



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

JESSE BODINE
District Manager

October 14, 2015

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Julie Menin, Commissioner
Department of Consumer Affairs
Sidewalk Café Unit
42 Broadway
New York, NY 10004

Re: N 150051 ECM - 1141700-DCA
368 W23rd Street; 23rd & 9th Restaurant Corp
DBA: Chelsea Square Restaurant

Dear Chair Weisbrod and Commissioner Menin:

On the recommendation of its Chelsea Land Use Committee, and after a duly noticed public hearing at the regular Board meeting on October 7, 2015, Manhattan Community Board No. 4 (CB4), by a vote of 40 in favor, 1 opposed, 0 abstaining and 0 present but not eligible to vote, voted to recommend the approval of the application by 23rd & 9th Restaurant Corp/DBA: Chelsea Square Restaurant to renew an enclosed sidewalk café license for 40 tables and 80 seats to be operated at 368 West 23rd Street, the southeast corner of the intersection of West 23rd Street and Ninth Avenue, with the condition that the applicant amend its application as discussed below.

There have been no alterations to the enclosed sidewalk cafe since the last renewal and CB4 has received no complaints about the establishment.

The application requires the applicant to answer a series of questions to demonstrate that the cafe meets City requirements. The application reviewed by the Board is marked "Yes" in answer to the question as to whether there is a minimum of 12 feet of sidewalk space for the entire length of the property. Members of the CLU committee measured the sidewalks and found that while the 23rd Street sidewalk space is greater than 12 feet, the Ninth Avenue sidewalk space is approximately nine feet, of which only six feet are

usable by pedestrians because of delivery bikes attached to bike racks installed by the Department of Transportation (DOT).

At the public hearing, the owners explained that the Ninth Avenue sidewalk space did not comply because DOT had installed bike racks adjacent to their cafe on what is the narrowest part of the block. The owners said that the majority of the bikes belong to other businesses on the block and that they would not be affected adversely if the bike racks were removed or relocated.

Increased pedestrian traffic from the High Line, the Hudson River Park and the general development of Chelsea and West Chelsea has clogged our sidewalks, and the artificially narrow sidewalk on the Ninth Avenue side of Chelsea Square Restaurant is a significant bottleneck at busy times of day. We find DOT's decision to install bike racks in this location incomprehensible and will work with DOT through our Transportation Committee to have the bike racks relocated.

We believe that the applicant's state of non-compliance with the City's sidewalk space requirement was created by DOT subsequent to the construction of the sidewalk cafe enclosure. We therefore recommend approval of the application on the condition that the applicant amend the application to mark "No" on the sidewalk space question and request that the Department of Consumer Affairs waive the non-compliance as a condition created by the City and thus beyond the applicant's control.

Our recommendation of approval not-with-standing, we are fundamentally opposed to enclosed sidewalk cafes for three reasons:

- i. They are permanent structures that appropriate public property for private use without providing a public benefit;
- ii. Unlike unenclosed sidewalk cafes which can add to community ambiance and create more vibrant streetscapes, enclosed sidewalk cafes isolate diners from sidewalk activity and the community; and
- iii. Since they are permanent structures, they are difficult to remove should that be warranted.

The pedestrian bottleneck created in this case by the combination of a narrow sidewalk and poorly positioned bike racks is an additional concern, one we will seek to have mitigated by the relocation of the bike racks.

We therefore recommend approval, with the stated condition, in the expectation that Chelsea Square Restaurant will continue to be the popular, well-run restaurant it has been for many years.

Thank you.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

cc: Margaret Forgione, Department of Transportation