



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

ROBERT J. BENFATTO, JR.
District Manager

July 23, 2014

Ana Reyneso
Assistant Director of Licensing
Department of Consumer Affairs
42 Broadway
New York, NY 10004

**Re: LDV 23, LLC
d/b/a Barchetta
Sidewalk Café License 3965-2014-ASWC
461 West 23rd Street (9/10)**

Dear Ms. Reyneso:

Manhattan Community Board 4 (MCB4) recommends denial of an unenclosed sidewalk café permit for LDV 23, LLC d/b/a Barchetta unless the following stipulations are agreed to by the applicant:

- The sidewalk café will be closed and vacated no later than 9:00 p.m. daily;
- The sidewalk café will be limited to 8 seats/2 tables, positioned as indicated on the plans in the applicant's DCA revised filing dated May 16, 2014; and
- No planters, dividers, or any other barriers will be used in the sidewalk café.

MCB4 understands that a scheduled DCA hearing in May 2014 regarding this applicant was cancelled when questions were raised regarding whether applicable zoning permitted a sidewalk café at this location. To the best of our knowledge, there has been no official determination regarding that zoning issue as of this date. MCB4's recommendation is conditioned on a determination that zoning permits the proposed sidewalk café.

As reflected in its prior letter to the DCA dated May 16, 2014, regarding an earlier version of this applicant's filing, MCB4 has serious concerns about a sidewalk café at this location. This establishment is located in a residential building, London Terrace, on a predominantly-residential block, and the sidewalk café would be situated directly below residential apartments. A number of residents of the building that houses the applicant and their neighbors in adjacent buildings have presented to MCB4, in both written submissions and/or appearances at MCB4 meetings, their objections and concerns regarding this

sidewalk café. These objections include the increased noise, trash, and assumed crowding that they believe will result from a sidewalk café. Residents inform us that the applicant previously has shown disregard for the residential community, including significant construction work outside permitted hours and the failure to adequately remove its trash from the sidewalk in front of the establishment -- a lack of concern that residents believe is a reflection of how the sidewalk café will be operated. Community members also point out that they believe the sidewalk at this location is already overly crowded with pedestrians. A major entrance to the High Line is situated across Tenth Avenue from this location, and many of the daily visitors to the High Line utilize the sidewalk on which the café would be located. The proposed sidewalk café is immediately adjacent to vents from the building's laundry room, making this a seemingly undesirable location for outdoor dining.

The applicant has attempted to work with MCB4 and the community to address these concerns. The applicant has twice revised its plans for the sidewalk café, reducing the number of seats/tables and the operating hours. The applicant has also submitted petition signatures in support of the sidewalk café.

Most recently, the applicant has reduced the size of the proposed sidewalk café to 8 seats/2 tables and has agreed to close and vacate the café no later than 9:00 p.m. nightly. The applicant also has pointed out that these two tables will be located immediately adjacent to an existing fenced garden and that the tables of its sidewalk café will not extend any further onto the sidewalk than this fenced garden already extends.

Given the applicant's agreement to stipulate to a sidewalk café consisting of 8 seats/2 tables only, the 9:00 p.m. nightly closing time, and the placement of the seats/tables immediately adjacent to the existing fenced garden, MCB4 does not oppose this limited sidewalk café. MCB4 stresses, however, that the applicant's stipulations are essential to the position taken here by MCB4. Any deviation from those stipulations (including changes to the permitted placement of seats/tables or the addition of any planters, dividers, barriers, or other sidewalk obstructions) would raise serious concerns with MCB4.

Sincerely,



Christine Berthet
Chair



Paul Seres
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee