

July 9, 2004

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

Re: SIDEWALK CAFÉ APPLICATION

Applicant: Sounds of Cuba Inc., d/b/a Son Cubano
Location: 405 West 14th Street
DCA License No.: 1168002
Type: New Application – Unenclosed Sidewalk Café
Tables/Chairs: 7 tables/14 chairs

Dear Ms. Gotay:

At its June 16, 2004 meeting, Manhattan Community Board No. 4's Transportation Planning Committee heard from the above applicant and reviewed plans for an unenclosed sidewalk café. Although no one appeared in opposition to the application, the committee had concerns regarding the application.

The application for an unenclosed sidewalk café, as presented by the applicant and as shown in the application's attached photos and drawings, does not conform to DCA rules and would require modification in order to meet regulations governing unenclosed sidewalk cafes.

Section 2-55a of DCA's regulations requires that any railing or base wall be of a removable nature:

Provided that a service aisle not less than 36 inches is maintained along the entire length of the separated area occupied by the sidewalk café, such space may be separated from the space used by pedestrians by a **removable** base wall, railing, planter (including any vegetation therein) or fence, which may not be higher than 30 inches above the floor or platform of the sidewalk café. (emphasis added)

In addition, Section 2-55 b of DCA's regulations prohibits the use of any platform not previously granted a revocable consent:

The sidewalk café shall be at the same elevation as the adjoining sidewalk, except that this requirement shall not apply to an unenclosed sidewalk café that is operated pursuant to a revocable consent that authorizes otherwise and that was granted prior to the effective date of this rule, provided the elevation of the sidewalk café operated under such consent conforms to the plans for which the consent was granted.

The submitted application's drawings and photos show the use of a platform and permanent railings. Revocable consents have not been obtained for either structure.

The Transportation Committee felt that the arrangement of tables and chairs, as shown in the drawings and photos, would be appropriate if the railing and platform were removed. The applicant agreed to revise the application to reflect the Committee's recommendations. The applicant also agreed to submit revised plans to the Community Board prior to its July 7, 2004 full Board meeting

The Committee voted to recommend approval of the application so long as the above conditions are met and the applicant marks the outer boundaries of the café on the sidewalk, as required by DCA's regulations. If markings are not in place when the applicant returns to the Board for renewal, the Board will recommend denial of the renewal application.

On July 7, 2004 the applicant appeared before the Board, but did not provide revised plans. As such, the full Board recommended to deny the application by a vote of 35 in favor, 0 opposed, 0 abstaining and 1 present but not eligible to vote.

Sincerely,



Walter Mankoff
Chair
Manhattan Community Board No. 4



Joshua David
Co-Chair
Transportation Planning Committee



John Rust
Co-Chair
Transportation Planning Committee

cc: Elected Officials
Applicant