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These new small cafes would be permitted in several areas in CB4's district where sidewalk cafes are currently forbidden: 14<sup>th</sup> Street, between 6<sup>th</sup> and 8<sup>th</sup> Avenues; 23<sup>rd</sup> Street, between 6<sup>th</sup> and 8<sup>th</sup> Avenues; in the Convention Center Special District (11<sup>th</sup> Avenue and mid-block areas just to the east of it from 34<sup>th</sup> Street to 40<sup>th</sup> (CHECK DIMENSIONS OF DISTRICT); and 8<sup>th</sup> Avenue from 50<sup>th</sup> to 59<sup>th</sup> Streets). The committee found no objections to siting "small sidewalk cafes" in these areas, and unanimously recommended that the full board support the proposed amendment.¶

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The committee also reached out to its Clinton and Chelsea land use committees for input. ¶

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January 8, 2004

Hon. Amanda Burden  
Director  
New York City Department of City Planning  
22 Reade Street  
New York, NY 10007

## Re: Zoning Text Amendment for "Small Sidewalk Cafes"

Dear Director Burden,

On November 19, 2003 the Transportation Planning Committee of Manhattan Community Board No. 4 reviewed NYC DCP's proposal to amend the zoning text to allow unenclosed "small sidewalk cafes" in some areas where unenclosed sidewalk cafes have previously been restricted.

By referral from the Transportation Planning Committee, the proposal was also considered by the Clinton/Hell's Kitchen Land Use Committee at its meeting on December 10, 2003, and by the Chelsea Preservation and Planning Committee at its meeting on December 15, 2003.

The Board appreciates the ability of unenclosed sidewalk cafes to create an attractive and vibrant street environment, but at the same time it must be attentive to the needs of pedestrians and nearby residents, who sometimes find that the diminishment of unobstructed sidewalk area creates hazardous conditions.

The Transportation Committee found that limiting cafes to a single row of tables and chairs 4.5 feet wide (or less for narrower sidewalks) and forbidding the use of barriers to separate café space from the sidewalk to be positive features of the proposed amendment. Businesses are currently allowed to use the first 3 feet of sidewalk for planters or signage. The proposed small cafes would take 1.5 feet more. The Transportation Committee appreciates that this is much less space than many sidewalk cafes are currently permitted and thus more appropriate for areas with heavier pedestrian traffic.

These new small cafes would be permitted in several areas in CB4's district where sidewalk cafes are currently forbidden: 14<sup>th</sup> Street, between Sixth and Eighth Avenues; 23<sup>rd</sup> Street, between Sixth and Eighth Avenues; in the Special Jacob K. Javits Convention Center District (11<sup>th</sup> Avenue and mid-block areas just to the east of it from 34<sup>th</sup> Street to 39<sup>th</sup> Street); Eighth Avenue from 50<sup>th</sup> Street to Columbus Circle; the mid-block area of 56<sup>th</sup>, 57<sup>th</sup> and 58<sup>th</sup> streets just west of Eighth Avenue, and the western side of Columbus Circle and Broadway between 58<sup>th</sup> and 60<sup>th</sup> Streets.

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The Board finds no objections to siting "small sidewalk cafes" in these areas, with one exception: small sidewalk cafes should not be permitted on the west side of Eighth Avenue between 50<sup>th</sup> and 58<sup>th</sup> streets or on the mid-block area of 56<sup>th</sup>, 57<sup>th</sup> and 58<sup>th</sup> streets just west of Eighth Avenue. The reasons for this exception are as follows:

1. Sidewalk cafes would occupy sidewalk space that is necessary for adequate pedestrian flow. Eighth Avenue between 50<sup>th</sup> & 58<sup>th</sup> Streets is a narrow, congested sidewalk with very heavy foot traffic. The mid-block area of 56<sup>th</sup>, 57<sup>th</sup> and 58<sup>th</sup> streets just west of Eighth Avenue are also narrow and congested and, in some places, encumbered by stoops. These are conduits not only for neighborhood pedestrian traffic, but also for both the Times Square/Midtown theater and office districts.

2. A considerable amount of the west side of Eighth Avenue has subway air gratings, decreasing the amount of available sidewalk space for cafes.

3. New regulations requiring sidewalk markings have yet to be implemented and without these markings enforcement will inevitably be inadequate to keep cafes within bounds on these very busy sidewalks which have existing problems with stoopline displays, merchandise storage, and street vendors.

We therefore request that the west side of Eighth Avenue from 50<sup>th</sup> to 58<sup>th</sup> Streets and the mid-block area of 56<sup>th</sup>, 57<sup>th</sup> and 58<sup>th</sup> streets just west of Eighth Avenue be deleted from the list of areas and streets where small sidewalk cafes would be permitted.

We otherwise recommend approval of the proposed zoning text amendment creating provisions for "small sidewalk cafes" in certain areas of New York City.

Sincerely,



Walter Mankoff  
Chair  
Manhattan Community Board No. 4



Joshua David  
Co-Chair  
Transportation Planning Committee



John Rust  
Co-Chair  
Transportation Planning Committee

This letter was approved by Manhattan Community Board No. 4 at its meeting on January 7, 2004.

cc: Elected Officials  
Shampa Chanda, DCP  
Maryl Frank, DCA

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. In addition to directly serving Roseland Dance Hall, the Broadway theaters, and a multitude of 50 storey office buildings in our Midtown business district, the west side of Eighth Avenue between 50th & 58th Streets is also the home of thousands of New Yorkers in high rise and a dwindling number of tenement buildings. Two-way pedestrian traffic on 8th Avenue will only get heavier with the the three large commercial buildings now in various stages of completion: the Random House Building on Broadway between 55th & 56th Streets, the Hearst Corporation World Headquarters on the West Side of 8th Avenue between 56 & 57th Streets, and the Time Warner Center at Columbus Circle.

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3. We are concerned that

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enforcement will inevitably be inadequate to keep cafes within bounds. There are already several de-facto sidewalk cafe uses in front of the Holiday Inn on 52nd Street and 8th Avenue, and open French doors on bistros that allow tables to peep out along this stretch of 8th Avenue. The Gristedes Supermarket on 54th Street and 8th Avenue, has a legal stoopline fruit stand, but also illegally semi-permanently parks a truck and merchandise next to the adjacent 8th Avenue curb, using it as sidewalk-obstructing storage space. This is directly adjacent to the very busy Midtown North Police Precinct and across the avenue from the newly reopened 54th Street garage. Much of the west side of 8th Avenue space is taken up by newspaper vending boxes, standard street furniture, legal and illegal street vendors, professional pan handlers, and an increasing number of street sex workers. We are concerned that adding sidewalk cafes to the mix will just add one more enforcement problem.

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This letter was approved by Manhattan Community Board No. 4 at its meeting on January 7, 2004.

Joshua David  
John Rust  
Walter Mankoff

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