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COMMUNITY BOARD No. 2, MANHATTAN

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April 22, 2011

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

Dear Commissioner Mintz:

At its Full Board meeting on April 21, 2011, Community Board #2, Manhattan adopted the following resolution:

- 1. SoHo Garden & Grill, Inc., 224 Lafayette St. (btw Kenmare St & Spring St), with 3 tables & 12 seats, DCA# 1384915**

Block:482 Lot:24
Year Built:1900(estimated)
Residential Units:9 Total # of Units:10

Lot Frontage:24.5' Lot Depth:50.33
Number of Floors:6
Zoning:M1-5B

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, per Section 14-43 of the zoning regulations, this establishment is governed by the Small Sidewalk Café regulations which specifically allow only an “unenclosed sidewalk cafe containing no more than a single row of tables and chairs adjacent to the street line”, and

Whereas, based on input from the NYC Dept. of City Planning which was provided to CB2 and the Dept. of Consumer Affairs, the committee continues to disagree with DCA’s interpretation of this requirement and contends this application violates the letter and intent of the zoning regulation because it has two (2) rows of chairs at each table and the second row of chairs is not “adjacent to the street line”, and

Whereas, there appear to be no other issues to establishment of this café under the proper definition of the Small Sidewalk Café rules,

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 Small sidewalk café for **SoHo Garden & Grill, Inc., 224 Lafayette St. (btw Kenmare St & Spring St), with 3 tables & 12 seats, DCA# 138491**

UNLESS the café is reduced to 3 tables & 6 seats to meet the requirements for a small sidewalk café as clarified by the NYC Dept of City Planning

VOTE: Unanimous, with 41 Board members in favor.

2. Gans-Mex, 73 Gansevoort St.(NE corner of Washington St), with 42 tables & 88 seats, DCA# 1384348

Block:644 Lot:30	Lot Frontage:80.08' Lot Depth:85.5
Year Built:1920	Number of Floors:3
Residential Units:0 Total # of Units: 5	Zoning:M1-5
Landmark Building:Yes	Historic District:Gansevoort Market

Whereas, the area was posted, community groups notified and there were community members present and many others contacted the committee via email regarding this application, and the applicant's General Manager and representative, Michael Kelly, were present, and

Whereas, there were complaints from the community about dance music noise from the interior and continued attempts to resolve the noise issues with the management have been unsuccessful, and

Whereas, the applicant has been specifically reminded that there is no music of any kind allowed in the sidewalk café, and

Whereas, members of the community produced numerous internet reviews of the establishment which made it clear the applicant has regularly allowed dancing yet has no NYC Cabaret Permit, and

Whereas, the community reports widespread and disruptive noise that interferes with the neighborhood's quiet enjoyment, including loud thumping, and

Whereas, the applicant had noise issues that were reported by the community within a day of meeting with the CB 2 committee.

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 **Gans-Mex, 73 Gansevoort St.(NE corner of Washington St), with 42 tables & 88 seats, DCA# 1384348**

VOTE: Unanimous, with 41 Board members in favor.

3. 7th Ave. Landbrot, LLC, d/b/a Lanbrot, 137 7th Ave. South (btw W 10 St & Charles St), with 14 tables & 28, DCA# 1384829

Block:611 Lot:21	Lot Frontage:65.75' Lot Depth:38.66
Year Built:1996	Number of Floors:2
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 was present, and

Whereas, this is proposed as a café of 49 ft in length and 7 ft in width on a 20 ft wide sidewalk with approx 9.5 ft clearance to 2 bike racks and 4 ft clearance to subway grates at the north end of the cafe, and

Whereas, the restaurant will be a commercial and retail bakery and sandwich restaurant and will have a beer and wine permit, and

Whereas, the applicant was notified that nightlife noise issues have been increasing along this part of 7th Ave South and he agreed to control noise levels from the restaurant and café,

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 **7th Ave. Landbrot, LLC, d/b/a Lanbrot, 137 7th Ave. South (btw W 10 St & Charles St), with 14 tables & 28, DCA# 1384829**

VOTE: Unanimous, with 41 Board members in favor.

4. Spring Leopard, LLC, d/b/a Giorgione's, 307 Spring St. (at Renwick St), with 4 tables & 8 seats, DCA# 1384944

Block:597 Lot:33	Lot Frontage:25' Lot Depth:100
Year Built:1900(estimated)	Number of Floors:5
Residential Units:8 Total # of Units:9	Zoning:M1-6

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, there was a previous café at this location which was not renewed in time and about which there are no known issues, and

Whereas, the café resides entirely on a raised metal former loading dock which is grandfathered, and

Whereas, the café has been reduced in size slightly to allow clearance for a fire escape ladder to the west of the restaurant door,

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 **Spring Leopard, LLC, d/b/a Giorgione's, 307 Spring St. (at Renwick St), with 4 tables & 8 seats, DCA# 1384944**

VOTE: Unanimous, with 41 Board members in favor.

5. 64 Greenwich Restaurant, d/b/a The Meatball Shop, 64 Greenwich Ave. (btw Perry St & W 11 St), with 6 tables & 9 seats, DCA# 1385289

Block:606 Lot:27	Lot Frontage:21.33' Lot Depth:50
Year Built:1910(estimated)	Number of Floors:3
Residential Units:1 Total # of Units:2	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, this is proposed as a café of 12'6" length and 6'6" width on a 16'2" wide sidewalk leaving 9'8" clear sidewalk, and

Whereas, due to the seating layout, roughly 4 ft of the restaurant frontage will not be used for the café, and

Whereas, this section of Greenwich Ave has roughly one-third of its sidewalk near the curb laid with Belgian block which can make for somewhat questionable footing,

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 **64 Greenwich Restaurant, d/b/a The Meatball Shop, 64 Greenwich Ave. (btw Perry St & W 11 St), with 6 tables & 9 seats, DCA# 1385289**

VOTE: Unanimous, with 41 Board members in favor.

6. Grillade, LLC, 28 7th Ave. South (btw St Luke's Pl & Bedford St), with 19 tables & 40 seats, DCA# 1385577

Block:583 Lot:38	Lot Frontage:34' Lot Depth:71.83
Year Built:1920(estimated)	Number of Floors:1
Residential Units:0 Total # of Units:2	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 and his representative, Steve Wygoda, were present, and

Whereas, this is proposed as a café of 39'6" length and 911" width on a 19'9" wide sidewalk leaving 9'10" clear sidewalk and roughly 5' clearance to subway grates that run along the length of the café, and

Whereas, this section of 7th Ave South has seen a major influx of new sidewalk cafes and the applicant was warned to strictly enforce noise control in the cafe, and

Whereas, roughly 10 ft of the café on the north end is in front of a small additional parcel to which the applicant has a letter of agreement but currently no signed lease, and

Whereas, as a signed lease to the additional parcel is required to allow seating in front of it, if a lease is not obtained, the café must be reduced by the 6 tables and 14 seats which are in front of it, and

Whereas, assuming the additional lease is filed with DCA, the applicant has agreed to reduce the number of chairs at each of the two inside tables on the north end from 3 to 2 to ensure the 3' service aisle can be maintained, reducing the overall café seating to 19 tables and 38 seats,

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 **Grillade, LLC, 28 7th Ave. South (btw St Luke's Pl & Bedford St), with 19 tables & 40 seats, DCA# 1385577**

CONDITIONAL UPON the following:

- **the applicant filing a duly executed lease for the additional parcel to the north of the restaurant space and the overall seating being reduced to 19 tables and 38 seats as noted in Whereas 6**
- **IF A LEASE FOR THE ADDITIONAL PARCEL IS NOT RECEIVED BY DCA the total size of the café will be reduced to 13 tables and 26 seats as noted in Whereas 5**

VOTE: Unanimous, with 41 Board members in favor.

7. Bistro Shop Downtown, LLC, 118 Greenwich Ave. aka 234 W. 13th St. with 10 tables & 20 seats, DCA# 1382491

Block:617 Lot:36	Lot Frontage:133' Lot Depth:150
Year Built:1890(estimated)	Number of Floors:5
Residential Units:37 Total # of Units:42	Zoning:C1-6
Landmark Building: Yes	Historic District: Greenwich Village

Whereas, the area was posted, community groups notified and there were community members present and numerous others contacted the committee regarding this application and the applicant was present, and

Whereas, this is proposed as a café of 55' length and 5' width with a single row of 2-seat tables on a 13' wide sidewalk entirely on the W 13th St side of the restaurant leaving 8' clear sidewalk, and

Whereas, the café will be served through a new service door in the small bevel façade at the corner, and

Whereas, there were two tree pits with raised Belgian block borders adjacent to the café, but the applicant admitted to recently removing a tree stump from one and cementing up the pit, which he stated was only for temporary safety reasons until the tree could be replaced, and

Whereas, the remaining tree pit, which has a living tree, also has a raised border which must be lowered or replaced and the applicant stated his intent to restore the western pit with a newly planted tree and install bronze perforated plates around both trees, and

Whereas, this block of 13th St is primarily residential and has never had a sidewalk café of this size which has raised substantial noise and congestion concerns for residents of the block, and

Whereas, the last table on the west end sticks out beyond the corner of the building and this intersection with Greenwich Ave is a sharply acute angle, the committee felt this table nearest the serving door should be removed in order to prevent any collisions by pedestrians coming around this blind corner,

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 **Bistro Shop Downtown, LLC, 118 Greenwich Ave. aka 234 W. 13th St. with 10 tables & 20 seats, DCA# 1382491**

UNLESS the following conditions are met:

- **the applicant reopens the western tree pit and arranges with the NYC Parks Department for the replacement of the tree originally located there**
- **the applicant assures that both tree pit borders have been made flush with the sidewalk in a manner satisfactory to the NYC Parks Department**
- **the café is reduced to 9 tables and 18 seats with no furniture sticking out beyond the corner of the building just to the east of the new service door**

VOTE: Passed, with 21 Board members in favor and 19 against-(Young, Paul, Berger, Wong, Hoylman, McCarthy, Greenberg, Greene, Ely, Rakoff, Nelson, Campbell, Schlazer, Meadows, Cannistraci, Booth, Cude, Hamilton, kent)

8. Joy Burger Bar, Inc., 361 Ave. of the Americas (SW corner of Washington Pl), with 16 tables & 32 seats, DCA#1386368

Block:592 Lot:18

Year Built:1910(estimated)

Residential Units:6 Total # of Units:8

Landmark Building:Yes

Lot Frontage:23.58' Lot Depth:58

Number of Floors:4

Zoning:R7-2 Commercial Overlay:C1-5

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 is proposed as a café of 24'4" length along the 6th Ave façade, the corner and 11'2" along the Washington Pl façade with a 7' width leaving 12'7" clear sidewalk (9' to a street light) on the 6th Ave side and 8' clear sidewalk on the Washington Pl side assuming an existing bike rack is relocated, and

Whereas, due to the café wrapping around the corner the proposed layout is not realistic and would lead to wait staff serving the tables along the outside of the café perimeter from the public sidewalk, and

Whereas, to address these concerns the applicant has agreed to split the center 3 table pairs on the 6th Ave side and shift one half of each to against the façade which shifts the service aisle to between the tables, and

Whereas, the applicant will also convert the southernmost pair of tables on 6th Ave to a single 3-person table, and

Whereas, the applicant has further agreed to remove the northernmost inside table and 2 chairs from the 6th Ave side (at the corner) to ensure the shifted 3 ft service aisle is maintained at the corner, and

Whereas, the applicant has further agreed to ensure the eastern two table pairs will always be seated as ‘4-top’ tables again in order to maintain the 3 ft service aisle along Washington Place,

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 **Joy Burger Bar, Inc., 361 Ave. of the Americas (SW corner of Washington Pl), with 16 tables & 32 seats, DCA#1386368**

CONDITIONAL UPON the café being reduced to 14 tables and 29 seats with new plans submitted to DCA with the layout adjusted as described in Whereas clauses 4, 5 and 6

VOTE: Passed, with 37 Board members in favor and 3 against –(Diether, Rothstein, Hoylman)

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

9. Caliente Cab Rest. Co. Inc. d/b/a Caliente Cab Co., 61 7 Ave. South (SE corner of Bleecker St), with 42 tables & 84 seats, DCA# 0670525

Block:587 Lot:21

Year Built:1925(estimated)

Residential Units:8 Total # of Units:9

Landmark Building: Yes

Lot Frontage:47' Lot Depth:72.92

Number of Floors:2.5

Zoning:C2-6

Historic District: Greenwich Village Hist. Dist. Ext. II

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, after some past problem conditions, this unenclosed café has been operated by this applicant for several years with no known issues, and

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 **Caliente Cab Rest. Co. Inc. d/b/a Caliente Cab Co., 61 7 Ave. South (SE corner of Bleecker St), with 42 tables & 84 seats, DCA# 0670525**

VOTE: Unanimous, with 41 Board members in favor.

10. Cowgirl, Inc., d/b/a Cowgirl and Bark, 519 Hudson St. (NW corner of W 10th St), with 11 tables & 22 seats, DCA# 0919917

Block:631 Lot:46

Year Built:1930(estimated)

Residential Units:90 Total # of Units:96

Landmark Building:Yes

Lot Frontage:106.5' Lot Depth:105.33

Number of Buildings:5 Number of Floors:5

Zoning:C1-6

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

Whereas, the committee requested the applicant encourage patrons waiting for tables stand in the area just south of the café near the corner rather than in front of the café where a tree restricts sidewalk movement,

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 **Cowgirl, Inc., d/b/a Cowgirl and Bark, 519 Hudson St. (NW corner of W 10th St), with 11 tables & 22 seats, DCA# 091991**

VOTE: Unanimous, with 41 Board members in favor.

11. Da Silvano Corp. 260 6th Ave. (btw W Houston St & Bleecker St), with 27 tables & 57 seats, DCA# 1187717

Block:526 Lot:11	Lot Frontage:40' Lot Depth:100
Year Built:1900(estimated)	Number of Floors:6
Residential Units:31 Total # of Units:32	Zoning:R7-2 Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, this is a relatively large café with two sections divided by an area in front of the building's residential entry whose management is further complicated by having 3 food service entrances to the restaurant, and

Whereas, even though the applicant often seats LESS than the approved 57 seats, he continues to have consistent and long-running issues with service constantly occurring from the public sidewalk and the residential entry lane and despite extensive discussions with the applicant over many years there appears to be no solution they are willing or able to implement, and

Whereas, after carefully reviewing the plan with the applicant's representative the committee feels a great part of the problem is created by the approved plan itself being impractical in actual use, and

Whereas, the main issues are the 6 tables and 12 seats at each end of the north section, the 3 tables in the outside center of the north section and the one 4-seat table in the south section, and

Whereas, the tables on each end of the north section should be reduced to 4 tables and 8 seats at each end with the seating orientation rotated by 90 degrees (**reduction: 4 tables/8 seats**), and the 3 tables in the outside center of the north section should be reduced to two 2-seat tables (**reduction: 1 table/3 seats**), and

Whereas, the 4-seat table in the outside north corner of the south section consistently causes the adjacent service aisle to disappear and should be reduced to one 2-seat table (**reduction: 2 seats**),

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 **Da Silvano Corp. 260 6th Ave. (btw W Houston St & Bleecker St), with 27 tables & 57 seats, DCA# 1187717**

UNLESS the total amount of tables and chair approved for the café should be reduced to 22 tables and 44 seats as described in Whereas clauses 5, 6 and 7

VOTE: Passed, with 31 Board members in favor and 1 against-(Diether)

12. Red Mulberry, Ltd. d/b/a Sambuca's, 105 Mulberry St. (btw Canal St & Hester St), with 8 tables & 16 seats, DCA# 1158751

Block:206 Lot:26
Year Built:1915(estimated)
Residential Units:6 Total # of Units:14

Lot Frontage:52.25' Lot Depth:75.67
Number of Floors:5
Zoning:C6-2G

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, the café resides entirely on a platform with railing that is grandfathered, but the plans (from 1996) do not meet the requirement for a 3 ft service aisle on the south end of the café, and

Whereas, the committee has evidence the applicant has often violated the terms of the sidewalk café permit by extending the café beyond the applicant's property line,

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 **Red Mulberry, Ltd. d/b/a Sambuca's, 105 Mulberry St. (btw Canal St & Hester St), with 8 tables & 16 seats, DCA# 1158751**

UNLESS the applicant strictly adheres to the confines of the property and does not extend the café seating beyond it

VOTE: Unanimous, with 41 Board members in favor.

13. Gadberry Pizza Inc. d/b/a Bleecker Street Pizza, 69-71 7 Ave. South (NE corner of Bleecker St), with 3 tables & 6 seats, DCA#1183527

Block:590 Lot:54
Year Built:1900
Residential Units:0 Total # of Units:2
Landmark Building: Yes

Lot Frontage:39.5' Lot Depth:75.17
Number of Floors:1
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 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 **Gadberry Pizza Inc. d/b/a Bleecker Street Pizza, 69-71 7 Ave. South (NE corner of Bleecker St), with 3 tables & 6 seats, DCA#1183527**

VOTE: Unanimous, with 41 Board members in favor.

14. Nilo Inc. & Viola Consulting LLC, d/b/a Mezzogiorno Assoc. 195 Spring St., with 11 tables & 22 seats, DCA# 0832737

Block:503 Lot:45
Year Built:1900(estimated)
Residential Units:24 Total # of Units:26

Lot Frontage:46.25' Lot Depth:75
Number of Floors:6
Zoning:R7-2 Commercial Overlay:C1-5

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, but the committee received one email in support of the café after its meeting, and the applicant's representative, Michael Kelly, was present, and

Whereas, the committee has evidence the applicant has consistently violated the terms of the sidewalk café permit by extensively expanding the permitted seating by upwards of 50% by doubling the approved seating on the Sullivan St side of the café by the use of 4-seat tables instead of the approved 2-seat tables, and

Whereas, as this section of Sullivan St is in any case not a legal spot for a sidewalk café as its width of 11'9" (per the approved plan) is less than the minimum 12 ft required for sidewalk cafes, and the applicant's doubled seating often leaves little more than 3 ft of clear pedestrian path, and

Whereas, this is a continuing violation which the applicant signed an agreement to cease at its renewal two years ago with Community Board 2 Manhattan and for which the applicant was fined by DCA in 2010, and

Whereas, all evidence leads the committee to believe the applicant has no intention of correcting the repeated violations and this sidewalk is too narrow to be legally hosting a sidewalk café in any case,

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 **Nilo Inc. & Viola Consulting LLC, d/b/a Mezzogiorno Assoc. 195 Spring St., with 11 tables & 22 seats, DCA# 0832737**

UNLESS the illegal and misused tables on Sullivan St are removed from café plan and the seating is reduced to just the 4 tables and 8 seats on the Spring St side of the restaurant

VOTE: Passed, with 39 Board members in favor and 1 against-(Diether)

15. Greenwich Village Bistro LTD, d/b/a Greenwich Village Bistro, 13 Carmine St. with 9 tables & 18 seats, DCA# 1030835

Block:589 Lot:47
Year Built:1900(estimated)

Residential Units:13 Total # of Units:14
Landmark Building: Yes

Lot Frontage:25' Lot Depth:100

Number of Floors:5

Zoning:R7-2 Commercial Overlay:C1-5

Historic District: Greenwich Village Hist. Dist. Ext. II

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 **Greenwich Village Bistro LTD, d/b/a Greenwich Village Bistro, 13 Carmine St. with 9 tables & 18 seats, DCA# 1030835**

VOTE: Unanimous, with 41 Board members in favor.

16. 164 Mulberry St. Corp. d/b/a Da Nico, Restaurant, 164 Mulberry St. with 4 tables & 8 seats, DCA# 0949447

Block:471 Lot:29
Year Built:1900

Residential Units:3 Total # of Units:4

Lot Frontage:25' Lot Depth:100.17

Number of Floors:5

Zoning:C6-2G

Whereas, the area was posted, community groups notified and there were no community members present regarding this application, and the applicant's representative, Michael Kelly, was present, and

Whereas, the committee has evidence the applicant consistently violates the terms of the sidewalk café permit by extending the café beyond the applicant's property line to the south,

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 **164 Mulberry St. Corp. d/b/a Da Nico, Restaurant, 164 Mulberry St. with 4 tables & 8 seats, DCA# 0949447**

UNLESS the applicant strictly adheres to the confines of the property and does not extend the café seating beyond it

VOTE: Passed, with 39 Board members in favor and 1 against-(Diether)

Re-apply App. for revocable consent to operate an Unenclosed sidewalk café for:

17. Jec II LLC, d/b/a One Little West 12, 1-3 Little West 12th St. (SW corner of 9th Ave), with 31 tables & 62 seats, DCA# 1161856

Block:628 Lot:1

Year Built:1913

Residential Units:0 Total # of Units:3

Landmark Building:Yes

Lot Frontage:77.33' Lot Depth:100

Number of Buildings:3 Number of Floors:6

Zoning:M1-5

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 applicant appeared for a renewal just in Nov. 2010 but had their permit revoked by DCA apparently for the café railings and furniture being left set up when the café was not in use and the committee advised the applicant that during all off-hours all furniture and railings should be stored off the sidewalk or as tightly up against the building as possible, and

Whereas, the committee requested at that hearing some correction to the seating plan to address pedestrian clearance issues at the corner of Little W. 12 St and 9th Ave, and at the eastern end of the café along Little W. 12 St where the sidewalk narrows, and

Whereas, these sidewalk clearance issues appear to have been resolved in a satisfactory fashion,

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 **Jec II LLC, d/b/a One Little West 12, 1-3 Little West 12th St. (SW corner of 9th Ave), with 31 tables & 62 seats, DCA# 1161856**

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
Applicants