



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD No. 4**

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**J. LEE COMPTON**  
Chair

July 31, 2006

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

**Re: Sidewalk Café Policy**

Since January of 2005, Manhattan Community Board No. 4 has reviewed fourteen applications for new sidewalk cafés. Over the same period, more people have visited the avenues of Chelsea and Clinton/Hell's Kitchen than ever before and the number of people living here has increased as well. As a result, the sidewalks have grown increasingly crowded. Stretches of the avenues are also prone to encroachment by several types of sidewalk obstructions—street signs, bus stops, store loading crates, to name a few—making sidewalk access difficult, particularly for the disabled.

This increase in pedestrian activity is welcomed by many. Local businesses have reaped the benefits of the upsurge in street use by expanding their operations into the sidewalk via the Department of Consumer Affairs' Sidewalk Café licensing program. Unenclosed sidewalk cafes typically add to community ambiance and create more vibrant business districts. Unfortunately, they occasionally present problems for local residents. The residents of Chelsea and Clinton/Hell's Kitchen are beginning to feel the squeeze as more and more sidewalk space is dedicated to restaurant use.

As our district changes, so must our guidelines for sidewalk cafés. The Transportation Planning Committee has until now been fortunate in that almost all applicants, on a case by case basis, have been amenable to our suggested modifications. In order to streamline this process, clarify our goals, and address a growing community concern, Manhattan Community Board No. 4 will now request that **new** sidewalk café applicants seeking board approval in District 4 meet the following additional design and operational requirements:

- Provide a minimum clearance of 8 feet between a sidewalk café and *all* sidewalk obstructions including parking meters, traffic signs, and newly installed City-sanctioned street furniture (*current DCA regulations exempt those items*);
- Provide a minimum clearance of 8 feet between a sidewalk café and the tree trunk of a tree with a flush grate (*current regulations exempt trees with flush grates*);
- Provide a minimum clearance of 4 feet between a sidewalk café and subway grating, to be consistent with ADA standards (*current regulations require 3 feet*);
- Provide a minimum clearance of 3 feet between a sidewalk café and a residential building entrance (*current regulations do not apply to residential entrances*);

- Close French doors if amplification is used inside an establishment with a sidewalk café.  
*(current regulations state only that no amplification shall emanate from the sidewalk café)*

The review process for **new** cafés is sometimes slowed by ambiguous plans or a lack of communication. In order to ensure a rapid response from the Community Board, applicants must also meet these more stringent submission requirements:

- The architectural plans submitted to DCA and reviewed by the Community Board must depict **all** objects within 20 feet of the café (including the curb edge), include specific measurements between the café and each of these objects, and be submitted on letter- or legal-size paper;
- The owner or other decision maker must attend the Transportation Committee hearing. If a proxy who is unable to negotiate is sent instead, or the applicant does not send a representative, the Committee will recommend denial.

The Community Board will send notification of these additional requirements at least 10 days in advance of the Transportation Committee presentation. In this notification letter, applicants will also be reminded to notify neighbors of the application as required by the Department of Consumer Affairs.

We believe these new standards will address current and legitimate community concerns while ensuring that sidewalk cafés remain an important and positive feature of our neighborhoods. In addition, they will streamline the application process for the Committee and applicant. In addition, we recommend that the Department of Consumer Affairs consider adopting these guidelines as well.

Manhattan Community Board No. 4 will send notice to local businesses of these guidelines. In the meantime, we ask that the Department of Consumer Affairs advise applicants seeking approval in District 4 that their applications will be subject to the requirements outlined herein.

Sincerely,



J. Lee Compton  
Chair  
Manhattan Community Board No. 4



Jay Marcus  
Chair  
Transportation Planning Committee

cc: Manhattan Community Boards