

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item #: 4

2
3 July 25, 2012

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

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11 **Re: Westside Steakhouse**
12 **Unenclosed Sidewalk Café License # 1428086**
13 *597 Tenth Avenue (43/44)*

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15 Dear Ms. Gotay:

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17 Manhattan Community Board 4 (MCB4) recommends approval of a new unenclosed sidewalk café permit for
18 **Westside Steakhouse.**, with the following provisions:

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- 20 • The sidewalk café will have 19 tables with 37 seats
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 - 22 • Sidewalk Café Hours of Operation will be Sunday – Thursday 1130 a.m. – 1030 p.m., Friday & Saturday
23 1130 a.m. – 11 p.m.
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 - 25 • Applicant will mark the sidewalk boundaries according to the approved plans submitted to MCB4 and
26 approved by the DCA.
 - 27 • There will be a clear eight foot path between the border of the sidewalk café and all obstructions.
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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

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT Nicholas Zippilli	ADDRESS 597 10th Avenue
DOING BUSINESS AS (DBA) West Side Steakhouse	CROSS STREETS W. 43rd & W 44th Street
DESCRIPTION OF APPLICATION Applying for an unenclosed sidewalk café application with 19 tables & 37 seats	OWNER: Nicholas Zippilli
	LAWYER:
	DCA LICENSE NUMBER: 1428086
	SLA LICENSE NUMBER: 1240741
ON SITE CONTACT: (Name, position & phone number): Nicholas Zippilli – 212-564-4803	

Side-walk café hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	1130am – 1030 pm	1130am – 11 pm	1130am – 11 pm	1130am – 1030 pm			
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	37	19	

OPERATIONAL ISSUES

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)?	YES	NO	<u>N/A</u>	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	<u>NO</u>	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.	<u>YES</u>	NO	N/A	Will be stored at the existing bike rack in front of the restaurant
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?	YES	NO	<u>N/A</u>	

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	
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)

- Applicant will submit amended plans to reflect 6 top on southern end and 4 top & 2 top on the northern boundary
- No other change in the method of operation

ADDITIONAL STIPULATIONS: (Office Use Only)