



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

**COREY JOHNSON**  
Chair

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

May 1, 2013

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

**Re: ULURP #N 120146 ECM  
DCA # 1415773  
MS Restaurant Owners LLC  
DBA: Morning Star Restaurant  
879 Ninth Avenue aka 401 W. 57th Street, Borough of Manhattan**

Dear Director Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use and Zoning Committee, Manhattan Community Board 4 recommends approval of the application by MS Restaurant Owners LLC for renewal of an enclosed sidewalk café with 8 tables and 24 seats.

We recommend approval in expectation that this operation will continue to be the successful, well-run restaurant it has been since the early 1990s.

Our recommendation, however, does not contravene the Board's fundamental opposition to enclosed sidewalk cafes. We remain opposed for three reasons:

One: Enclosed sidewalk cafes are permanent structures that appropriate public property for private use without providing a public benefit;

Two: Unlike unenclosed sidewalk cafes which can add to community ambiance and create more vibrant streetscapes, enclosed sidewalk cafes isolate diners from sidewalk activity and the community; and,

Three: As permanent structures, they are difficult to remove when warranted.

Sincerely,

Corey Johnson, Chair, Community Board 4  
Jean-Daniel Noland, Chair, Clinton/Hell's Kitchen Land Use and Zoning Committee

CC: Steve Gagliano, Project Manager - DCP  
NYC Council Speaker Christine Quinn  
NYC Council Member Gale Brewer  
NYS Senator Brad Hoylman

NYS Assemblywoman Linda Rosenthal  
MBP Scott Stringer  
MBPO – Brian Cook, Michael Sandler  
MS Restaurant Owners LLC