



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

COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

August 5, 2013

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

Re: Pio Pio Ocho Inc.
d/b/a Pio Pio
604 10th Avenue (43/44)

Dear Ms. Gotay:

Manhattan Community Board 4 (MCB4) recommends **denial** of a new unenclosed sidewalk café license to **Pio Pio Ocho Inc. d/b/a Pio Pio – 604 10th Avenue (43/44)** **unless** the following stipulations, agreed to by the applicant, are part of the method of operation for this establishment with 8 tables and 16 seats.

A signed copy of the questionnaire and stipulations are enclosed.

Sincerely,

Corey Johnson
Chair

[signed 7/31/13]
Paul Seres
Co-Chair
Business License & Permits
Committee

[signed 7/31/13]
Lisa Daglian
Co-Chair
Business License & Permits
Committee

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT Pio Pio Ocho Inc.	ADDRESS 604 10th Avenue, NYC, NY 10036		
DOING BUSINESS AS (DBA) Pio Pio	CROSS STREETS West 43rd & West 44th	OWNER: Augusto Yallico	
DESCRIPTION OF APPLICATION New Application to operate an unenclosed sidewalk cafe		LAWYER:	
		DCA LICENSE NUMBER: 1464672	
		SLA LICENSE NUMBER: 1252194	
		ON SITE CONTACT: (Name, position & phone number): Edwin Burton - Manager -(718) 803-8242 x105	

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	11-11	11-11	11-11	11-11	11-12	11-12	12-11
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12
SEATING & TABLES	DESCRIPTION		NOTES				
	SEATS	TABLES					
	16	8					

OPERATIONAL ISSUES

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

ADDITIONAL INFORMATION: (Applicant Use)

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AY-1

- Revised Plan by July 22nd
- Will Address Neighbor concerns as they arise
- Will Manage Sidewalk ~~concerns~~ ^{congestion} to appease neighbors

SWA

THE OFFICE OF S. STEVE WYGODA
ARCHITECTS AND PLANNERS
180 EAST MAIN STREET
HUNTINGTON, NY 11723
TEL: 609-426-1000

IF ANY PORTION OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF SWA, IT IS PROHIBITED.

ISSUE DATES:

NO. DATE DESCRIPTION

1 10/11/12 PROPOSED PLAN

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DCA #:

ULURP #:

COMMUNITY BOARD #:

104

BLOCK #:

1053

LOT #:

7503

OF TABLES:

8

OF SEATS:

16

CAFE AREA:

179 SQ. FT.

UNDISCLOSED SIDEWALK CAFE FOR

PIC PICO, INC

604 10 AVE.

NEW YORK, N.Y. 10036

DRAWING TITLE

PROPOSED PLAN,

ELEVATION, SECTION AND

SITE PLAN

SCALE: SIGNATURE

DATE: 02-24-13

DRAWING NO.: 08.01

CHECKED BY: S.S.W.

DWG. NO.:

A-001.00

DATE: 02-24-13

DRAWING NO.: 08.01

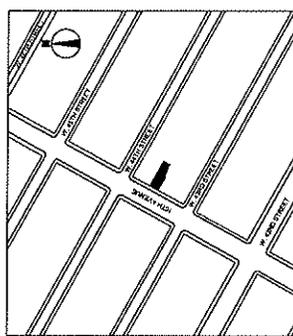
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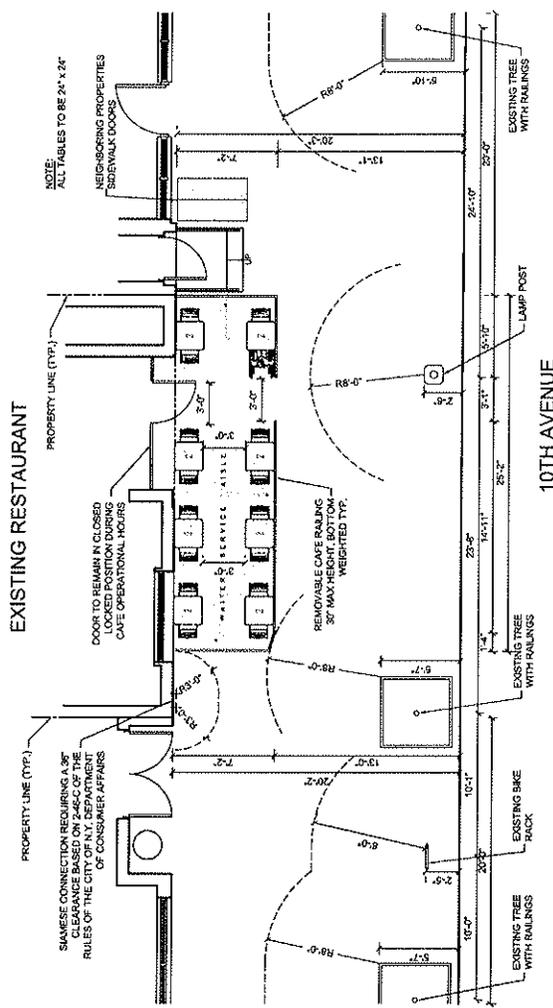
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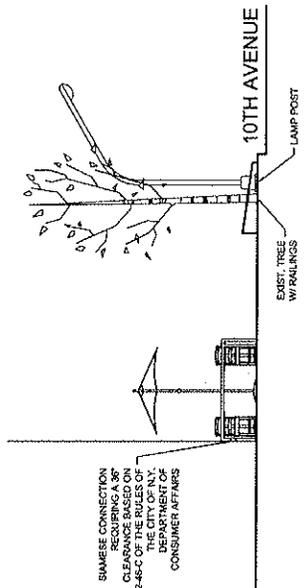
- NOTE:**
1. THE EXTERIOR CORNERS OF THE BORDER OF THE SPACE AUTHORIZED TO BE OCCUPIED BY AN UNENCLOSED SIDEWALK CAFE SHALL BE MARKED ON THE SIDEWALK BY A LINE PAINTED WITH WHITE LATEX TRAFFIC AND ZONE MARKING PAINT. THE LINE AT THE OUTSIDE CORNER SHALL BE (A) 1" WIDE AND (B) 18" LONG. THE LINE AT EACH CORNER OF THE CAFE BORDER FROM THE POINT WHERE THE BORDERS INTERSECT SHALL BE (A) 1" WIDE AND (B) 18" LONG. THE LINE AT EACH CORNER OF THE CAFE BORDER FROM THE POINT WHERE THE ARC INTERSECTS WITH THE STRAIGHT PORTION OF THE SIDEWALK CAFE BORDER SHALL BE (A) 1" WIDE AND (B) 18" LONG.
 2. THE CLEARANCE FROM THE CORNERS OF THE SIDEWALK CAFES, PARKING METERS, TRAFFIC SIGNS, AND TREES WHICH HAVE EDWARDS PLUMB TO THE GRADE, WITHOUT FENCED OR GUARDED, SHALL NOT COUNT AS OBSTRUCTIONS.
 3. NO BEER, ALCOHOLIC OR SPIRITUOUS LIQUORS SHALL BE SERVED ON THE SIDEWALK CAFE PREMISES OR ON ANY TABLE THEREON, UNLESS PERMITTED UNDER A LICENSE ISSUED BY THE NEW YORK STATE LIQUOR AUTHORITY.
 4. A SAMPLE MENU NO LARGER THAN THREE SQUARE FEET MAY BE POSTED IN THE SIDEWALK CAFE, SO THAT IT MAY BE READ FROM THE STREET.



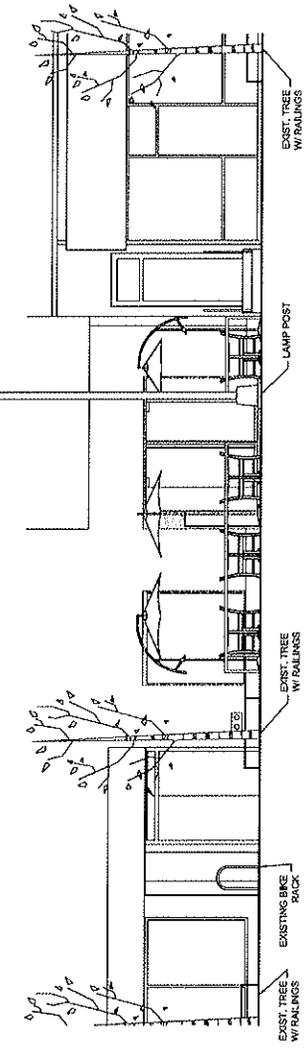
1. SITE MAP
SCALE: 1/4" = 1'-0"



2. PROPOSED PLAN
SCALE: 1/4" = 1'-0"



3. PROPOSED SECTION
SCALE: 1/4" = 1'-0"



4. PROPOSED ELEVATION
SCALE: 1/4" = 1'-0"