



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

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4COREY JOHNSON  
5Chair

6ROBERT J. BENFATTO, JR., ESQ.  
7District Manager

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9 BUSINESS LICNESE & PERMITS COMMITTEE

Item # 5

10

11 April 4, 2012

12

13 Ms. Beverly Gotay  
14 Assistant Director of Licensing  
15 NYC Department of Consumer Affairs  
16 42 Broadway, 8<sup>th</sup> floor  
17 New York, New York 10004

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19 **Re: Anejo LLC d/b/a Anejo Tequileria**  
20 *668 10<sup>th</sup> Avenue (47<sup>th</sup>)*

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22 Dear Ms. Gotay:

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24 Manhattan Community Board 4 (MCB4) recommends **denial** of a new unenclosed sidewalk café license  
25 to **Anejo LLC d/b/a Anejo Tequileria**, **unless** the following stipulations, agreed to by the applicant, is  
26 part of the method of operation for this establishment with 32 tables and 16 seats.

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28 A signed copy of the questionnaire, stipulations and community agreements are enclosed.

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31 Sincerely,

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Corey Johnson  
Chair

Paul Seres  
Co-Chair  
Business License & Permits  
Committee

Lisa Daglian  
Co-Chair  
Business License & Permits  
Committee

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# Manhattan Community Board 4

## Unenclosed Sidewalk Café Stipulations Application

|   |             |  |           |            |                             |          |           |
|---|-------------|--|-----------|------------|-----------------------------|----------|-----------|
| APPLICANT<br><b>Anejo LLC</b>   |             | ADDRESS<br><b>668 10<sup>th</sup> Avenue</b>   |           |            |                             |          |           |
| DOING BUSINESS AS (DBA)<br><b>Anejo Tequileria</b>  |             | CROSS STREETS<br><b>47<sup>th</sup> Street</b> |           |            | OWNER:<br><b>Hui Hsuang</b> |          |           |
| DESCRIPTION OF APPLICATION  |             | LAWYER:  |           |            |                             |          |           |
|   |             | DCA LICENSE NUMBER:                            |           |            |                             |          |           |
|   |             | <b>1419380</b>                                 |           |            |                             |          |           |
|   |             | SLA LICENSE NUMBER:                            |           |            |                             |          |           |
| ON SITE CONTACT: ( Name, position & phone number ):<br><b>John Diehl manager/partner 917-548-3662</b>                             |             | <b>1257288</b>                                 |           |            |                             |          |           |
| Side-walk café hours of Operation   | MONDAY      | TUESDAY  | WEDNESDAY | THURSDAY   | FRIDAY                      | SATURDAY | SUNDAY    |
|   | 8am-10pm    | 8am-10pm                                       | 8am-10pm  | 8am-10pm   | 8am-11m                     | 8am-11m  | 12pm-10pm |
| DCA Hours Allowed   | 8-12        | 8-12   | 8-12      | 8-12       | 8-1                         | 8-1      | 12-12     |
| SEATING & TABLES  | DESCRIPTION |  | NOTES     |            |                             |          |           |
|   | SEATS       | TABLES   |           |            |                             |          |           |
|   | <b>16</b>   | <b>32</b>                                      |           |            |                             |          |           |
| <b>OPERATIONAL ISSUES</b>   |             |  |           |            |                             |          |           |
| Will you follow the rule prohibiting speakers for music in the outdoor space?   |             | <u>YES</u>                                     | NO        | N/A        |                             |          |           |
| Will you close all French doors and sliding windows when any interior amplified music is played (per law)?                        |             | <u>YES</u>                                     | NO        | N/A        |                             |          |           |
| The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.                           |             | <u>YES</u>                                     | NO        | N/A        |                             |          |           |
| Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?                              |             | <u>YES</u>                                     | NO        | N/A        |                             |          |           |
| The service and consumption of alcohol on the sidewalk café will be only via seated food service.                                 |             | <u>YES</u>                                     | NO        | N/A        |                             |          |           |
| The sidewalk café will not provide standing space for drinking or smoking.  |             | <u>YES</u>                                     | NO        | N/A        |                             |          |           |
| Will the outdoor furniture be removed when not in use?  |             | <u>YES</u>                                     | 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        | <u>N/A</u> |                             |          |           |
| Do you intend to use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department? |             | YES  | <u>NO</u> | N/A        |                             |          |           |
| Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?                 |             | <u>YES</u>                                     | 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.).   | <u>YES</u> | 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. | <u>YES</u> | 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?  | <u>YES</u> | 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)? | <u>YES</u> | 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)?  | <u>YES</u> | 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)  | <u>YES</u> | 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)?  | <u>YES</u> | 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?   | <u>YES</u> | NO | N/A |  |
| Are the sidewalk-café outer boundaries marked on the sidewalk as requested by DCA regulations?   | <u>YES</u> | NO | N/A | Marked on drawings and will mark the sidewalk once sidewalk café can be used |
| 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.  | <u>YES</u> | NO | N/A |  |

**ADDITIONAL INFORMATION: (Applicant Use)**

**ADDITIONAL NOTES: (Office Use Only)**

**ADDITIONAL STIPULATIONS: (Office Use Only)**

- Applicant will not install fencing from 8 ft radius of the tree (will send new sidewalk café plans to office prior to April 4<sup>th</sup> Full Board Meeting)
- Applicant will mark the sidewalk café boundaries
- To amend to include liquor license for the sidewalk cafe

