



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

July 28, 2015

Ana Reyneso
Assistant Director of Licensing
Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Hono LLC
Sidewalk Café License/Application # 9230-2015-ASWC
356 West 44th Street (8/9)

Dear Ms. Reyneso:

Manhattan Community Board 4 (MCB4) recommends denial of an unenclosed sidewalk café permit for Hono LLC for the following reasons:

- The applicant has failed to communicate in any way with MCB4 about this application, and MCB4 and the community thus have had no opportunity to discuss the application and its operations with the applicant. Upon receipt of this sidewalk café application from the Department of Consumer Affairs (DCA), MCB4 sent its standard Sidewalk Café Stipulations Application to the applicant and notified the applicant of the upcoming meeting of MCB4's Business Licenses and Permits (BLP) Committee on July 14, 2015, at which the application would be discussed. The applicant did not submit a completed stipulations application, did not appear at the July 14 BLP Committee meeting, and did not communicate with MCB4 in any way about its application.
- The applicant has already been illegally serving food and alcohol at sidewalk tables in front of its establishment -- despite the facts that it has no permit for a sidewalk café from the DCA and its liquor license from the NYS Liquor Authority only permits the service of alcohol *inside* the establishment. Attached are photos taken by a MCB4 board member on July 12, 2015, showing alcohol being consumed at outdoor tables in front of this establishment. These outdoor tables have been in regular use for several months. In addition to the illegal sidewalk café, the applicant has an outdoor speaker playing music onto the sidewalk, in violation of the city's noise code. The enclosed pictures, as well as the pictures submitted to the DCA by the applicant, also show that the applicant has placed unauthorized A-

frame signs, a menu board, and planters on the sidewalk, all in violation of city regulations. MCB4 believes strongly that it is inappropriate to award a sidewalk café permit to an applicant that has violated multiple laws with respect to the sidewalk in front of its establishment and has shown such disregard of the law and the community.

- The layout of the sidewalk café reflected in the proposed plans fails to comply with the city’s regulations for sidewalk café design. Title 6, Chapter 2, Subchapter F, Section 2-55 of the Rules of the City of New York requires that “a service aisle not less than 36 inches is maintained ***along the entire length of the separated areas occupied by the sidewalk café . . .***” (See also DCA Inspection Checklist: Sidewalk Café -- “There must be a 36-inch service aisle ***for the entire length of the tables*** that is separate from the 8-foot pedestrian path.”) Although the submitted plans contain a small area labelled “Waiter Service Aisle” and several three-foot measurements, the purported service aisle in no way runs the “entire length” of the tables or the separated café area. In fact, it would seem impossible for a waiter to serve many of the patrons at these tables from the designated “service aisle” on the plans.
- Although MCB4 believes strongly that this application should be denied for the reasons stated above, in the event any permit is granted, the café should be re-designed to include a true 3-foot service aisle running along the entire length of the café and to comply with all other city regulations. MCB4 also requests that the café be closed and vacated at the hours that MCB4 requests from all sidewalk café applicants: 11:00 p.m. on Friday and Saturday nights and 10:00 p.m. on all other nights. MCB4 has found that these closing hours are necessary to protect reasonable residential quality of life for community members living above and adjacent to sidewalk cafes.

Sincerely,



Christine Berthet
Chair

[signed 7/28/15]

Burt Lazarin
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee