



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

May 19, 2015

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

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

Re: ULURP No. N 150026 ECM
DCA No.: 1350374 DCA
New York Fast Gourmet Premier, LLC
DBA: New York Burger Co.
470 West 23rd Street, Borough of Manhattan

Dear Chair Weisbrod and Commissioner Menin:

On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board No. 4 (CB4), having held a duly noticed public hearing on ULURP application number N 150026 ECM, by a vote of 34 in favor, 3 opposed, 0 abstaining and 0 present but not eligible to vote, again reluctantly recommends approval of the application by New York Fast Gourmet Premier, LLC for a renewal of a permit for an enclosed sidewalk café with 25 tables and 54 seats to be operated at 470 West 23 Street, the southeast corner of the intersection of West 23rd Street and Tenth Avenue.

In addition to our fundamental opposition to enclosed sidewalk cafes, it would be difficult to imagine a less suitable location for one than this corner. As built, the enclosed sidewalk cafe leaves an unacceptably narrow 7'6" clear sidewalk on a heavily trafficked corner. It is not uncommon on a sunny weekend afternoon to encounter a lengthy queue waiting to pass through the bottleneck on Tenth Avenue created by this sidewalk café structure.

The sidewalks of West Chelsea have become increasingly crowded as the area has developed over the last few years, spurred by the flourishing West Chelsea art district, Chelsea Piers, Chelsea Waterside Park, the Hudson River Park and the High Line. The completion of Segment II of the High Line brought an access stair diagonally across the intersection, further increasing congestion, and the continued development of West Chelsea seems to increase pedestrian traffic on a daily basis.

We have long sought the removal of this intrusive structure and would like to note that 470 West 23rd Street was grudgingly included in the Chelsea Historic District Extension with the then newly-built sidewalk café structure in place. This regrettable decision makes removal of this unfortunately sited structure even more difficult.

We acknowledge, however, that this operation has proved to be successful and is a great improvement over the decrepit structure we were accustomed to having on our sidewalk. Before we approved the applicant's original application in December 2010 this location had proven to be problematic for restaurant operators for more than twenty five years. Even with the benefit of an enclosed sidewalk café, a succession of restaurants had failed, at times leaving an abandoned, decaying structure on this prominent West Chelsea corner for years at a time.

Pedestrian flow is impeded by bike racks on the sidewalk along 10th Avenue. These are primarily used by the New York Burger restaurant's delivery staff. CB4 has spoken to a New York Burger representative about the removal of these bike racks and the installation of a bike corral in a parking space on Tenth Avenue to provide more sidewalk space for pedestrians. CB4 is pleased that New York Burger is aware of the problem, aims to reduce the restaurant's use of the sidewalk bike racks, and is open to their removal and the installation of a bike corral in a parking space on Tenth Avenue.

To reiterate our reasoning, we are opposed to enclosed sidewalk cafes in general 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.

Despite our opposition to enclosed sidewalk cafes in general, and to this one in particular, since the structure already exists we are faced with the choice between an operating restaurant and an abandoned structure. Until we succeed in having the structure removed, we are forced to choose the restaurant option and reluctantly recommend approval of the application.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

cc: Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council