



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

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

November 13, 2007

Amanda Burden  
Commissioner  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Enclosed Sidewalk Cafes in the Special Clinton District – Request for Amendment of Zoning Resolution Section 14-44**

Dear Commissioner Burden:

Recently, the Clinton/Hell's Kitchen Land Use Committee for Manhattan Community Board Four was presented with an application for an enclosed sidewalk café within the Special Clinton District (SCD), on Ninth Avenue at 47<sup>th</sup> Street. To date, there are no enclosed sidewalk cafes on Ninth or Tenth Avenues, and it came as a shock to us to learn that they are legal and that other similar applications are in the works. Five local block associations and many community members have asked us to "just say no" to any applications for enclosed sidewalk cafes, but we know we can't do that without good cause. We believe the better approach is to request an amendment of the zoning text.

Section 14-40 of the Zoning Resolution says that "in all special zoning districts, enclosed . . . sidewalk cafes . . . shall not be permitted, except as indicated in Section 14-44." Section 14-44 lists the Special Clinton District as one of only four special districts in which enclosed cafes are allowed. We believe that it is either an accident or an anachronism that the SCD should be so listed.

When the SCD was created in 1974, the district was a very different place and sidewalk dining held very little appeal. Thirty years later, the economy has turned and the drug dealer and prostitutes are gone. More people now visit the avenues of Clinton/Hell's Kitchen than ever before and the number of people living here has increased. As a result, the sidewalks have grown increasingly crowded. Stretches of the avenues are also prone to encroachment by several types of sidewalk obstructions—unenclosed sidewalk cafes, street signs, bus stops, phone booths, store loading crates, to name a few—making sidewalk passage difficult, particularly for the disabled.

This increase in pedestrian activity is welcomed by many. Local businesses have reaped the benefits of the upsurge in street use by expanding their operations into the sidewalk via the

Department of Consumer Affairs' Sidewalk Café licensing program through unenclosed sidewalk cafes.

Unenclosed sidewalk cafes typically add to community ambiance and create more vibrant business districts. Plus, we can work with restaurants on the limits of an unenclosed sidewalk cafe. The erection of an enclosed sidewalk café is a totally different animal. It is – for the pedestrian and resident – a permanent structure, separating diners from sidewalk activity. It will be there all year round and leaves merely eight feet between the street and the establishments for the thousands of pedestrians who walk through the SCD each day of the week. Eight feet is simply not enough for this neighborhood any more.

The residents of Clinton/Hell's Kitchen are beginning to feel the squeeze as more and more sidewalk space is dedicated to restaurant use. To further – and permanently - decrease the pedestrian space for enclosed sidewalk cafes means a loss to the underlying purpose of the SCD.

In conclusion, Manhattan Community Board Four requests a text amendment to the NYC Zoning Resolution, Article 1, Chapter 4, Section 14-44 that would prohibit the installation of enclosed sidewalk cafes in the Special Clinton District for the reasons discussed above.

Sincerely,



Jean-Daniel Noland  
Chair



Anna Hayes Levin, Chair  
Clinton/Hell's Kitchen Land Use Committee

cc: Electeds