



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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BURT LAZARIN
Chair

JESSE R. BODINE
District Manager

February 14, 2019

Lorelei Salas
Commissioner
Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Newsstand on the SWC of 15th Street and Ninth Avenue (on 15th St.)

Dear Commissioner Salas,

At its February 6th Full Board meeting, Manhattan Community Board 4 (MCB4) voted to deny this application by a vote of 33 in favor, 0 opposed, 0 abstaining and 0 present, non-eligible to vote because the newsstand is located in front of a building with more than three floors of retail uses.

The Rules of New York City provide that “newsstands may not be placed within the frontage of any building having more than 3 floors of retail use, measured from a line drawn between the curb and edges of each building” (N.Y. Rules Title 6, #2.65(a)(2)(L)).

According to the landlord, the building features extensive retail use at its base. Four floors are occupied for retail purpose by the newly opened 23,000 square foot Starbucks Reserve Roastery, the largest of its kind outside China (see landlord’s letter attached).

Further, the customers of the Roastery are lining up on 15th Street within a row of stanchions, occupying 3-ft to 4-ft of sidewalk space. When taking this obstruction into account the applicant could not satisfy the required 9-ft 6-in. pedestrian right-of-way.

We note that, although invited, the applicant did not attend the Transportation meeting of CB4, to present their application.

Sincerely,



Burt Lazarin
Chair
Manhattan Community
Board 4



Christine Berthet
Co-Chair
Transportation Planning
Committee



Dale Corvino
Co-Chair
Transportation Planning
Committee

Enclosure

Cc: Farook Ahmed, Applicant

61 NINTH AVENUE DEVELOPMENT LLC

c/o Vornado Realty Trust
888 Seventh Avenue
New York, NY 10019

January 16, 2019

BY HAND

Transportation Planning Committee
Manhattan Community Board 4
330 West 42nd Street, #2601
New York, New York 10036

Re: *Proposed Newsstand at 61 Ninth Avenue, New York, New York 10011*
(the "Proposed Newsstand")

To the Members of the Transportation Planning Committee:

I am a Senior Vice President of Vornado Realty Trust ("Vornado"), a parent company of 61 Ninth Avenue Development LLC ("Owner"), the long-term ground lessee of the building located at 61 Ninth Avenue, in New York, New York 10011 (the "Building"). I am writing in opposition to the application submitted to the New York City Department of Consumer Affairs ("DCA") by Farook Ahmed (the "Applicant"), for a license to locate the Proposed Newsstand directly in front of the Building, at the southwest corner of West 15th Street and 9th Avenue (the "Proposed Location").

The Owner objects to the Proposed Newsstand on the grounds that the Building contains more than three floors of retail use.

The RCNY provides that "[n]ewsstands may not be placed within the frontage of any building having more than 3 floors of retail use, measured from a line drawn between the curb and edges of each building." *N.Y. Rules, Title. 6 §2-65(a)(2)(L)*.

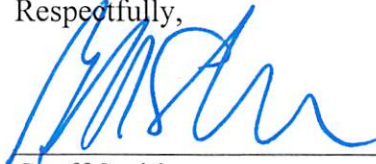
The Building features extensive retail use at its base. Presently, four floors of the Building are occupied for retail purposes by the newly opened 23,000 square foot Starbucks Reserve Roastery, the largest of its kind in the world outside of China. Thus, the Building contains "more than 3 floors of retail use" and the Proposed Newsstand cannot, as a matter of law and statute, be located at the Proposed Location, or anywhere else within the frontage of the Building. *See e.g. Oh v. City of New York*, 306 A.D.2d 25, 761 N.Y.S.2d 636 (1st Dept. 2003) (holding that DCA's denial of a license to operate a newsstand was rationally based on a finding that the proposed newsstand was within the frontage of a building that had more than three floors of retail use).

In addition, we are also extremely concerned about the likelihood that the Applicant cannot satisfy the statutory requirements given the high volume of pedestrian traffic at the Proposed Location, given the proximity of the Starbucks Reserve Roastery, the Chelsea Market, the Apple

Store, and the high level of foot traffic moving west to the Highline and the West Side Highway. Obstructing the sidewalk would likely substantially exacerbate an already congested intersection.

For the foregoing reasons, the Proposed Location is not suitable for the location of any newsstand, including the Proposed Newsstand, and the Application must be denied.

Respectfully,



Geoff Smith

Senior Vice President of Vornado Realty
Trust