



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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BURT LAZARIN
Chair

Jesse Bodine
District Manager

December 6, 2018

Lorelei Salas
Commissioner
Department of Consumer Affairs
42 Broadway
New York, New York 10004

Re: Rhungrueng Inc.
d/b/a Viv Thai Restaurant
717 9th Avenue (48th/49th Streets)
New York, NY 10019
Application #: 16519-2018-ASWC

Dear Commissioner Salas:

Manhattan Community Board 4 (MCB4) recommends **denial** of the application for an unenclosed sidewalk café (4 tables, 8 chairs) by Rhungrueng Inc. d/b/a Viv Thai Restaurant, 717 9th Avenue (48th/49th Streets), New York, NY 10019, Application #:16519-2018-ASWC.¹ The application should be denied for the following reasons:

1. Residents of the surrounding streets that house this establishment reported to CB4 the problems that would be caused to reasonable residential quality of life by a sidewalk café at this location, including severe sidewalk congestion that would only be amplified by the impending replacement of a tree-pit and tree.
2. The applicant has demonstrated a track record of impeding the sidewalk with an unapproved removable bicycle rack and seasonal vestibule. Accordingly, there is no reason to believe that the applicant would adhere to any restrictions placed upon the operation of a sidewalk café (such as hours or physical boundaries).

When the BLP Committee considered the current application at its November 13, 2018 meeting, residents turned out to voice their concerns and opposition. Residents noted that Ninth Avenue is increasingly congested with pedestrians, and a sidewalk café at this location is not in the community's best interest.

Additionally, local residents reported the following: A tree outside the restaurant was knocked over in a traffic crash and subsequently removed by FDNY. Without city approval, the restaurant owner cemented over the tree pit. A request for a replacement tree-pit and tree has been made with the parks department and is currently pending. As the replacement tree-pit may not leave the necessary legal clearance for the applicant's sidewalk café, MCB4 asks for denial of the application. **Viv Thai Restaurant should not benefit from the unapproved infill of a tree pit by being granted a sidewalk café license.**

Additionally, the applicant continues to illegally obstruct the sidewalk, as Viv Thai Restaurant puts a bicycle rack outside its premises for delivery operations during business hours. At the November 13th BLP meeting, committee members told the applicant that he cannot impede the sidewalk with the bicycle rack. The applicant stated that he did not know that putting a bicycle rack on the sidewalk was illegal and said that he will cease doing so immediately. Following the November 13th meeting, despite committing not to, the applicant has continued to put the bicycle rack on the sidewalk outside the restaurant. Further, the applicant has an oversized vestibule that is larger than the city-mandated 18-inches.

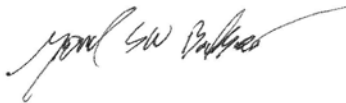
The applicant's cavalier disregard of sidewalk obstructions and unapproved cementing over a tree-pit raises serious concerns as to whether the applicant would adhere to any commitments or restrictions in connection with the operation of the cafe (such as observing the specified physical boundaries of the café). For these reasons stated above, MCB4 recommends that the application be denied.

Thank you for your attention and cooperation with this application.

Sincerely,



Burt Lazarin
Chair



Yoni Bokser
Co-Chair
Business Licenses & Permits
Committee



Frank Holozubiec
Co-Chair
Business Licenses & Permits
Committee

CC: Dept. of Buildings (Re illegal vestibules)
DSNY re Sidewalk (Re: Sidewalk obstructions)
Hon. Corey Johnson, Speaker, City Council
Hon. Jerry Nadler, U.S Congress
Hon. Brad Hoylman, New York State Senator
Hon. Gale Brewer, Manhattan Borough President
Hon. Linda Rosenthal, New York State Assembly
Hon. Richard Gottfried, New York State Assembly
Hon. Helen Rosenthal, City Council