original 36**
2. **The sidewalk café will close at 11:00 pm on Friday and Saturday**
3. **The sidewalk café will close at 9:30 pm Sunday – Thursday except when the next day is a national holiday whereby it will stay open until 11:00 pm**
4. **Takeout window will close at 9:30 pm seven days a week**
5. **There will be 2 security guards on duty until the sidewalk café closes. One will be indoors and the other outdoors.**
6. **Training will take place for the security team as well as for the general staff with the focus on outdoor activity**
7. **Windows will be closed**
8. **Will ensure patron queuing system can move people off the street where possible**
9. **Meet with neighbors on a monthly basis if there are issues**

AND as requested by the office of Councilmember Margaret Chin, DCA incorporates all of the above stipulations into the renewal of this revocable consent for an Unenclosed sidewalk cafe

VOTE: Unanimous, with 41 Board members in favor.

11. Hudson Falafel, Inc., d/b/a Hudson Falafel Restaurant, 516 Hudson St. (btw Christopher St & W 10 St), with 8 tables & 15 seats, DCA # 1219470 (addition)

Block:619 Lot:7	Lot Frontage:47.25' Lot Depth:70
Year Built:1905	Number of Buildings:2, Number of Floors:4
Residential Units:15	Total # of Units:17 Zoning: C1-6 R-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 was NOT present, and

Whereas, the applicant is required to appear before this committee as a condition for renewal of this renewal application,

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 Hudson Falafel, Inc., d/b/a Hudson Falafel Restaurant, 516 Hudson St. (btw Christopher St & W 10 St), with 8 tables & 15 seats, DCA # 1219470

UNLESS the applicant appears before this committee as required

VOTE: Unanimous, with 41 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
Applicant