



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

Jesse R. Bodine
District Manager

January 12, 2016

Robert Malta
Owner
Il Bastardo
191 7th Avenue
New York New York 10011

Re: Il Bastardo, 191 7th Avenue

Dear Mr. Malta

Manhattan Community Board 4 (“MCB4”) writes to acknowledge that Mr. Sherif Ibrahim, Il Bastardo’s Director of Operations and General Manager, appeared before our Quality of Life Committee on December 7th, 2015 to respond to a number of constituent complaints regarding the operation of your establishment, located at 191 Seventh Avenue.

We appreciate Mr. Ibrahim’s willingness to address and to take immediate action to rectify the problems, which primarily relate to noise, crowd control, customer management, hours of operation, capacity, misuse of amplified music, vehicular and pedestrian congestion, illegal dancing, and the inebriation of customers. MCB4 requests written confirmation within ten (10) days after receiving this letter that your establishment will abide by its current stipulations, as well as those outlined below. All violations should be cured and ALL stipulations adhered to within twenty (20) days.

Please be aware that the Council of Chelsea Block Associations, as well as neighborhood residents and businesses, have sent numerous letters and issued 311 complaints listing quality of life issues, in particular, screaming, fighting and vomiting on the sidewalk.

EXISTING STIPULATIONS

Occupancy:

It is MCB4’s understanding that IL Bastardo has a public assembly permit from the Department of Buildings (“DOB”) for 169 people (including employees.) The New York State Liquor Authority (“SLA”) has confirmed that the establishment is licensed to serve alcohol to 74 people at a time. This includes the exterior café, which is permitted to have twelve (12) tables and twenty-three (23) seats.

Without providing CB4 with documentation proving otherwise, it is our understanding that you are operating at more than double the capacity reflected in your Liquor license (169 versus 74.) This appears to be a significant underlying factor triggering many of the problems outlined by the complainants, as described below. Please correct this egregious violation by immediately reducing your capacity to 74.

Please note that should you desire to amend your liquor license, you are encouraged to begin the process by contacting MCB4's Business License Committee.

Hours of Operation:

It has come to MCB4's attention that Il Bastardo has been hosting events that take place outside of the hours of operation stipulated in your agreement with the SLA. Thus, Mr. Ibrahim agreed to cease holding all such events, and to conduct business strictly during the mandated hours of operation. (As a reminder, your stipulated closing time is midnight, which means that all patrons must be off the premises by that time.)

Background Music/Amplified Sound:

Since Il Bastardo's liquor license limits the use of music to "background music", which is defined as amplified music/sound played at levels whereby conversation can be easily held without patrons raising their voices. This also means that amplified music/sound cannot be heard outside of your establishment at any time, including moments when doors are opened and closed as customers enter and leave. Mr. Ibrahim agreed that Il Bastardo would adhere to these stipulations.

MCB4 acknowledges that, after numerous complaints by neighbors, Il Bastardo installed a glass vestibule, which helped but did not entirely resolve the issue of amplified sound spillage.

Live Band/Music/Entertainment:

Your permit does not include the use of any live band/music/entertainment. Mr. Ibrahim agreed to abide by this stipulation.

Dancing:

It has been brought to MCB4's attention that there has been dancing inside your establishment. Given that you do not have a cabaret license, any dancing is strictly prohibited. Mr. Ibrahim agreed to adhere to this prohibition.

NEW STIPULATIONS

Events:

Mr. Ibrahim agreed to the cessation of all commercial and/or private events at Il Bastardo that are not produced, advertised, marketed and/or organized by Il Bastardo's owners, staff and/or employees. (This means Il Bastardo may not utilize promoters.)

Crowd Control:

As you may be aware, allowing patrons to congregate outside of your establishment impedes pedestrian traffic, which not only creates a public nuisance but also poses a hardship for the seeing impaired and others who are differently-abled. This problem has been found to be especially serious during Il Bastardo's weekend brunches, which also generates excessive noise. As such, Mr. Ibrahim agreed to post one "black tie" security guard for every 50 patrons to prevent patrons from being overly boisterous. (This number applies to customers both inside the restaurant, as well as outside in the cafe.)

To further minimize the impact of guests congregating on the sidewalk, Mr. Ibrahim also agreed to:

- post at least three security guards outside for crowd control whenever large crowds gather outside of your establishment,
- stagger meal reservations so that patrons enter and leave at varied times,

- help facilitate the customers’ use of taxis and other forms of transportation,
- ensure that MCB4 has an operating number for residents and business to reach the manager on duty—Mr. Ibrahim has provided his cellphone number as 732-979-3850. Please provide a new contact number to MCB4 if there is a change of personnel.
- create a waiting area inside your establishment. Given the fact that your Certificate of Occupancy places a limitation of 169 people (including staff), both inside the restaurant and in the outside cafe, the number of waiting patrons in the interior waiting area will not affect the SLA’s liquor serving maximum as long as they are not served alcoholic beverages.

Over-Inebriation:

In an effort to prevent over-inebriation, as per code, Mr. Ibrahim agreed to stop offering “unlimited drinks” on site, and to cease advertising the same.

As you know, Il Bastardo’s liquor license was issued by the SLA on the condition that ALL stipulations be adhered to, including those outlined in your license AND those negotiated with MCB4 prior to the license's issuance.

Moving forward, we kindly request written confirmation that Il Bastardo will comply with the abovementioned stipulations that Mr. Ibrahim agreed to at MCB4’s December 7th, 2015 Quality of Life Committee Meeting. Please send your letter to Mr. Jesse Bodine, MCB4 District Manager, within ten (10) days of your receipt of this correspondence.

Thank you in advance for your cooperation.



Delores Rubin
Chair
Community Board 4



David Pincus
Co-Chair
Quality of Life Committee



Tina DiFelicianantonio
Co-Chair
Quality of Life Committee

Enclosure

- cc: Sherif Ibrahim, General Manager, IL Bastardo
Michael Jones, Deputy Chief Executive Officer
Hon. Brad Hoylman, State Senate
Hon. Dick Gottfried, State Assembly
Hon. Corey Johnson, City Council
Bill Borock, Council of Chelsea Block Associations

ON-PREMISES ESTABLISHMENT QUESTIONNAIRE

All applicants, EXCEPT for grocery and drug store beer, must complete Section G.

1. NEIGHBORHOOD:

Type of neighborhood

- Residential
 Business
 Shopping Mall

2. PREMISES (exterior):

a. Type of building and number of floors:

(Example: Detached, multi unit, shopping mall, etc.)

4 Story Commercial
 & Residential

b. Has premises been known by any other address?
 If YES, please specify

YES NO

c. Has premises been previously licensed for the sale of
 alcoholic beverages?

YES NO

d. What was prior use of premises:

to the best of our knowledge,
 Deli; Cellphone Store;
 Hardware Store.

e. Any outside area or sidewalk café used for the sale or
 consumption of alcoholic beverages? (includes roof & yard)
 If YES, describe and show on diagram

YES NO
 Sidewalk café

f. If applying for an on-premises license does premises have a valid
CERTIFICATE OF OCCUPANCY and ALL appropriate permits?

YES NO

**SUBMIT A COPY OF THE CERTIFICATE OF OCCUPANCY OR
 A LETTER FROM MUNICIPALITY STATING NONE IS NEEDED.**

g. Are the premises to be licensed divided in any way, by a
 public or private passageway, etc., over which the applicant
 does not have exclusive possession and control?
 If YES, describe

YES NO

3. PREMISES (interior):

a. On what floor(s) are the premises to be located
 How many room(s) on each floor?

1st Floor

b. Use of rooms?

See diagrams

c. If more than one floor, what is the access between floors?

N/A

d. How many bathrooms? _____

3

e. Location of bathrooms? (include on diagram)

See diagrams

On-Premises Establishment Questionnaire

Section G

- f. What is the maximum number of persons that can legally occupy the premises? 74
- g. Number of tables? 23
- h. Number of seats at tables? 56
- i. Is the interior view unobstructed throughout?
If not, state reason: yes
N/A
- j. Any openings to other parts of the building?
If YES, describe: YES NO

4. BARS:

- a. How many *stand-up bars are located on the premises? 1
- b. How many *service bars*? 0
- c. Describe all bars (length, shape and location) 23' front left - rectangle.
- d. Any food counters?
If YES, describe: YES NO

*See instructions, page II for definition of stand-up and service bars

5. KITCHEN:

- a. Does premises have a kitchen or food preparation area?
(If any, show on diagram) YES NO
- b. Is food available for sale? YES NO
If yes, describe type of food and **SUBMIT A MENU.** Italian

6. HOTEL:

- a. Type of Hotel. N/A
 - Transient
 - Apartment
 - Summer
- b. Is there a restaurant in the building(s) housing the proposed hotel? YES NO
- c. How many floors? _____
- d. How many rooms? _____
- e. How many mini bars? _____

DINNER

TAPAS

- Chupe 8.95**
Peruvian shrimp chowder
- Chorizo 8.95**
Spanish sausage sauté with port wine
- Mejillones 7.95**
Beer steamed P E I mussels
- Ostras Fritas 9.95**
Blue corn meal encrusted fried oysters,
on a bed of garlic creamed spinach and
enchilada sauce
- Frita Mixta 8.95**
Fried calamari and shrimps,
with a creole enchilada sauce
- Almejas 8.95**
Clams in white wine garlic, cilantro sauce
and toasted garlic bread
- Camarones 9.95**
Sautéed shrimps in a
garlic white wine sauce
- Banderillas 7.95**
Grilled skewered chicken marinated in
ancho chile on a bed of pico de gallo
- Papas Rellena 8.95**
Stuffed potatoes with shredded beef on
a bed of mushroom fricassee
- Empanadas 8.95**
Bacalao fricassee on a bed of
mango lentil salad

SIDE DISHES

- | | |
|-------------------------------|------|
| Tostones & Maduros | 4.95 |
| Yuca Frita | 4.95 |
| Black Beans & Rice | 4.95 |
| Goat Cheese Mashed | 4.95 |
| Guacamole with Plantain Chips | 4.95 |

TAPAS CRUDAS - RAW BAR

- | | |
|-------------------------------|-------|
| Blue Point Oysters | 12.95 |
| Little Neck Clams | 8.95 |
| Salmon Ceviche | 8.95 |
| Bass Ceviche | 8.95 |
| Seafood Salad | 8.95 |
| Raw Platter | 16.95 |
| (3 oysters, 3 clams, ceviche) | |

ENSALADAS - SALADS

- Ensalada de Queso de Cabra 7.95**
Warm goat cheese and watercress with
grilled asparagus in a garlic shallot vinaigrette
- Corazon de Palma 6.95**
Hearts of palm with mixed greens and
tomatoes tossed with a balsamic vinaigrette

TAPAS GRANDES - MAIN COURSES

- Arroz con Pollo 16.95**
Chicken, spanish chorizo in a saffron rice vegetables pilaf
- Pollo 16.95**
Guava barbecue chicken breast, with saffron
potatoes and pisto manchego
- Sopon 17.95**
Dominican shellfish stew with bass
in a coconut milk laced broth
- Camarones 18.95**
Sautéed shrimp, in an almond enchilada sauce,
served with green poblano rice
- Pargo 17.95**
Crispy fried red snapper in paella rice with mussels
- Salmon 17.95**
Paprika-dusted filet of salmon with shrimp barley
and mushroom cream sauce

"THE LATIN GRILL"

- Ropa Vieja 16.95**
Shredded sirloin steak in a spicy
cuban creole sauce with saffron rice pilaf
- Carne 17.95**
Grilled marinated skirt steak, with yucca fries
and black bean rice fricassee
- Bistec 19.95**
Grilled aged ribeye steak with goat cheese mashed
potato and mushroom fricassee
- Lechon 18.95**
Marinated grilled pork tenderloin, with chorizo,
black bean rice and pasilla jus

PROPOSED METHOD OF OPERATION

*All applicants for a license to sell alcoholic beverages
must complete Section H.*

1. What type of establishment will this be?
(i.e.: restaurant, tavern, disco, etc.) Restaurant
2. Will premises have music? YES NO
If YES, what type of music? Explain in detail: Background only
3. Will premises permit dancing? YES NO
3a If YES, describe: _____
4. What are the proposed days/hours of operation?
(Specify days and hours each day) 11am - midnight
7 days a week
5. Will the business employ a manager?
If YES, see question 6. YES NO
6. Name(s) of manager(s)? TBD
(Manager(s) MUST complete a personal questionnaire
Prior to employment)
7. How many employees? 8
8. Will there be security personnel?
(If YES, how many?) YES NO
9. Will applicant engage in internet sale of alcoholic beverages?
If YES, describe YES NO

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1. NEIGHBORHOOD:

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 Business
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2. PREMISES (exterior):

a. Type of building and number of floors:

(Example: Detached, multi unit, shopping mall, etc.)

4 Story commercial
 & Residential

b. Has premises been known by any other address?
 If YES, please specify

YES NO

c. Has premises been previously licensed for the sale of
 alcoholic beverages?

YES NO

d. What was prior use of premises:

to the best of our knowledge
 Deli, Cellphone Store,
 Hardware Store

e. Any outside area or sidewalk café used for the sale or
 consumption of alcoholic beverages? (includes roof & yard)
 If YES, describe and show on diagram:

YES NO

Sidewalk café

f. If applying for an on-premises license does premises have a valid
CERTIFICATE OF OCCUPANCY and **ALL** appropriate permits?

YES NO

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1st floor

b. Use of rooms?

See diagrams

c. If more than one floor, what is the access between floors?

N/A

d. How many bathrooms? _____

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e. Location of bathrooms? (include on diagram)

See diagrams

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10/15/1984

THE CITY OF NEW YORK



DEPARTMENT OF BUILDINGS
CERTIFICATE OF OCCUPANCY

BOROUGH Manhattan

DATE: SEP 06 2000 NO. 100816253

This certificate supersedes C.O. NO.

ZONING DISTRICT C6-2M

THIS CERTIFIES that the ~~work~~ altered ~~XXXXXX~~ building premises located at
 191 7th Avenue

Block 797 Lot 2

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN

PERMISSIBLE USE AND OCCUPANCY

STORY	FLOOR AREA SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING DWELLING OR HOUSING LIMITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
Cellar	O.G.						Boiler Room & Storage
First Fl.	75	15 each store			6	COMM.	Stores
Second Fl.	40	74			6	COMM.	Offices
Third Fl.	40		3½	5	2	RES.	3½ Apartments
Fourth Fl.	40		2½	3	2	RES.	2½ Apartments
Fifth Fl.	40				6	COMM.	Office

NOTE: THE FIRST AND SECOND FLOORS (12,201 SQ. FT.) AT 191-195 SEVENTH AVENUE MUST BE PRESERVED FOR OCCUPANCY BY COMMERCIAL OR MANUFACTURING USE IN ACCORDANCE WITH THE DULY RESTRICTIVE DECLARATION. CITY PLANNING APPLICATION #N960160ZCM

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1987.

OPEN SPACE USES

(SPECIFY - PARKING SPACES, LOADING BERTHS, OTHER USES NONE)

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE

Romy A. ...
 BOROUGH SUPERINTENDENT

Richard ... R.A.
 Acting Commissioner
 COMMISSIONER

ORIGINAL OFFICE COPY - DEPARTMENT OF BUILDINGS COPY

PROPOSED METHOD OF OPERATION

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