

June 11, 2004

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

Re: SIDEWALK CAFÉ APPLICATION

Applicant: Portici Rest. Inc., d/b/a 44 Southwest
Location: 621 9th Ave (44th street)
DCA License No.: 1163815
Type: Assignment of Consent – Unenclosed Sidewalk Café
Tables/Chairs: 8 tables/20 chairs

Dear Ms. Gotay:

At its May 19, 2004 meeting, Manhattan Community Board No. 4's Transportation Planning Committee heard from the above applicant and reviewed plans for an unenclosed sidewalk café.

Several neighbors who live in the building directly above the restaurant appeared in opposition to the application. In addition, several letters were received by the Board office, detailing the restaurant's manner of operation as follows:

- The ventilation system of the restaurant has not been improved, despite a stipulation in the restaurant's original liquor license application. This continues to be problematic for neighbors.
- Open windows of the restaurant have caused noise problems for neighbors.
- On its original application for a liquor license, the restaurant expressly stated that it had no plans for a sidewalk café.

Upon discussion of these problems, the Transportation Planning Committee negotiated the following conditions, which must be incorporated into a revised application, before recommending approval of this application:

1. The sidewalk café will close at 10 p.m. on Sundays through Thursdays and will close by 11 p.m. on Friday and Saturdays.

2. The applicant agrees to improve the ventilation system prior to issuance of the café permit, to eliminate odors entering neighbor residences as stipulated in the application for the restaurant's liquor license. If the ventilation system is not repaired, the permit shall not be issued.

3. The size of operation will be reduced from 15 tables/34 seats to 8 tables/20 seats, all in a single row, reducing the sidewalk café's width on 9th Avenue accordingly. This will reduce the café's impact on residents and will allow easier passage on 9th Avenue.

4. The café's outer boundaries will be marked on the sidewalk, as required by DCA's sidewalk café regulations. If markings are not in place when the applicant returns to the Board for renewal, this committee will recommend denial of the renewal application.

The Committee voted to approve this application with these 4 stipulations by a vote of 7 in favor, 2 against, with one abstention.

On June 2, 2004 the Full Board approved the application with stipulations by a vote of 30 in favor, 4 opposed, 0 abstaining and 0 present but not eligible to vote.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Joshua David
Co-Chair
Transportation Planning Committee



John Rust
Co-Chair
Transportation Planning Committee

Encl. Revised sidewalk café plans

cc: Elected Officials
Applicant
Emily Beecham, DOT