

1 **BUSINESS LICNESE & PERMITS COMMITTEE**

Item # 4

2
3 May 2, 2012

4
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

10
11 **Re: Aura LLC. d/b/a Mickey Spillane's Kitchen**
12 **Unenclosed Sidewalk Café License # 1421245**
13 *350 West 49th Street (47th)*

14
15 Dear Ms. Gotay:

16
17 Manhattan Community Board 4 (MCB4) recommends approval of a new unenclosed sidewalk café
18 permit for **Aura LLC. d/b/a Mickey Spillane's Kitchen** with the following provisions:

- 19
- 20 • The sidewalk café will have 9 tables with 23 seats
 - 21
 - 22 • Sidewalk Café Hours of Operation will be Monday – Thursday 8 a.m. – 12 p.m.; Friday &
23 Saturday 8 a.m. – 1 a.m. & Sunday 12 p.m. – 12 a.m..
 - 24
 - 25 • Applicant will mark the sidewalk boundaries according to the approved plans submitted to
26 MCB4 and approved by the DCA.
 - 27 • There will be a clear eight foot path between the border of the sidewalk café and all obstructions.
28

29
30
31 Sincerely,

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35
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 Aura LLC.	ADDRESS 350 West 49th Street
DOING BUSINESS AS (DBA) Mickey Spillane's Kitchen	CROSS STREETS West 47th Street
DESCRIPTION OF APPLICATION: Unenclosed Sidewalk Cafe	
OWNER: Mickey Spillane, Amy Nislow, Kurt Kalm	
LAWYER:	
DCA LICENSE NUMBER: 1421245	
SLA LICENSE NUMBER:	

ON SITE CONTACT: (Name, position & phone number):
General Manager: Scott Sternick 212-920-9370 **1261080**

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

SEATING & TABLES	DESCRIPTION		NOTES
	SEATS	TABLES	
	23	9	

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)

- **Applicant will remove a table as marked on the plans (see attached) and once the phone booth is removed the table may be moved back.**

Manhattan Community Board 4 (MCB4) recommends:

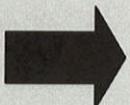
Approval Denial unless all agreed to by applicant is part of the
method of operation Denial

CB4 REPRESENTATIVES

 Nelly Gonzalez CB4 Community Associate	Lisa Daglian CB4 BLP Committee Co-Chair	Paul Seres CB4 BLP Committee Co-Chair
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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	4/10/12 DATE
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SWA

THE OFFICE OF S. STEVE WYCOGA
ARCHITECTS AND PLANNERS
100 EAST MAIN STREET
NEW YORK, N.Y. 10013
PHONE: 877-67-1440 FAX: 877-67-1440

IF A VIOLATION OF N.Y. STATE LAWS
REGARDING ARCHITECTURE OR PLANNING
IS DETECTED, THE ARCHITECT/PLANNER
MAY BE HELD RESPONSIBLE IN ANY WAY.

ISSUE DATES:
NO DATE DESCRIPTION

REVISIONS:
NO DATE DESCRIPTION
C.1. EXISTING REVISED PER DEPARTMENT PROTOCOL
C.2. EXISTING REVISED PER DEPARTMENT PROTOCOL
C.3. EXISTING REVISED PER DEPARTMENT PROTOCOL

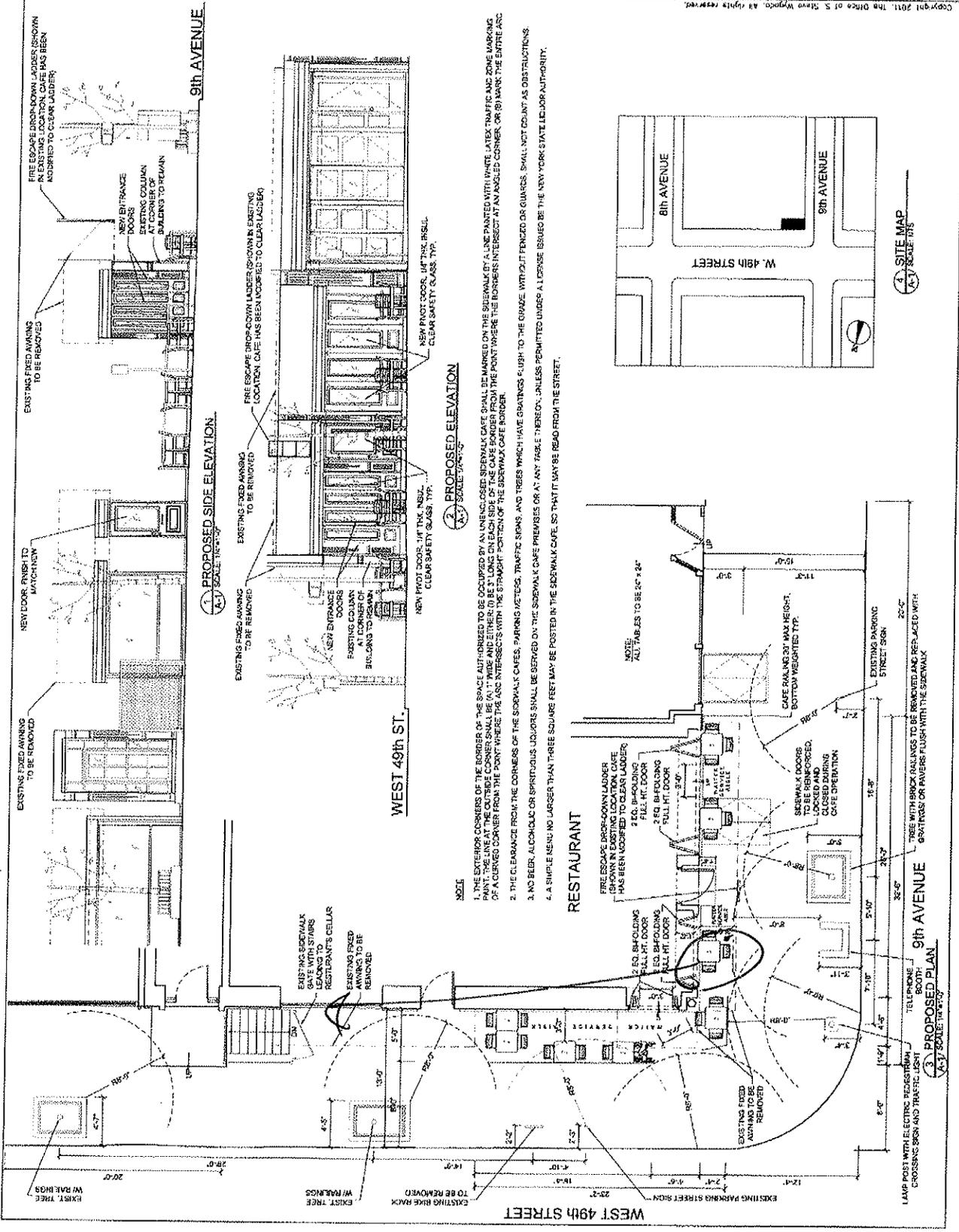
DCA #:
ULURP #:
COMMUNITY BOARD # 104
BLOCK # 1039 LOT # 61
OF TABLES: 8 # OF SEATS: 20
CAFE AREA: 195 SQ. FT.

AURA LLC

350 WEST 49TH STREET
NEW YORK, N.Y. 10019

PROPOSED PLAN,
ELEVATIONS AND
SITE PLAN

SCALE: 1/8" = 1'-0"
DRAWING BY: GJW
CHECK BY: GJW
DATE: 05/11/11
APP. NO. A-001.00



EXISTING FIRED AWNING TO BE REMOVED

NEW DOOR FINISH TO MATCH EXISTING

EXISTING FIRED AWNING TO BE REMOVED

FIRE ESCAPE DROP-DOWN LADDER (SHOWN IN EXISTING LOCATION) CAVE HAS BEEN MODIFIED TO CLEAR LADDER

NEW ENTRANCE DOORS TO BE INSTALLED AT CORNER OF BUILDING TO REMAIN

EXISTING FIRED AWNING TO BE REMOVED

9th AVENUE

PROPOSED SIDE ELEVATION
A-1 SCALE: 1/8" = 1'-0"

WEST 49th ST.

EXISTING BIKE RACK TO BE REMOVED

EXISTING BIKE RACK TO BE REMOVED

FIRE ESCAPE DROP-DOWN LADDER (SHOWN IN EXISTING LOCATION) CAVE HAS BEEN MODIFIED TO CLEAR LADDER

EXISTING FIRED AWNING TO BE REMOVED

NEW ENTRANCE DOORS TO BE INSTALLED AT CORNER OF BUILDING TO REMAIN

EXISTING BIKE RACK TO BE REMOVED

NEW FRONT DOOR, 1/4" THK. IRISBIL CLEAR SAFETY GLASS, TYP.

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PROPOSED ELEVATION
A-1 SCALE: 1/8" = 1'-0"

NOTE:
1. THE EXTERIOR CORNERS OF THE BUILDING SHALL BE OCCUPIED BY AN UNENCLOSED SIDEWALK CAVE. THE SPACE AUTHORIZED TO BE OCCUPIED BY THE CAVE SHALL BE MARKED ON THE SIDEWALK WITH WHITE JAZEK TRAFFIC MARKING AND SOME MARKING PAINT. THE LINE AT THE OUTSIDE CORNER OF THE CAVE BORDER FROM THE POINT WHERE THE BORDERS INTERSECT AT AN ANGLED CORNER, OR (B) MARK THE ENTIRE ARC OF A CURVED CORNER FROM THE POINT WHERE THE ARC INTERSECTS WITH THE STRAIGHT PORTION OF THE SIDEWALK CAVE BORDER.
2. THE CLEARANCE FROM THE CORNERS OF THE SIDEWALK CAVE, PARKING METES, TRAFFIC SIGNS, AND TREES WHICH HAVE OBSTRUCTIONS FLUSH 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 CAVE PREMISES OR AT ANY TABLE THEREON, UNLESS PERMITTED UNDER A LICENSE ISSUED BY THE NEW YORK STATE LIQUOR AUTHORITY.
4. A SIMPLE SIGN NO LARGER THAN THREE SQUARE FEET MAY BE POSTED IN THE SIDEWALK CAVE, SO THAT IT MAY BE READ FROM THE STREET.

RESTAURANT

FIRE ESCAPE DROP-DOWN LADDER (SHOWN IN EXISTING LOCATION) CAVE HAS BEEN MODIFIED TO CLEAR LADDER

EXISTING BIKE RACK TO BE REMOVED

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CHECK BY: GJW
DATE: 05/11/11
APP. NO. A-001.00

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ELEVATIONS AND
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WEST 49th STREET

9th AVENUE

8th AVENUE

