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COMMUNITY BOARD NO. 2, MANHATTAN

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May 25, 2018

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

Dear Commissioner Salas:

At its Full Board meeting on May 24, 2018 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

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

- 1. Kubbeh LLC, d/b/a Kubeh, 77 W. 11th St. (464 6th Avenue) with 8 tables and 16 chairs (4997-2018-ASWC)**

Whereas, the area was posted, community groups notified, and the applicant was present, and several members of the public appeared to speak regarding this application; and

Whereas, the establishment is currently in operation as a casual full-service and take out restaurant serving variations of ‘kubeh’ a traditional Middle Eastern soup dumpling, paired with cocktails; and

Whereas, the applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee in September 2016 to present a new application for a restaurant on-premise liquor license and despite CB2 Manhattan’s unanimous vote to recommend denial of the on-premise liquor license the State Liquor Authority granted the applicant the on-premises liquor license; and

Whereas, the applicant presented several letters and a petition in support of their sidewalk café application; and

Whereas, several neighboring residents appeared to express concerns about 1) the increase in noise and pedestrian traffic on West 11th Street with the addition of this sidewalk café, 2) a planter outside the residential building that would abut the sidewalk café and 3) the possibility that patrons of the sidewalk café would enter or exit the restaurant using the sidewalk café; and

Whereas, the applicant stated that no restaurant patrons would be permitted to enter or exit the sidewalk café other than through the main restaurant entrance/exit on 6th Avenue and that all staff would be instructed to take careful care of the planter that abuts the sidewalk café railing when setting up and breaking down the sidewalk café furniture; and

Whereas, the applicant wished to operate the café until 12:00 AM Monday-Thursday and until 1:00 AM Friday-Saturday, but upon the Committee’s urging agreed to not operate the café past 11:00 PM, seven days a week and would stipulate as such to the SLA; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored within the restaurant when the sidewalk café was closed; and

Whereas, the applicant stated that no beer, wine, or liquor would be served in the sidewalk café until such time that an amended liquor license is attained; and

Whereas, the applicant confirmed that the sidewalk café would be attended by servers and other restaurant staff and that all food and drink would be delivered by restaurant staff; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café for **Kubeh LLC, d/b/a Kubeh, 77 W. 11th St. (464 6th Avenue) with 8 tables and 16 chairs (4997-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

2. AOA786 LLC, d/b/a Paramount, 820 Broadway (between E. 11th and E. 12th Sts.) with 4 tables and 5 chairs (8310-2018-ASWC)

Whereas, the area was posted, community groups notified, and the applicant was present, and no member of the public appeared to speak regarding this application; and

Whereas, the applicant operates over 50 Canadian locations of this fast-casual establishment serving Lebanese cuisine and the sidewalk café will consist of two benches and one chair and would be available for customers to use after ordering and receiving their food from the counter and restaurant staff would regularly monitor the café to clear and wipe tables; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed; and

Whereas, the applicant stated that it has no intention of applying for a liquor license as liquor is not served at any of the applicant’s locations; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café for **AOA786 LLC, d/b/a N/A, 820 Broadway (between E. 11th and E. 12th Sts.) with 4 tables and 5 chairs (8310-2018-ASWC)**, provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

3. Momacha OP LLC, d/b/a Momacha, 312 Bowery (between Bleecker and Houston Sts.) with 9 tables and 29 chairs (9123-2018-ASWC)

Whereas, the area was posted, community groups notified, and the applicant was present, and no member of the public appeared to speak regarding this application; and

Whereas, the applicant will operate this matcha tea and coffee café that shares space with an art gallery and the sidewalk café will be open for patrons to enjoy their beverages and pastries and restaurant staff will regularly monitor the café to clear and wipe tables; and

Whereas, the applicant does not serve alcohol and has no intention of applying for a liquor license; and

Whereas, the applicant states the the café would not operate past 9:00 PM, Monday-Thursday and not past 10:00 PM, Friday-Saturday; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café for **Momacha OP LLC, d/b/a Momacha, 312 Bowery (between Bleecker and Houston Sts.) with 9 tables and 29 chairs (9123-2018-ASWC).**

Vote: Unanimous, with 41 Board Members in favor.

Renewal applications for revocable consent to operate an unenclosed sidewalk café for:

4. Elmer Kennedy LLC, d/b/a Pasquale Jones, 86 Kenmare Street (between Cleveland Place and Mulberry Street) with 6 tables & 12 chairs (2032459-DCA)

Whereas, the area was posted, community groups notified, and the applicant was present, and no member of the public appeared to speak regarding this application; and

Whereas, the applicant was made aware that the current set-up of the sidewalk café was not consistent with the plans provided by the applicant when the café was first considered by this committee and that more clearance was required between the phone booth and the outer railing of the café and the applicant expressed contrition and indicated it was not aware that the current set-up did not conform and made all assurances that they would rectify all issues; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of a sidewalk café renewal for **Pasquale Jones, 86 Kenmare Street (between Cleveland Place and Mulberry Street) with 6 tables & 12 chairs (2032459-DCA)** provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements.

Vote: Unanimous, with 41 Board Members in favor.

5. Vap Union Square, LLC, d/b/a Vapiano, 113 University Place (between East 12th and East 13th Sts., with 8 tables and 15 chairs (2038465-DCA)

Whereas, the area was posted, community groups notified, and the applicant was present, and approximately 15 members of the public appeared to speak regarding this application; and

Whereas, the applicant appeared before Manhattan, Community Board 2 in May 2016 at which time neighboring residents appeared in opposition to the original sidewalk cafe application at this location due to concerns with vehicular and pedestrian traffic congestion and safety related to the major construction site across University Place; a history of complaints about dirty sidewalks, crowd noise, and HVAC noise at the existing restaurant, and frequent lack of a knowledgeable manager on premises; and

Whereas, the applicant appeared with the current general manager of this location (the restaurant is an international chain with 152 locations) who stated that he had not heard the concerns of the neighbors before but found that many of the complaints had been rectified and the manager offered his personal cell phone number to all the residents in order to meet with anyone that wished regarding the complaints; and

Whereas, the applicant agreed that the sidewalk café would not operate past 9 PM seven days a week; CB2 recommends that the licensee, as soon as practical, alter there existing liquor license to include the existing sidewalk cafe and that all future alcohol would be delivered to guests by staff in the sidewalk café; and

Whereas, the applicant confirmed that all sidewalk café furniture, including the railings, would be stored inside the establishment when the sidewalk café was closed, and that staff would permanently remove a waitstaff stand from the sidewalk café as it is not allowed per Department of Consumer Affairs' regulations; now

Therefore Be It Resolved that CB2 Manhattan recommends **DENIAL** of a sidewalk café renewal for **Vapiano, 113 University Place (between East 12th and East 13th Sts., with 8 tables and 15 chairs (2038465-DCA), UNLESS** the applicant stipulates to the 9 PM closing time for the sidewalk café and provided that the application conforms with all applicable zoning and sidewalk café laws and clearance requirements and that no alcohol be served in the sidewalk café until the liquor license is amended to include the sidewalk café.

Vote: Unanimous, with 41 Board Members in favor.

FYI/ Sidewalk Café Renewals

6. **Moonblu, Inc. d/b/a Joy Burger Bar, 361 6th Ave. with 14 tables & 29 chairs (2039435-DCA)**
7. **Coriander Factory, Inc. d/b/a Bo Caphe, 222 Lafayette St. with 3 tables & 6 chairs (2035427-DCA)**
8. **212 Lafayette Associates, LLC d/b/a Café Select, 212 Lafayette St. with 5 tables & 4 chairs (1349707-DCA)**
9. **UBC, LLC d/b/a Mr. Donahues, 203 Mott St. with 5 tables & 10 chairs (2038131-DCA)**
10. **Supernatural Wine, Inc. d/b/a La Compagnies Des Vins Surnaturels, 247 Centre St. with 6 tables & 12 chairs (2042125-DCA)**
11. **Dynamic Music Corp. d/b/a Olive Tree Café & Comedy Cellar, 117 MacDougal St. with 3 tables & 6 chairs (0807555-DCA)**
12. **125 Hospitality, LLC d/b/a Groove, 125 MacDougal St. with 4 tables and 8 chairs (2048976-DCA)**
13. **Bar Giacosa Corp., d/b/a Bar Pitti, 268 Ave. of the Americas with 21 tables and 49 chairs (1097155-DCA)**
14. **Mendared, LLC d/b/a Le Souk Harem, 510 LaGuardia Pl. with 17 tables and 34 chairs (1354717-DCA)**
15. **Raro, Inc. d/b/a Fafele, 29 7th Ave. S. with 14 tables and 42 chairs (1419407-DCA)**
16. **Juicerie, LLC d/b/a Juicerie, 19 Kenmare St. with 20 tables and 40 chairs (1437537-DCA)**
17. **Fig & olive Thirteen Street, LLC d/b/a N/A, 420 W. 13th St. with 17 tables & 34 chairs (1343247-DCA)**
18. **Moz Restaurant Inc., d/b/a Meme 581 Hudson St. with 8 tables & 16 chairs (1347167-DCA)**
19. **Smorgas Chef West Village, LLC d/b/a 283 W. 12th St. with 13 tables & 26 (1233131-DCA)**
20. **Serafina Meatpacking, LLC 7 9th Ave. with 14 tables & 36 chairs (1418637-DCA)**
21. **Soho 75 LLC, d/b/a The Mill, 75 Varick St. with 7 tables and 24 chairs (2038815-DCA)**
22. **Carabea, LLC d/b/a Galway Hooker Bar, 133 Seventh Ave. South with 8 tables & 18 chairs (1341044-DCA) (ENCLOSED)**

Whereas, the area was posted, community groups notified and no member of the public requested any of these renewals to be heard in a public hearing nor appeared to speak regarding any of these applications; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of the subject renewals, provided that all applications conform with all applicable zoning and sidewalk café laws and clearance requirements.

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. Brian Kavanagh, NY State Senator
Hon. Yuh-line Niou, Assembly Member
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, City Council Speaker
Hon. Margaret Chin, Council Member
Hon. Carlina Rivera, Council Member