



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

August 26, 2013

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

James Miraglia, Director  
Department of Consumer Affairs  
42 Broadway  
New York, New York 10004

**Re: ULURP # N 120358 ECM**  
**DCA # 1141700**  
**23<sup>rd</sup> & 9<sup>th</sup> Restaurant Corp**  
**DBA: Chelsea Square Restaurant**  
**368 West 23<sup>rd</sup> Street**

Dear Director Burden and Director Miraglia:

On the recommendation of its Chelsea Land Use Committee, Manhattan Community Board 4, having held a duly noticed public hearing on ULURP application number N 120358 ECM, recommends approval of the application by 23<sup>rd</sup> & 9<sup>th</sup> Restaurant Corp/DBA: Chelsea Square Restaurant to renew an enclosed sidewalk café license for 40 tables and 80 seats to be operated at 368 West 23<sup>rd</sup> Street, the southeast corner of the intersection of West 23<sup>rd</sup> Street and Ninth Avenue.

Our recommendation of approval notwithstanding, we are fundamentally opposed to enclosed sidewalk cafes for three reasons:

- i. They are permanent structures that appropriate public property for private use without providing a public benefit;
- ii. 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

- iii. Since they are permanent structures, they are difficult to remove should that be warranted.

There have been no alterations to the enclosed sidewalk face since the last renewal and CB4 has received no complaints about the establishment. We therefore recommend approval in the expectation that Chelsea Square Restaurant will continue to be the successful, well-run restaurant it has been for many years.

Sincerely,



Corey Johnson  
Chair



J. Lee Compton  
Co-Chair  
Chelsea Land Use Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use Committee

cc: NYC DCP: Steve Gagliano, Project Manager  
NYC Council Land Use: Division Danielle DeCerbo <TBC>  
NYC Council Speaker: Christine Quinn  
NYS Senator: Brad Hoylman  
NYS Assemblyman: Richard Gottfried  
MBP: Scott Stringer  
MBPO: Brian Cook, Michael Sandler  
Applicant: 23<sup>rd</sup> & 9<sup>th</sup> Restaurant Corp/DBA Chelsea Square Restaurant