



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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

May 22, 2012

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

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

Dear Ms. Gotay:

Manhattan Community Board 4 (MCB4) recommends denial of a new unenclosed sidewalk café permit for Aura LLC. d/b/a Mickey Spillane's Kitchen.

The application is for nine tables and 23 seats.¹ We understand that the distances appear on the plan to be – barely - sufficient to comply with guidelines of eight and nine feet clearances. However, the operating constraints and specific characteristics of this location make it inappropriate for a sidewalk café:

1. On Ninth Avenue there is a third chair on each table. Once this chair is pulled and occupied it will add one and half to two feet to the cafe footprint. This will leave less than eight feet for a straight line pedestrian path, without recesses.
2. On Ninth Avenue the serving lane is assumed to be done through the opening in the French doors. However, closure of the French doors is mandatory if there is amplified sound and at 10:00 p.m. or later. Therefore there will be times when the cafe operation will require a three foot serving lane and this will not leave the required eight foot pedestrian path.
3. It is not entirely clear from the plan that the table located at the corner of W. 49th Street is nine feet away from the traffic light. And, even if it was, it would be right in the path of any wheel chair using the pedestrian ramp.
4. On W. 49th Street there is a very large public school located west of Ninth Avenue on the same street and their sidewalks will be (are) overtaken by large volumes of students to reach the subway stop at Eighth Avenue. A pedestrian volume study

¹ However the plan shows eight tables and 20 seats.

should be performed at school exit time (3:00 p.m. to 4:00 p.m.) to evaluate if the reduced pedestrian pathway would be sufficient to accommodate the students.

Thank you for your consideration.

Sincerely,



Corey Johnson
Chair

[signed 5/22/12]

Paul Seres
Co-Chair
Business License & Permits
Committee

[signed 5/22/12]

Lisa Daglian
Co-Chair
Business License & Permits
Committee

cc: NYC Council Speaker Christine Quinn