

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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October 8, 2015
Start: 10:18 a.m.
Recess: 10:30 a.m.

HELD AT: 250 Broadway - Committee Rm, 16th Fl

B E F O R E: Donovan J. Richards
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick
Jumaane D. Williams
Antonio Reynoso
Ritchie J. Torres
Vincent J. Gentile
Ruben Wills

A P P E A R A N C E S (CONTINUED)

Christine Cole
North of Houston, LLC

Joseph Levy
North of Houston, LLC

Megan Shan
SSWA Architects

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2 CHAIRPERSON RICHARDS: Alrighty, good
3 morning. I am Council Member Donovan Richards, Chair
4 of the Subcommittee on Zoning and Franchises, and we
5 are joined this morning by--first I will I guess give
6 out the golden star to Council Member Vincent Gentile
7 who arrived first this morning, and we also are
8 joined by Council Member Chin, who's not a member of
9 the committee but has another sidewalk café, the
10 1,500th this month, Council Member Jumaane Williams,
11 Council Member Antonio Reynoso, and Council Member
12 Dan Garodnick. Today, we will be holding a public
13 hearing and voting on the following items today, one
14 Land Use item Number 281, and un-enclosed sidewalk
15 café with seven tables and 15 chairs on West 44th
16 Street in Council Member Corey Johnson's district.
17 Second item will be Land Use item Number 282, and un-
18 enclosed café with six tables and 20 chairs along
19 West Broadway in Council Member Chin's district, and
20 then we will also file a motion pursuant to a
21 withdrawal of an application on Land Use item Number
22 274. So, I will now open the public hearing for Land
23 Use item Number 282, and we will call up the
24 following individuals on this item, Christine Cole
25 [sp?] who's representing North of Houston LLC, Joseph

2 Levy [sp?] representing White Street. If you can
3 come up to the mic, and I'll ask you to please
4 identify who you are and which organization you are
5 representing as well.

6 CHRISTINE COLE: Hi, I'm Christine Cole,
7 North of Houston LLC is my company and we own White
8 Street Restaurant.

9 CHAIRPERSON RICHARDS: Can you pull the
10 mic up a little closer? Thank you.

11 CHRISTINE COLE: Yes.

12 JOSEPH LEVY: Joseph Levy, I'm the
13 attorney for North of Houston LLC whose d/b/a is
14 White Street and that's the restaurant we're talking
15 about today.

16 CHAIRPERSON RICHARDS: Thank you. You may
17 begin.

18 CHRISTINE COLE: Okay. I have a letter
19 I'd like to read for the record. Dear Council Member
20 Chin, during our meeting with Manhattan Community
21 Board One's Tribeca Committee on September 9th, 2015
22 we reached the following agreement. We would reduce
23 the number of seats in the café from 20 to 16 seats.
24 We would reduce the hours of operation of the
25 sidewalk café from midnight during the week and 1:00

1 a.m. on the weekends to 11:00 p.m. during the week
2 and midnight on the weekends. We would not allow any
3 congregating by our patrons outside the
4 establishment. We also agreed to continue to be
5 incredibly receptive to our neighbors and continue to
6 use our best efforts to cure any issues that are
7 brought to our attention. The agreement was
8 unanimously approved by the Tribeca Committee and
9 then ratified by the Executive Committee of CB1 last
10 week. The Community Board felt that we've been great
11 neighbors for the last year and the concessions were
12 made, were addressed any of their--they did address
13 any of their potential issues, and that all things
14 considered, we've reached a great compromise. We
15 were further praised for the way we've worked with
16 our neighbors on outstanding issues, sentiments that
17 were validated by comments of local residents in
18 attendance as well. In addition to the signed
19 stipulations of the above agreement that are now on
20 file with the Community Board they have been
21 forwarded to the New York State Liquor Authority as
22 well, and we wanted to address a few additional open
23 items. One, we further agree that there will be no
24 music in the sidewalk café, and we will continue to
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2 have only controlled mood-appropriate music within
3 the restaurant itself. We will continue to operate
4 with the respect to music levels so that the sound
5 does not spill out onto the street. We agree to turn
6 off the exhaust in the kitchen when it is not in use
7 and the restaurant is closed. We will provide a copy
8 of the report from our recent inspection of the back
9 HVAC unit to whomever requests the same. With respect
10 to large group reservations for outdoor seating, we
11 agreed to maintain consistency between the plans
12 submitted and approved by the Department of Consumer
13 Affairs and the actual table and chair numbers in the
14 agreement orientation within the physical sidewalk
15 café as is the law. Larger parties will be
16 encouraged to dine inside. Thank you so much for
17 your time.

18 CHAIRPERSON RICHARDS: Thank you so much,
19 and before I turn to Council Member Chin, can you go
20 through what mood appropriate music is?

21 CHRISTINE COLE: Sure. We play music
22 that can be enjoyed in the background while enjoying
23 dinner in our restaurant.

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2 CHAIRPERSON RICHARDS: Okay, so that
3 means no "turn up" music as we would say, okay got
4 it.

5 CHRISTINE COLE: No.

6 UNIDENTIFIED: Turn down for what?

7 CHAIRPERSON RICHARDS: Alrighty. I will
8 go to Council Member Chin who's worked a very good
9 deal for her community including mood-appropriate
10 music.

11 COUNCIL MEMBER CHIN: Thank you, Chair.
12 Good morning. I'm Margaret Chin, Council Member for
13 Lower Manhattan District One. I'm here to speak
14 about an application for an un-enclosed sidewalk café
15 on White Street as part of the restaurant located at
16 21 West Broadway. Issues have been raised before in
17 this committee about community concerns regarding
18 sidewalk cafes in Tribeca. In general, there are a
19 lot of concern about the appropriateness of cafes on
20 these quiet side streets. This is a concern I take
21 seriously, but one that is ultimately a zoning
22 question. My aim today is to try to address some of
23 the concern of the neighbors about the impact of this
24 café. The local Community Board and neighbors who
25 reside near the restaurant raised concern about the

2 hours of operation, the size of the café, management
3 of customer behavior, and other noise issues. At a
4 meeting with the Community Board the restaurant
5 agreed to reduce the size of the café from six-seater
6 table to four-seater table for a total of 16 chairs.
7 The sidewalk café will be closed earlier at 11:00
8 p.m. Sunday through Thursday and 12:00 a.m. on
9 Fridays and Saturdays. We also have a letter from
10 the management outlining how they plan to address
11 other concerns raised by the neighbors, which they
12 will submit for the records. I appreciate the
13 applicant's agreement to continue to work with the
14 neighbors to address any future concerns, and I would
15 like to state for the record that I do not oppose
16 this application. Thank you very much.

17 CHRISTINE COLE: Thank you.

18 CHAIRPERSON RICHARDS: Thank you, Council
19 Member Chin, and thank you for your testimony today.
20 We will let you go. Thank you. Are there any other
21 members of the public who would wish to testify on
22 this issue? Okay, seeing none I will now close the
23 public hearing on Land Use item Number 282.
24 Alrighty. Alrighty. Now we will go to Land Use Item
25 Number 281, an un-enclosed sidewalk café with seven

2 tables and 15 chairs on West 44th Street in Council
3 Member Corey Johnson's district. And we have a Megan
4 Shan [sp?] from Hono LLC, if you can come up. Good
5 morning. Just state your name for the record and
6 your organization you're representing.

7 MEGAN SHAN: Cool. Thank you. Good
8 morning. My name is Megan Shan. I represent the
9 architectural firm that is working for this sidewalk
10 café, SSWA Architecture, and I'd like to read you the
11 letter. Dear Council Member Johnson, Padtraig Dwyer,
12 managing member of Hono LLC in connection with our
13 application for an un-enclosed sidewalk café hereby
14 commit to the City Council in light of the concerns
15 of the sidewalk café. All sidewalk furniture such as
16 a frame, planters, etcetera have been removed. There
17 are no chairs and tables in operation. They will be
18 installed only upon assurance of a license. The café
19 will have a true three-foot service aisle running
20 along the entire length of the café, and we will
21 comply with all other city regulations. The café
22 will be closed and vacated at 11:00 p.m. on Friday
23 and Saturday nights and 10:00 p.m. on all other
24 nights. If there are any other questions, please
25 call my office. Thank you.

2 CHAIRPERSON RICHARDS: Thank you. Any
3 questions from my colleagues on this issue?
4 Alrighty, I will go to Council Member Williams.
5 Council Member Reynoso?

6 COUNCIL MEMBER REYNOSO: I see that the
7 Community Board rejected or denied this
8 recommendation and they said that you didn't even
9 appear before the Community Board. Can you just
10 speak to that? It's extremely important that your
11 local people of the district have a say in what's
12 happening in the district.

13 MEGAN SHAN: Okay, so I only represent
14 the architectural firm, SSWA. If you could contact
15 Herm [sic] that would help, or I could just ask my
16 boss to ask her.

17 COUNCIL MEMBER REYNOSO: Okay, but we
18 should--you should--just a heads up to Hono LLC
19 moving forward--

20 MEGAN SHAN: [interposing] Yes.

21 COUNCIL MEMBER REYNOSO: We should never
22 have to make a call to anyone. You should be present
23 to answer the questions that are going to be given to
24 you or asked of you.

25 MEGAN SHAN: Okay.

2 COUNCIL MEMBER REYNOSO: So, just a heads
3 up.

4 MEGAN SHAN: Okay.

5 COUNCIL MEMBER REYNOSO: I think you
6 should do that next time.

7 CHAIRPERSON RICHARDS: Council Member
8 Williams?

9 COUNCIL MEMBER WILLIAMS: Sure. I just
10 want to know if the Council Member was supporting it.

11 UNIDENTIFIED: Yes.

12 COUNCIL MEMBER WILLIAMS: And to Council
13 Member Reynoso's question, what was the--so the
14 Community Board is now in favor of it?

15 [off mic]

16 COUNCIL MEMBER WILLIAMS: Okay.

17 CHAIRPERSON RICHARDS: Alrighty. I will
18 also just echo the sentiments that it is critical and
19 you know, we're going to keep them on record in
20 particular.

21 MEGAN SHAN: Okay.

22 CHAIRPERSON RICHARDS: If they come back
23 before us, and just send that message back to them
24 that they should make sure that they're really going
25 to the local boards--

2 COUNCIL MEMBER GARODNICK: Aye.

3 COUNCIL CLERK: Council Member Williams?

4 COUNCIL MEMBER WILLIAMS: Aye.

5 COUNCIL CLERK: And Council Member

6 Reynoso?

7 COUNCIL MEMBER REYNOSO: I vote aye.

8 CHAIRPERSON RICHARDS: Alrighty, with

9 that being seen--

10 COUNCIL CLERK: Land Use Items Number 281

11 and 282 are approved by a vote of 5 in the

12 affirmative, 0 in the negative and 0 abstentions and

13 they're referred to the Full Land Use Committee. A

14 motion to file Land Use Item 274 is also approved by

15 a vote of 5 in the affirmative, 0 in the negative and

16 0 abstentions.

17 CHAIRPERSON RICHARDS: Alrighty, with that

18 being said, this hearing is now closed.

19 [gavel]

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SUBCOMMITTEE ON ZONING AND FRANCHISES

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 9, 2015