



Jonathan Mintz
Commissioner

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nyc.gov/consumers

BY MAIL AND EMAIL

May 5, 2009

[REDACTED]
[REDACTED]

Re: Termination of A Land Owner's Consent to Operate a Sidewalk Café

Dear Mr. [REDACTED],

I am writing in response to your inquiry regarding a land owner's opportunities to terminate prior consent to the operation of sidewalk café in front of its property.

As you noted, a land owner's consent is required in order for a sidewalk café license to be initially granted. Section 2-51(a)(1) of Title 6, Chapter 2, Subchapter F of the Rules of the City of New York (the "Rules") provides that an applicant must submit, "the written, signed and notarized consent of the owner of property in front of which a sidewalk café is to be operated." A land owner's consent, once given, extends throughout the café license period, even if the land owner should transfer ownership of the property during that license period.

Unless the Department receives official notice of termination in advance of the expiration of the café's license period, this land owner consent is presumed to continue for the term of the lease at a renewal of such license. Such official notice must be transmitted to the Department in writing, by certified mail, with return receipt requested. Should the Department receive such official notice of termination, it would then not permit a sidewalk café licensee to renew its license.

Please do not hesitate to contact me with any further inquiries.

Sincerely,

[REDACTED]
[REDACTED]
Sidewalk Café Attorney