



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

ROBERT J. BENFATTO, JR.
District Manager

July 23, 2014

Ana Reyneso
Assistant Director of Licensing
Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: BKUK Corporation
d/b/a Cara Mia
Sidewalk Café License # 6411-2014-ASWC
654 9th Avenue (45/46)

Dear Ms. Reyneso:

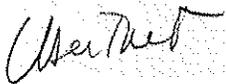
Manhattan Community Board 4 (MCB4) recommends denial of an unenclosed sidewalk café permit for BKUK Corporation d/b/a Cara Mia for the following reasons:

- The plan for the proposed sidewalk café filed with the DCA and provided to CB4 fails to comply with the relevant law and rules regarding sidewalk clearance standards. For example, as the photo submitted with the application, as well as the enclosed photograph, make clear, the street tree in front of this establishment does *not* have grating flush to grade, but rather is surrounded by gravel and a low wooden fence/guard. Accordingly, pursuant to NYC Administrative Code, title 20, chapter 2, section 2-46(c), any sidewalk café must provide an 8-foot clearance from the fencing/guard surrounding the tree. The proposed plan fails to do so.
- When MCB4 called this issue to the applicant's attention, the applicant suggested removing the table with two seats nearest to the tree (although, to the best of our knowledge, no new proposed plans have been submitted to the DCA). That proposal, however, would not solve the problems with the remaining 2 tables/4 seats because there is insufficient space for the required 3-foot service aisle. The needed service aisle would impermissibly intrude on the required 8-foot clearance around the fenced tree pit.
- In addition, the 2 tables/4 seats on the right of the proposed plan are immediately adjacent to a residential building entrance. On the proposed plan, this residential entrance is the door on the right side of the plan, next to the plan's 2 tables/4 seats. Since 2006, MCB4 has requested that sidewalk café applicants provide a minimum

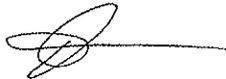
clearance of 3 feet between a sidewalk café and a residential building entrance. As can be seen from the proposed plan, the 2 tables/4 seats are extremely close to the residential entrance, with the residential door swinging open literally inches from the café tables. MCB4's requested 3-foot clearance is designed to avoid just this type of inconvenience to building residents and overcrowding.

- MCB4 believes that any sidewalk café at the location would greatly impede pedestrian traffic. This is a very busy block on Ninth Avenue, filled with multiple small storefronts, none of which have sidewalk cafes. The presence of the 4-1/2 foot tree pit, when juxtaposed with any of the proposed café tables, would result in no straight 8-foot clear path for pedestrians, who would be required to walk west around the café tables, only to immediately have to veer east to walk around the tree pit. At the June 10th meeting of MCB4's Business Licenses and Permits Committee at which this application was considered, community residents spoke in strong opposition to this application, citing these congestion and obstruction concerns.
- Finally, as the attached photograph taken on June 10, 2014 demonstrates, the applicant presently crowds the sidewalk in front of its establishment with unauthorized objects, including a large free-standing framed menu and multiple potted plants. Given the applicant's failure to abide by the prohibitions against such objects, MCB4 is concerned that this applicant would not confine any sidewalk café to the area permitted by any approved application.

Sincerely,



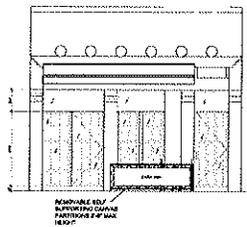
Christine Berthet
Chair



Paul Seres
Co-Chair
Business License & Permits
Committee

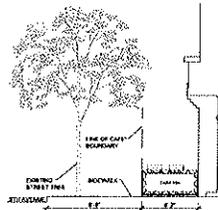


Frank Holozubiec
Co-Chair
Business License & Permits
Committee



ADDITIONAL ELEVATION
 AND SECTION DRAWINGS
 PROVIDED IN WORK
 REPORT

1 SIDEWALK CAFE' ELEVATION
 A-101
 SCALE: 1/4" = 1'-0"



2 SIDEWALK CAFE' SECTION
 A-101
 SCALE: 1/4" = 1'-0"

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NO.	DATE	DESCRIPTION
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NOTES

PROJECT: 654 NINTH AVENUE RESTAURANT

ARCHITECT: M.G. NEW YORK ARCHITECTURE, HEALTH CARE, HISTORIC PRESERVATION & FOOD SERVICE
 160 W. 10TH ST. NEW YORK, NY 10014
 TEL: 212.255.1111 WWW.MGNEWYORK.COM
 M.G. NEW YORK ARCHITECTURE

DESIGNER: DERIN KUKAZI 654 RESTAURANT CORP.

PROJECT: 654 NINTH AVENUE RESTAURANT CORP. 654 NINTH AVENUE NEW YORK, NY 10009

FILE: ELEVATION AND SECTION

REVISION DATE: 06 19 2014

PROJECT NUMBER: 2014-07

DRAWN BY: PJ

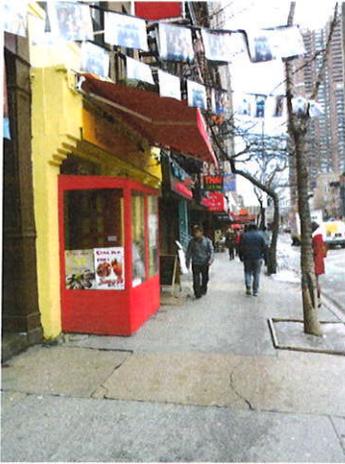
CAD FILE: 654 NINTH AVENUE

SCALE: AS NOTED

PROJECT NO: A-101.00

PAGE: 2 OF 3

JOB IDENTIFICATION NO:



1
A-103
EXISTING STREETScape PHOTOGRAPH
9TH AVENUE LOOKING SOUTH



2
A-103
EXISTING STREETScape PHOTOGRAPH
9TH AVENUE LOOKING NORTH



3
A-103
EXISTING STREETScape PHOTOGRAPH
9TH AVENUE ELEVATION

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REVISIONS:

NO.	DATE	DESCRIPTION

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CLIENT:
BESIM KUCAJ
RESTAURANT CORP.

PROJECT:
CASA MIA
854 NINTH AVENUE
NEW YORK, NY 10008

TITLE:
PHOTOGRAPHS

REVISION DATE: 09 19 2014
PROJECT NUMBER: 2014-07
DRAWING BY: PT
DATE FILED: 654 NINTH AVENUE
SCALE: AS NOTED
DRAWING NO.: A-102.00
PAGE: 3 OF 3
DOB IDENTIFICATION NO.: