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## COMMUNITY BOARD NO. 2, MANHATTAN

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July 21, 2017

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

Dear Commissioner Salas:

At its Full Board meeting on July 20th, 2017 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

### **New Applications for revocable consents to operate an unenclosed sidewalk café for:**

- 1. Tomino, LLC d/b/a Tomino Taberna Gallega, 192 Grand St. between Mulberry and Mott with 7 tables and 14 chairs (1579-2017-ASWC)**

**Whereas**, the applicant intends to open a full service restaurant serving Spanish cuisine in September of 2017; and

**Whereas**, the applicant appeared before the Community Board 2 SLA committee in November of 2016 and stated that the sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays and the applicant reiterated his compliance with those hours; and

**Whereas**, the applicant attested that all sidewalk furniture and fencing would be stored inside the restaurant overnight; and

**Whereas**, the plans presented by the applicant indicate that the unenclosed sidewalk café meets all clearance requirements; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of a sidewalk café for **Tomino, LLC d/b/a Tomino Taberna Gallega, 192 Grand St.** with 7 tables and 14 chairs, provided that the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

**VOTE: Unanimous, with 41 Board Members in favor.**

- 2. Bar Giacosa, Corp, d/b/a Il Pittino, 270 6<sup>th</sup> Avenue at Bleecker Street with 6 tables and 12 chairs (8756-2017-ASWC)**

**Whereas** one of the key objectives of the designed, approved, and funded renovation of the square – along with beautification - is safety improvements aimed at addressing the danger create- because this corner is on a complicated, five street intersection for pedestrians through which many children pass each day - not just to get to Little Red Schoolhouse, but to other schools in the vicinity.

**Whereas** the proposed sidewalk cafe will intrude into the internal walkway in the renovated park running near the buildings between 6th Ave and Bleecker St as the chairs and tables as well as working wait staff and waiting patrons will discourage pedestrians from the internal pathway and back towards the curb of 6th Ave, thereby reducing some of the desired safety benefits from the renovation.

**Whereas** though the owner has pledged to be flexible as the renovated park progresses, closing during renovation and submitting a new design if the sidewalk café intrudes into the park, there will be no way to enforce this pledge and once it is set it will be hard to change or reduce the size of the café. In addition, Community Board 2 has asked if a temporary or shorter than 2 year term could be granted in this case and has been told by our Councilmember's Land Use director that new sidewalk cafe consents are for two years and cannot be modified.

**Whereas** the information and maps provided by the Parks Department show that the proposed area for the sidewalk cafe is within this public park and the applicant has not provided any survey or map to show that the proposed area is a sidewalk and not part of a public park.

**Whereas**

- the sidewalk cafe guidelines state: "All sidewalk cafes shall maintain a minimum clearance of fifteen feet from large obstructions. For the purpose of this subsection, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object larger than fifteen square feet in area. The closed end of a subway entrance located along the front line may abut a sidewalk café."
- And the fenced planting area in the new park design that will exist opposite the restaurant will be more than fifteen square feet in area and therefore a "large obstruction", thereby requiring the café to be 15 feet from this feature, which does not appear possible.

**Therefore be it resolved** that CB2 Manhattan recommends **DENIAL** of a sidewalk café for **Bar Giacosa, Corp, d/b/a Il Pittino, 270 6th Avenue** with 6 tables and 12 chairs.

**VOTE: Passed, with 34 Board Members in favor.**

**7 Board Members in Opposition (Bray, Chattree, Gallagher, Laraia, Riccobono, Sanz, Wittenberg)**

**3. Local & Vine Co Corp. , d/b/a Local & Vine, 282 Hudson Street between Dominick and Spring Streets with 9 tables & 18 chairs (8835-2017-ASWC)**

**Whereas**, the applicant amended its original proposed sidewalk café plan to reflect that the 3 foot required service aisle will be located within the planters that delineate the boundaries of the sidewalk café and that said planters will not rise above 30 inches in height which includes the height of the plants themselves; and

**Whereas**, the amended plans presented by the applicant indicate that the sidewalk café meets all clearance requirements; and

**Whereas**, the applicant attested that all sidewalk café furniture would be stored in the restaurant overnight and that the planters would be secured against the façade of the restaurant when the café is not in service; and

**Whereas**, no member of the public appeared at the Quality of Life Committee meeting to speak in opposition to this application; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **approval** of a sidewalk café for **Local & Vine Co Corp. , d/b/a Local & Vine, 282 Hudson Street** with 9 tables & 18 chairs, provided that

the aforementioned conditions are met, and that the application conforms with all applicable zoning and sidewalk café laws.

**VOTE: Unanimous, with 41 Board Members in favor.**

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

Sincerely,



Terri Cude, Chair  
Community Board #2, Manhattan



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

TC/EM

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Carolyn Maloney, Congresswoman  
Hon. Nydia Velázquez, Congresswoman  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Yuh-line Niou, Assembly Member  
Hon. Deborah J. Glick, Assembly Member  
Hon. Gale Brewer, Man. Borough President  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Hon. Corey Johnson, Council Member