BUSINESS LICNESE & PERMITS COMMITTEE **Item #: 1**

July 25, 2012

Ms. Beverly Gotay
Assistant Director of Licensing
NYC Department of Consumer Affairs
42 Broadway, 8th floor
New York, New York 10004

Re: Pound & Ounces LLC d/b/a Pounds & Ounces
Unenclosed Sidewalk Café License # 1424891
160 8th Avenue (17/18)

Dear Ms. Gotay:

Manhattan Community Board 4 (MCB4) recommends **approval** of a new unenclosed sidewalk café permit for **Pounds & Ounces.,** with the following provisions:

- The sidewalk café will have 17 tables with 34 seats
- Sidewalk Café Hours of Operation will be Monday – Thursday 8 a.m. – 12 a.m., Friday & Saturday 8 a.m. – 1 a.m, Sunday 12 p.m. – 12 a.m.
- Applicant will mark the sidewalk boundaries according to the approved plans submitted to MCB4 and approved by the DCA.
- There will be a clear eight foot path between the border of the sidewalk café and all obstructions.

Sincerely,

Corey Johnson
Chair

Paul Seres
Co-Chair
Business License & Permits Committee

Lisa Daglian
Co-Chair
Business License & Permits Committee

DRAFT

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT	ADDRESS	
Pound & Ounces	160 8th Avenue	
DOING BUSINESS AS (DBA)	CROSS STREETS	OWNER:
Pound & Ounces	West 17th & 18th Street	Etai Cinders
DESCRIPTION OF APPLICATION		REP:
Applying for a sidewalk café application with 17 tables & 34 seats		Michalel Kelly
		DCA LICENSE NUMBER:
		1424891
		SLA LICENSE NUMBER:
ON SITE CONTACT: (Name, position & phone number): Etai Cinder: 917-957-1022		1260953

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	34	17	

OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	YES	NO	N/A	
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	YES	NO	N/A	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	NO	N/A	
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	YES	NO	N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	YES	NO	N/A	
The sidewalk café will not provide standing space for drinking or smoking.	YES	NO	N/A	
Will the outdoor furniture be removed when not in use?	YES	NO	N/A	
Will the applicant be using delivery bicycles? If so, explain where you will store them since you'll have a sidewalk café.	YES	NO	N/A	Not now, we probably will
Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	N/A	

SOUND ISSUES				
Will applicant do everything in their power to provide an effective sound baffling or sound controlled environment through landscaping or some type of enclosure, where possible; provided they do not violate any fire or building code regulations? This includes possibly working with landlords for soundproofing tenants apartments (such as installing soundproofing windows, acoustical tiles, etc.).	**YES**	NO	N/A	P & O
Will applicant enforce a quiet environment in the outdoor space, so as not to disturb nearby residents (e.g. there will be no amplified music, as per the law, and windows and doors to areas that play amplified music shall be closed). The applicant will make every effort possible to limit the noise emanating from diners by posting signs outside and also on menus asking for respect of the neighbor's privacy and peace. The staff will also encourage a peaceful environment amongst the outdoor diners.	**YES**	NO	N/A	
CAFÉ DESIGN				
Is the sidewalk a minimum of 12 feet? Subtracting the width of the proposed sidewalk café from the width of the entire sidewalk, do you at least leave 8 feet of clearance?	**YES**	NO	N/A	
Is there a minimum clearance of 8 feet between the sidewalk café and all sidewalk obstructions including parking meters, traffic signs and installed City-sanctioned street furniture (current DCA regs exempt those items)?	**YES**	NO	N/A	
Is there a minimum clearance of 8 feet between the sidewalk café and the tree trunk of a tree with a flush grate (regs exempt trees with flush grates)?	YES	**NO**	N/A	
Is there a minimum clearance of 4 feet between the sidewalk café and subway grating to be consistent with ADA standards (regs require 3 ft)	**YES**	NO	N/A	
Is there a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (regs do not apply to residences)?	YES	**NO**	N/A	
Is there a minimum 3 feet wait service aisle to ensure no public space is used by the café to service its clientele?	**YES**	NO	N/A	
Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?	YES	NO	**N/A**	
If applicant decides to apply for alterations, as defined by SLA or DCA (as applicable), he/she will reappear before CB4 to describe these alterations.	**YES**	NO	N/A	

ADDITIONAL INFORMATION: (Applicant Use)

ADDITIONAL NOTES: (Office Use Only)

ADDITIONAL STIPULATIONS: (Office Use Only)

- **Applicant will file amended plans to indicate reduction in number of seats & tables.**