



**Burt Lazarin**  
Chair

**Jesse R. Bodine**  
District Manager

CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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January 5, 2018

Luis Sanchez  
Manhattan Borough Commissioner  
NYC Department of Transportation  
59 Maiden Lane, 37th Floor  
New York, NY 10037

Edward Schnell  
Director of Revocable and Security Consents  
NYC Department of Transportation  
59 Maiden Lane  
New York, NY 10037

**Re: Revocable Consent to add an ADA ramp at 828 Ninth Avenue**

Dear Commissioner Sanchez and Director Schnell,

Manhattan Community Board 4 (MCB4) heard the request by the Hearst Corporation to add an ADA ramp and entry steps to the 828 Ninth Avenue storefront presently operating as Bocca di Bacco, a 75-seat restaurant in a walk up building.

At its January 3rd Full Board meeting, MCB4 voted with 34 in favor, 1 opposed, 1 abstaining, and 0 present but not eligible to vote in support of the application to build an ADA ramp that will protrude by 3-feet onto the sidewalk, but opposes the addition of steps that would further extend the sidewalk obstruction to 5-feet. An automatic door opener will also be installed. We are also very concerned about the proliferation of such installations that are not compatible with current rules for a minimum right of way for pedestrians and could lead to pedestrians walking in traffic or in bike lanes.

We wholeheartedly support providing access to our wheelchair-bound neighbors throughout our district but we must also balance the need of public passage and safety on the sidewalks for all users. Ninth Avenue presents multiple challenges to retrofitting existing small stores.

The owner indicated they had been providing “on-demand” ADA access via push button and a removable metal ramp, however a recent lawsuit deemed that unacceptable as it did not provide “parity of experience” for all users. Furthermore, the owner indicated that creating access through the side door, several feet north, was also not acceptable to the court.

The ramp will be 14-feet long, occupying most of the building frontage except for a cellar door. As a result of this installation, the pedestrian path will be 9-feet but will be reduced in places to 5-foot 11-inches, significantly less than the minimum 8-foot clearance that is required for pedestrian right of way and does not provide enough space for two wheelchairs to pass each other.

A preferable solution would have been to embed most of the ramp inside the restaurant and limit the use of the sidewalk. Unfortunately, the owner indicated that due to the slope of the avenue and sidewalk, two steps are needed to reach the main floor, making the ramp exceptionally long. As a result, this configuration would require a reconstruction of the ground floor slab and beams and result in extraordinary costs, loss of business, as well as permanent loss of space for the 75-seat restaurant, thus hurting a small business.

If lawsuits of this type become more frequent, it is important that a viable solution be designed to retrofit older buildings. We look forward to working with the Department Of Transportation, Department of Small Business Services, and the Mayor’s Office for People with Disabilities to establish guidelines that can be applied in those situations in the future.

Sincerely,

**[Signed 1/5/18]**

Burt Lazarin  
Chair  
Manhattan Community  
Board 4



Christine Berthet  
Co-Chair  
Transportation Planning  
Committee



Yoni Bokser  
Co-Chair  
Transportation Planning  
Committee

CC: Marina Kagan, NYC DOT  
Victor Calise, MOPD  
Quemuel Arroyo, DOT office of ADA