BUSINESS LICNESE & PERMITS COMMITTEE **Item # 3**

May 2, 2012

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

Re: IL Baretto LLC
Unenclosed Sidewalk Café License # 1422759
750 11th Avenue (52nd/53rd)

Dear Ms. Gotay:

Manhattan Community Board 4 (MCB4) recommends approval of a new unenclosed sidewalk café permit for **IL Baretto LLC** with the following provisions:

- The sidewalk café will have 12 tables with 24 seats
- Sidewalk Café Hours of Operation will be Monday & Tuesday 8 a.m.-10 p.m.; Wednesday & Thursday 8 a.m.-11 p.m.; Friday & Saturday 8 a.m. – 12 a.m.; Sunday 12 p.m. – 10 p.m.
- Applicant will mark the sidewalk boundaries according to the approved plans submitted to MCB4 and approved by the DCA.
- There will be a clear eight foot path between the border of the sidewalk café and all obstructions.

Sincerely,

Corey Johnson Chair	Paul Seres Co-Chair Business License & Permits Committee	Lisa Daglian Co-Chair Business License & Permits Committee

DRAFT

Manhattan Community Board 4

Unenclosed Sidewalk Café Stipulations Application

APPLICANT	ADDRESS	
IL Baretto LLC	750 11th Street	
DOING BUSINESS AS (DBA)	CROSS STREETS West 52nd & 53rd	OWNER: Alberto Tartari
DESCRIPTION OF APPLICATION: Unenclosed Sidewalk Cafe		LAWYER: Frank Nalevaik
		DCA LICENSE NUMBER: 1422759
ON SITE CONTACT: (Name, position & phone number): Owner: Alberto Tartari 917-456-7458		SLA LICENSE NUMBER: 1253317

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
Side-walk café hours of Operation	8 - 10	8 - 10	8 - 11	8 - 11	8 - 12	8 - 12	12 - 10
DCA Hours Allowed	8-12	8-12	8-12	8-12	8-1	8-1	12-12

	DESCRIPTION		NOTES
	SEATS	TABLES	
SEATING & TABLES	24	12	

OPERATIONAL ISSUES

Will you follow the rule prohibiting speakers for music in the outdoor space?	**YES**	NO	N/A	
Will you close all French doors and sliding windows when any interior amplified music is played (per law)?	YES	NO	**N/A**	
The sidewalk café will be closed and vacated by 11 PM on Friday & Saturday and 10 PM on all other days.	YES	**NO**	N/A	
Will you be serving alcohol on the sidewalk? If so, will you have waiter service as required by DCA?	**YES**	NO	N/A	
The service and consumption of alcohol on the sidewalk café will be only via seated food service.	**YES**	NO	N/A	
The sidewalk café will not provide standing space for drinking or smoking.	**YES**	NO	N/A	
Will the outdoor furniture be removed when not in use?	**YES**	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**	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?	YES	**NO**	N/A	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	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.).	**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)

ADDITIONAL STIPULATIONS: (Office Use Only)

Manhattan Community Board 4 (MCB4) recommends:	◯ Approval ◯ **Denial unless all agreed to by applicant is part of the method of operation** ◯ Denial

CB4 REPRESENTATIVES

Nelly Gonzalez *CB4 Community Associate*	**Lisa Daglian** *CB4 BLP Committee Co-Chair*	**Paul Seres** *CB4 BLP Committee Co-Chair*

APPLICANT AGREEMENT WITH THE COMMUNITY

Pursuant to these stipulations, this applicant agrees to have these provisions incorporated in the method of operation of their liquor license. Additionally, the applicant agrees to the community agreements as the basis for the community supporting this application.

SIGN HERE	**SIGNATURE OF APPLICANT**	**DATE** 4/10/07