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## COMMUNITY BOARD NO. 2, MANHATTAN

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June 24, 2016

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

Dear Commissioner Salas:

At its Full Board meeting on June 23, 2016 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

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

1. **Joyful Eats Two LLC, d/b/a Mimi Cheng's Dumplings, 380 Broome St.**, with 6 tables and 12 chairs (556-2016-ASWC)

**Whereas**, there were no community members present to speak about this application; and

**Whereas**, the business is a take-out operation so that patrons bring their food to their tables,

**Whereas**, despite the intention for the tables to be served and cleared by patrons, restaurant staff would periodically have to clean tables; and

**Whereas**, the proposed configuration results in one table that cannot be accessed from the service aisle; and

**Whereas**, the operator was present and agreed to stipulate that she would not seek a license to sell beer and wine; and

**Whereas**, there is insufficient room for the operator to use planters to enclose the café without them extending beyond the allowable borders of the café; now

**Therefore Be It Resolved** that CB2 Manhattan recommends approval of the sidewalk café for **Joyful Eats Two LLC, d/b/a Mimi Cheng's Dumplings, 380 Broome St.**, with 6 tables and 12 chairs, with the following conditions:

1. The plan will be revised to create the required service aisle and, if necessary to satisfy that requirement, the number of tables will be reduced;
2. The operator will not seek a license to sell beer and wine at this location; and
3. The enclosure will be designed not to extend beyond the approved boundaries of the café.

**VOTE: Unanimous, with 39 board member in favor.**

2. **E2 185 Bleecker LLC, 185 Bleecker St.**, with 5 tables and 10 chairs (7110-2015-ASWC)

**Whereas**, no members of the public were present to speak about the application, and the Community Board office received one email objecting to the application on the grounds that the sidewalk in the area is congested; and

**Whereas**, the design and layout of the proposed café conform to regulations; now

**Therefore Be It Resolved** that CB2 Manhattan recommends approval of a sidewalk café for **E2 185 Bleecker LLC, 185 Bleecker St.**, with 5 tables and 10 chairs.

**VOTE: Unanimous, with 39 board member in favor.**

3. **Josan & Josan Inc., d/b/a N/A, 73 7<sup>th</sup> Ave. South**, with 12 tables and 23 chairs (7177-2016-ASWC)

**Whereas**, no members of the public were present to speak about the application; and

**Whereas**, the applicant's attorney clarified that a request for approval by the Landmarks Commission has been filed but a decision has not yet been received; and

**Whereas**, it is understood that regulations require that the obstruction created by the bicycle rack in front of the proposed location must be calculated with bicycles attached to the rack, and that calculation may result in the need to change the layout of the proposed café; and

**Whereas**, the committee expressed concern about clearance for pedestrian traffic going to Greenwich House on Barrow Street; and

**Whereas**, the applicant stipulated that no beer and wine license will be sought for this location; now

**Therefore Be It Resolved** that CB2 Manhattan recommends approval of the sidewalk café for **Josan & Josan Inc., d/b/a N/A, 73 7<sup>th</sup> Ave. South**, with 12 tables and 23 chairs, with the following conditions:

1. The plan be revised to account for the size of the bike rack with bicycles attached according to the required formula, and the revised plan be submitted to CB2; and
2. If necessitated by the recalculation of the bike rack obstruction, the design and amount of tables and chairs be amended; and
3. The approval of the Landmarks Commission be submitted when it is received; and
4. The applicant will not seek a license to sell beer and wine at this location.

**VOTE: Unanimous, with 39 board member in favor.**

**New Applications for revocable consent to operate an enclosed sidewalk café for:**

1. **Happy Cooking Bistro LLC, d/b/a Happy Bistro, 322 Spring St.**, with 13 tables and 27 chairs (15071-2015-ASWC)

**Whereas**, no members of the public were present to speak about the application and the landlord of the building spoke in favor of the application; and

**Whereas**, the enclosure extends beyond the building line on Greenwich Street, which has a sidewalk of less than 12 feet in width on which a sidewalk café is not permitted; and

**Whereas**, a ramp is proposed along the Greenwich Street façade giving access to the restaurant, and the approval of the design and location of such a ramp is the purview of other agencies; and

**Whereas**, the façade of the café enclosure along Spring Street is divided into three sections with different planes in order to clear sidewalk obstructions, which results in the façade being not uniform and not parallel to the curb line; and

**Whereas**, the café, as designed would have 27 seats, which is more than the 21 seats inside the restaurant; and

**Whereas**, an argument was made that enclosed sidewalk cafés are inherently out of character with the neighborhood and contravene the intention of allowing sidewalk cafes, namely to bring life and activity to the street;

**Therefore Be It Resolved** that CB2 Manhattan recommends DENIAL of the enclosed sidewalk café application for **Happy Cooking Bistro LLC, d/b/a Happy Bistro, 322 Spring St.**

**VOTE: Passed**

**In Favor: 38 board members**

**Opposed: 1 board member (R. Sanz)**

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

Sincerely,



Tobi Bergman, Chair  
Community Board #2, Manhattan



Robert A. Woodworth, 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. Daniel L. Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Gale Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member