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COMMUNITY BOARD NO. 2, MANHATTAN

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

January 25, 2019

Lorelei Salas, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Salas:

At its Full Board meeting on January 24, 2019 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

New application for revocable consent to operate an unenclosed sidewalk café for:

1. Hudson & Charles Dinette, Inc., d/b/a Hudson & Charles Dinette, 522 Hudson St. between West 10th and Charles Sts. with 8 tables & 18 chairs (18049- 2018-ASWC)

Whereas, this establishment, a farm to table casual American restaurant, is located in a mixed-use residential/commercial building and the previous operator operated a sidewalk café at this location; and

Whereas, the CB2 SLA committee recommended approval for an on-premises liquor license in September 2018 for this establishment at which time the applicant stipulated that the sidewalk café would not operate past 11 PM, 7 days a week; and

Whereas, the applicant stated that the café would be open for lunch and dinner; and

Whereas, the applicant will offer full service waitstaff who will deliver all food and drink to patrons at their seats; and

Whereas, the applicant confirmed that all tables and chairs would be stored within the restaurant overnight and that, off-season, the café would be stored off-premises; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Hudson & Charles Dinette, Inc., d/b/a Hudson & Charles Dinette, 522 Hudson St. with 8 tables & 18 chairs (18049- 2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Passed, with 41 Board Members in favor.

1 Board Member in abstention. (R. Kessler)

Renewal applications for revocable consent to operate an unenclosed sidewalk café for:

2. BL 30 Carmine NY, LLC., d/b/a Bluestone Lane, 30 Carmine St. between Bleecker and Bedford Sts. with 6 tables & 12 chairs (2038460-DCA)

Whereas, this applicant was granted revocable consent to operate this sidewalk café in May of 2016 and has a restaurant wine license and is located in a mixed-use residential/commercial building; and

Whereas, the applicant has received numerous complaints concerning the sprawl of this sidewalk café which frequently occupies 2/3rds of the public sidewalk at this location, which forces pedestrians to navigate around the tables and chairs, which are not contained by a railing, and often forcing passerby to walk into the bike lane running along the south side of Carmine Street; and

Whereas, most recently the operator installed a large storm enclosure, which is more than four times the size allowed by City regulation, and is operating a sidewalk café completely within the storm enclosure; and

Whereas, this unlawful storm enclosure and the operation of the sidewalk café within it were reported to the Department of Consumer Affairs (DCA) in December 2018, at which time it was discovered that the operator had not renewed their sidewalk café permit and therefore the café was not operating legally and the operator was fined; and

Whereas, because DCA found the café operating without a permit it did not address the fact that the operator had installed an illegal storm enclosure and was constructively operating an unlawful enclosed sidewalk café; and

Whereas, the committee received 3 letters from area residents speaking to the continued unlawful operation of this enclosed sidewalk café and to the sprawl that occurs during other times of the year from the sidewalk cafe; and

Whereas, a neighboring senior resident appeared at the committee meeting to express her serious concern about not being able to safely use the sidewalk in front of this establishment and of the continued use of the storm enclosure as an enclosed sidewalk café that uses more than ½ of the sidewalk at issue and is further impeded by a sandwich board which is placed adjacent to the storm enclosure; and

Whereas, an attorney for the operator appeared and expressed ignorance that any of these issues were occurring and that he would address them with the manager of this location despite the fact that the district manager of CB2 has twice visited the establishment to raise these concerns with the operator; and

Whereas, the other sidewalk cafés on this block of Carmine Street operate in full compliance with all sidewalk café rules and regulations and are welcomed by the neighbors; and

Whereas, CB2 is alarmed that these quasi-enclosed sidewalk cafes operating within oversized storm enclosures, if not regulated, will become rampant throughout CB2, and

Whereas, this operator has proven itself incapable of complying with the sidewalk café rules and regulations since May 2016 and unwilling to address the valid concerns of neighbors; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of the renewal application for revocable consent to operate an unenclosed sidewalk café **BL 30 Carmine NY, LLC., d/b/a Bluestone Lane, 30 Carmine St. with 6 tables & 12 chairs (2038460-DCA)**.

Vote: Passed, with 41 Board Members in favor.

1 Board Member in abstention. (R. Kessler)

3. Fiddlesticks, LLC, d/b/a Fiddlesticks, 54 Greenwich Ave. between Perry and Charles Sts. with 16 tables & 29 chairs (1133898-DCA)

Whereas, this establishment was first issued revocable consent to operate this sidewalk café in March of 1999 and has operated the café since that time; and

Whereas, while the sidewalk café has been generally well maintained, in recent years the original plan has not been strictly adhered to and some sidewalk sprawl has occurred; and

Whereas, the General Manager of this location appeared before the committee and was happy to see the original plans of the sidewalk café and said he would ensure that all parameters of the plan would be strictly enforced by him personally and communicated to all staff involved in the set-up of the cafe; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the application for revocable consent to operate an unenclosed sidewalk café for **Fiddlesticks, 54 Greenwich Ave. with 16 tables & 29 chairs (1133898-DCA)**, provided that the application conforms with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Passed, with 41 Board Members in favor.

1 Board Member in abstention. (R. Kessler)

FYI Sidewalk Café Renewals

1. Sengupta Good Services, LLC, d/b/a Soho Park, 62 Prince St. with 7 tables & 14 chairs (1277362-DCA)
2. Lignoranti, LLC, d/b/a Oficina Latina, 24 Prince St. with 2 tables & 4 chairs (1421348-DCA)
3. 161 Mulberry Restaurant, LLC, d/b/a Italian Food Center, 161 Mulberry St. with 20 tables & 42 chairs (1443292-DCA)
4. Josan & Josan, Inc, d/b/a Taco Mahal, 73 7th Ave. South with 10 tables & 30 chairs (2041384-DCA)
5. Cobra Caterers, Inc, d/b/a Hudson Hound, 575 Hudson St. with 7 tables & 25 chairs (1135398-DCA)
6. Restaurant 597, Inc, d/b/a Bus Stop, 597 Hudson St. with 10 tables & 20 chairs (0918358-DCA)
7. One Melon, LLC, d/b/a N/A, 89 MacDougal St. with 14 tables & 28 chairs (2021429-DCA)
8. Tourbillion 45, LLC, d/b/a Café Altro Paradiso, 234 Spring St. with 5 tables & 20 chairs (2038130-DCA)
9. Bleecker Spaghetti, LLC, d/b/a Trattoria Spaghetti, 232 Bleecker St. with 14 tables & 28 chairs (1399534-DCA)
10. Joyful Eats Two, LLC, d/b/a Mimi Cheng's Dumplings, 380 Broome St. with 8 tables & 17 chairs (2039794-DCA)
11. La Meridiana, Ltd., N/A, 26 Carmine St. with 12 tables & 24 chairs (1133014-DCA)
12. Caffè Vetro, Inc., d/b/a N/A, 200 Mott St. with 6 tables & 12 chairs (1245908-DCA)
13. New Restart, Inc., d/b/a Taormina Restaurant, 145 Mulberry St. with 8 tables & 16 chairs (1342588-DCA)
14. Maneken Corp., d/b/a N/A, 466 Hudson St. with 6 tables & 12 chairs (0979768-DCA)
15. 675 Hudson Vault, LLC, d/b/a Dos Caminos, 675 Hudson St. with 48 tables & 135 chairs (1159248-DCA)
16. West 12th Street Restaurant Group, LLC, d/b/a Wallflower, 235 W. 12th St. with 2 tables & 4 chairs (2000382-DCA)

17. Starbucks Coffee Corporation, d/b/a Starbucks Coffee Company, 454 Lafayette St. with 25 tables & 77 chairs (0924582-DCA)(Enclosed)
18. Benny's Burritos, Inc., d/b/a Benny's Burritos, 111 Greenwich Ave. with 8 tables & 24 chairs (1067814-DCA)
19. L Plus L Productions, LLC, d/b/a Ofrenda, 113 7th Ave. South with 12 tables & 24 chairs (1347094-DCA)
20. Greenwich BBQ, LLC, d/b/a N/A, 75 Greenwich Ave. with 10 tables & 20 chairs (2011155-DCA)
21. 31 Great Jones Restaurant Corp. d/b/a Vic's, 31 Great Jones St. with 7 tables & 14 chairs (1034252-DCA)
22. E2 185 Bleeker LLC d/b/a By Chloe, 185 Bleeker St. with 3 tables and 6 chairs (2042774-DCA)

Whereas, these items were on the public agenda and none were requested to be heard for further discussion by any community member; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the subject renewals provided that the applications conform with all applicable zoning and sidewalk café laws, rules, and regulations and clearance requirements.

Vote: Passed, with 41 Board Members in favor.

1 Board Member in abstention. (R. Kessler)

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

Sincerely,



Carter Booth, Chair
Community Board #2, Manhattan



Joseph Gallagher, Chair
Quality of Life Committee
Community Board 2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Yuh-line Niou, Assembly Member
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Carlina Rivera, Council Member