



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**J. LEE COMPTON**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

May 3, 2007

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

**Re: Sidewalk Café [RENEWAL]**

**Applicant:** Yael Rest. Inc. d/b/a Don Giovanni  
**Location:** 358 West 44<sup>th</sup> Street  
**DCA License No.:** 0927152  
**Type:** Renewal Application – Unenclosed Sidewalk Café  
**Tables/Seats:** 13tables/25seats

Dear Ms. Gotay:

Community Board #4 supports the proposal from Don Giovanni restaurant to renew their Sidewalk Café, though with 12 tables and 24 chairs (rather than the existing permit for 13 tables and 26 chairs). This is also contingent on Don Giovanni restaurant agreeing to maintain 10 tables and 20 chairs until the bicycle rack, which both West 44<sup>th</sup> Street Block Association and Manhattan Community Board #4 support, is installed. It is also contingent on Don Giovanni restaurant agreeing to install a grade level metal grate around the tree in front of their restaurant to enable improved pedestrian passage.

Several community and Community Board members indicated that the existing configuration does not enable sufficient pedestrian access on the street – specifically that there are less than 8' from a tree in front of the restaurant and that restaurant delivery and other bicycles further reduce pedestrian access. The restaurant thus agreed to remove one table to enable 8' clearance from the tree trunk. The restaurant and the West 44<sup>th</sup> Street Block Association have designated a place for a bicycle rack to the west of the sidewalk café to address the bicycle problems. Until the bicycle rack is installed, the restaurant has agreed to remove two additional tables (to the east of the restaurant entry) to provide a place for their delivery bicycles to park.

The Community Board is recommending, however, that DCA approve the request for 12 tables and 24 chairs so that the restaurant can avoid the extra expense and extra time related to submitting a modification (which is treated as a new application, unless during a renewal). Based on the drawings and revised application submitted by the applicant and their written and verbal commitment to remove the additional tables and chairs on the eastern portion of their café until a suitable solution for bicycles can be found, Community Board #4 supports the proposed renewal. Thank you very much for your consideration.

On May 2, 2007, the Full Board approved the application.

Sincerely,



J. Lee Compton  
Chair  
Manhattan Community  
Board No. 4



Jay Marcus  
Chair  
Transportation Planning  
Committee



Christine Berthet  
Co-Chair  
Transportation Planning  
Committee

cc: Elected Officials  
Applicant