



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

April 15, 2024

Sarah Carroll, Chair
Landmarks Preservation Commission
David N. Dinkins Municipal Building, 9th Floor North
1 Centre Street
New York, NY 10007

Re: Amendment of rules relating to roadbed and sidewalk cafes

Dear Chair Carroll:

Manhattan Community Board 4 (MCB4), at its regularly scheduled meeting on April 3, 2024, voted, by a vote of 38 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, to support the proposed amendment of rules relating to roadbed and sidewalk cafes by the Landmarks Preservation Commission (LPC). **The Board finds the proposed amendments appropriate and asks LPC to: consider applying the rules to all sidewalk attachments and; reporting rule violators to the Department of Transportation (DOT) so that its permit power can aid LPC in enforcement.**

Background

The Landmarks Preservation Commission is proposing to amend section 2-23 of its rules to address the installation of sidewalk and roadway cafes in areas under the LPC's jurisdiction and to make them consistent with the planned rule changes by DOT to establish the new permanent Outdoor Dining program.

Under DOT's new program, outdoor-dining components will be required to be of a much more open, temporary, and removable nature than currently allowed, and roadway cafés can be in place only from April 1st through November 29th annually. DOT will issue four-year permits for outdoor dining.

Staff-level LPC approval would be required for outdoor-dining components like sidewalk-café canopies, or electrical connections for heating units or lighting, that attach to building façades of individual-landmark buildings or buildings in historic districts. Further alterations to such buildings in support of outdoor dining would require an LPC Certificate of Appropriateness, which requires presentation to the local community board and an LPC public hearing.

Sidewalk-attachment recommendation

Section (5)(iv) applies the rules to any component that "attaches to or penetrates through a bluestone or granite paver." It is unclear what components these might be, as DOT's rules require sidewalk café perimeters to be "removable and self supporting" and tables and

chairs not to be “permanently affixed to the sidewalk.” Nevertheless, any such attachments or penetrations could permanently deface and potentially compromise the integrity and safety of all sidewalk surfaces, from historically sensitive vault lights to common concrete paving. For these reasons, CB4 recommends that LPC apply the rules to *all* paving surfaces.

Violation-reporting recommendation

CB4 asks LPC to establish a system for reporting serious or repeated violations of its rules to DOT so the Department can use its power to revoke or deny renewal of outdoor-dining permits as an aid to LPC enforcement.


Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica Chair".

Jessica Chair
Chair
Manhattan Community Board 4

A handwritten signature in black ink, appearing to read "Kerry Keenen".

Kerry Keenen
Co-Chair
Chelsea Land Use Committee

A handwritten signature in black ink, appearing to read "Jeffrey C. LeFrancois".

Jeffrey LeFrancois
Co-Chair
Chelsea Land Use Committee