

## Testimony of Alice Blank

### City Council Subcommittee on Zoning and Franchising

January 13, 2015

Good morning Council Members.

My name is Alice Blank.

I am a member of Community Board 1. I am testifying today as an architect and resident in Tribeca.

I urge the City Council to oppose the application to build a new permanent enclosed structure on the sidewalk at 11 6th Avenue for the following reasons:

**First: The proposal violates the City's regulations because it is permanent, and does not meet the concept of revocable consent.**

Under City regulations, the owner has an obligation to "promptly remove any property placed on the sidewalk space." (see Licensing Application)

However, the restaurant's first floor is designed as a single unified permanent space.

There is no separate and potentially removable addition--what we understand to be a "sidewalk café--."

In fact the only entry and exit into the restaurant is through the proposed sidewalk structure.

The design also makes it impossible to have different operating hours, or noise abatement remedies, for the restaurant and the café. They are a single structure.

Also, the floor plan shows a bar as a fixed piece of furniture in violation of the regulation stating "all furnishings must be moveable."

If the use changes in the future, and the City needs to remove this "café," the ground floor and building façade would need to be re-built at great cost and time.

**Second: The proposal violates City regulations calling for sidewalk cafés to "preserve and enhance the character of (the) neighborhood", to be "a visual amenity that better relates to the existing streetscape," and to be appropriate to it's location.**

Permanent enclosed structures are not in keeping with the existing street character of Tribeca.

In fact there is currently only one glass enclosed sidewalk café in Tribeca (to my knowledge) -- the former Delphi restaurant built in c.1970.

The new building is on the same block as the Tribeca East Historic District. Its approximate 10' x 26' footprint breaks the street wall.

Enclosed permanent cafes are inappropriate additions to Tribeca's streetscape and should be discouraged.

**Third: The proposed permanent enclosure violates Community Board 1's policy, and CB 1 voted it down.**

Community Board 1 has voted against this proposal.

The CB's guidelines ask applicants to wait a year after a new restaurant opens, before seeking a sidewalk café.

CB1's vote should be respected.

This is especially true since the proposal is for an permanent addition on City property, that is not promptly removable.

There is no hardship exception here. This proposed restaurant will have 2-1/2 floors with seating for 65 people without the space of the enclosed café.

**Fourth: The City Council should consider the impact on people who use the block on which the project will be built.**

This enclosed restaurant expansion is very near 4 major subway lines – The A, the C, the E, and the 1 and next to numerous express and local bus lines.

It is also next to a new large scale residential building planned for the parking lots immediately to the south.

The proposal does not consider the MTA's Resiliency and Recovery plans for flood mitigation for 7 subway stations in CB1.

Finally, the proposal ignores the pedestrians, who will be marching over subway grates to get to buses and the subways in the ice and snow.

It would seem prudent at a minimum to obtain and review a pedestrian flow analysis.

\*\*\*\*

I respectfully urge City Council to decline the proposed enclosed sidewalk café at 11 Avenue of the Americas.

Excerpt from Sidewalk Café Regulations

Chapter 4

14-00 General Purposes (5/5/04)

14-00

*GENERAL PURPOSES*

*The sidewalk cafe regulations as established in this Resolution are city-wide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:*

*(a) To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.*

*(b) To promote sidewalk cafes as visual amenities that better relate to the streetscape.*

*(c) To preserve and enhance the character of neighborhoods throughout the City.*

*(d) To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.*

*(e) To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.*

**11 Food and Beverage Inc.  
11 Sixth Avenue  
New York, NY 10013**

January 12, 2015

**Council Member Margaret Chin**  
165 Park Row, Suite 11  
New York, NY 10038

Re: **Enclosed Sidewalk Café Agreement Letter**  
**11 Food and Beverage Inc.,**  
11 Sixth Avenue, New York, NY 10013

Dear Councilmember Chin:

I, Gregory Nardello, as the owner of 11 Food and Beverage Inc., in connection with our application for an enclosed sidewalk café, hereby commit to the City Council and the Zoning and Franchises Committee that, in light of the concerns of the surrounding community, 11 Food and Beverage, Inc., shall:

1. Install hedges/plants on the roof top, on the southern side and other locations.
2. Paint the exterior building rear wall white facing the windows of resident Matt Black, residing at 241 West Broadway – Resident must provide access to this property in the rear. Mr. Nardello and the resident will work together to determine how the wall will be “finished”.
3. Operate as a Restaurant Bar/Lounge and agree that no cabaret license will be pursued. Also agree to have only one television per floor.
4. Windows:
  - 4.1. Mezzanine windows shall close at 8:00 PM.
  - 4.2. The window on the south side of the second floor shall be non-operable and acoustically glazed.
  - 4.3. The second floor windows - should issues arise, it is agreed to discuss these windows' closing hours with Community Board No.1 and the neighbors.
5. The roof shall be used for maintenance and planting during normal business hours, except in the event of an emergency. No patrons shall be permitted on the roof at any time.
6. The sidewalk café enclosure windows shall be closed at 8:00 PM for the first year of operation. This closure time will be revisited with Community Board No. 1 and the neighbors after the first year.
7. The owner and Managers' cell phone numbers will be provided to Community Board No. 1 and to the neighbors.
8. The total number of tables is 6 and the total number of seats is 26.

If there are any questions please call my office. Thank you.

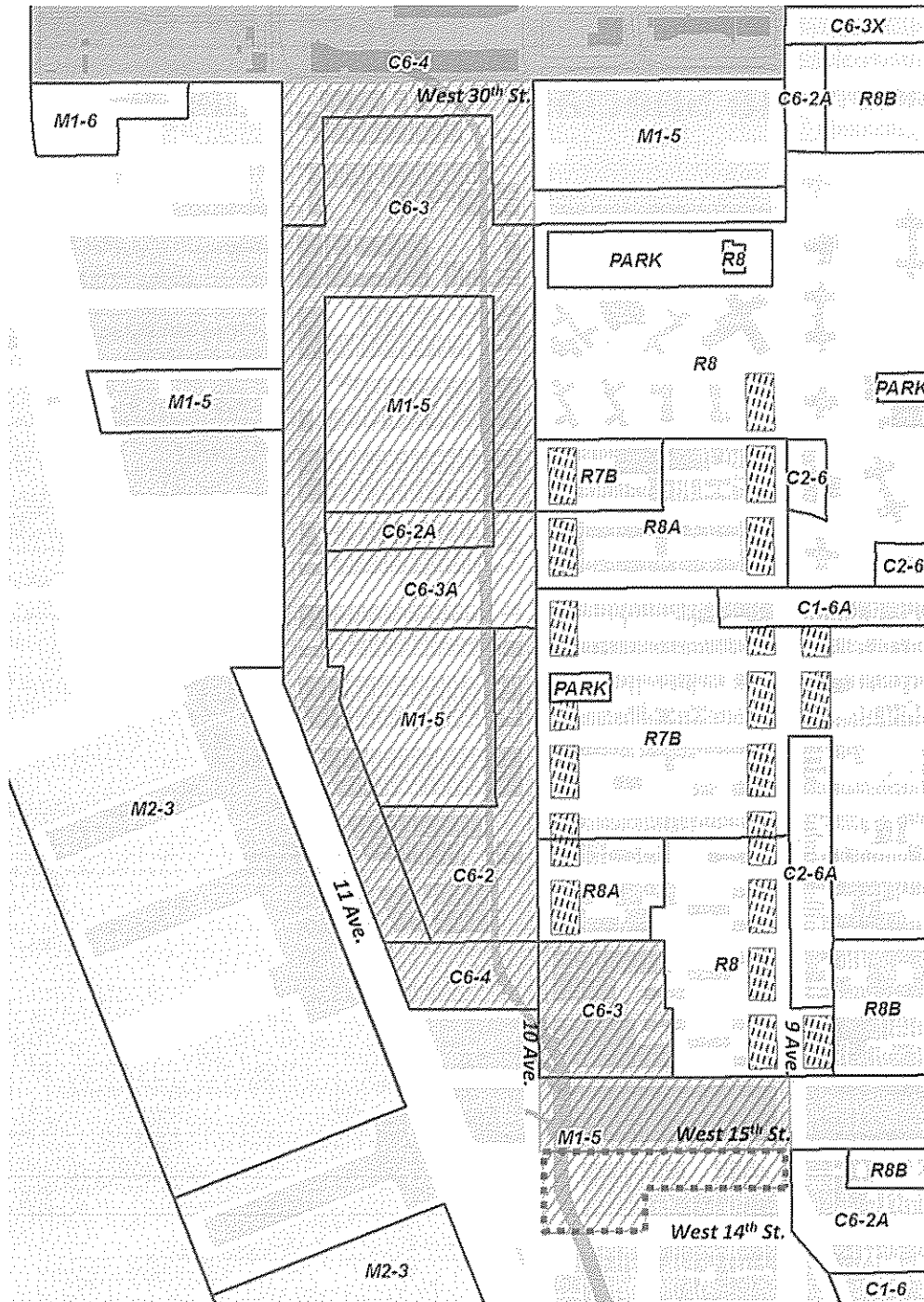
Sincerely,






Gregory Nardello,  
Owner of 11 Food and Beverage Inc.

# West 15<sup>th</sup> Street/ Expansion of the Special West Chelsea District

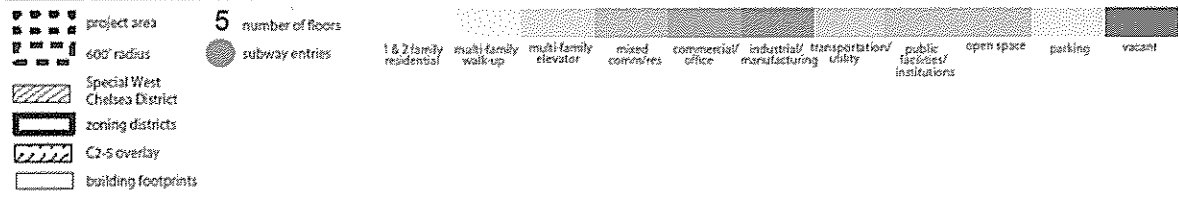
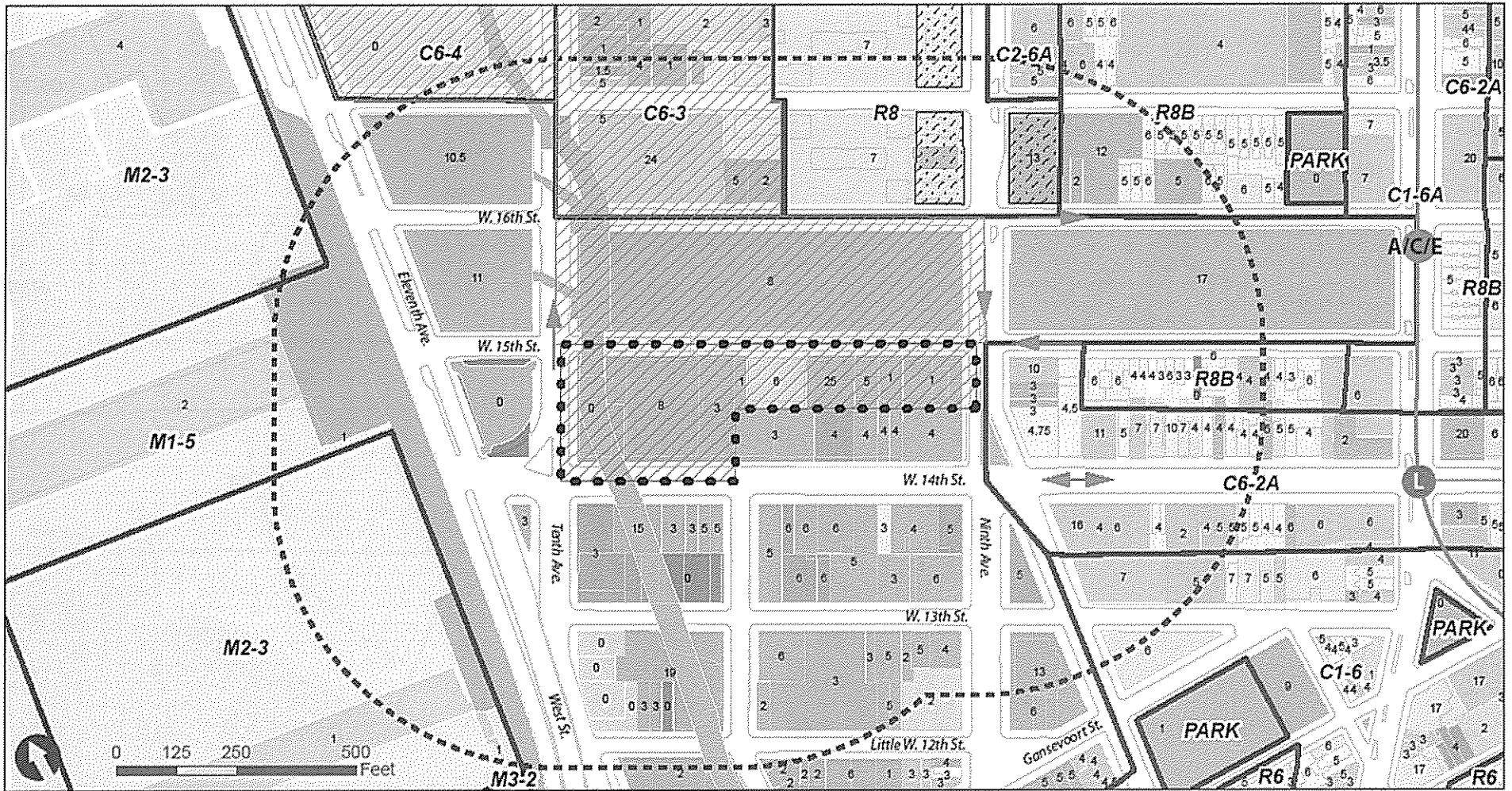
January 8, 2015



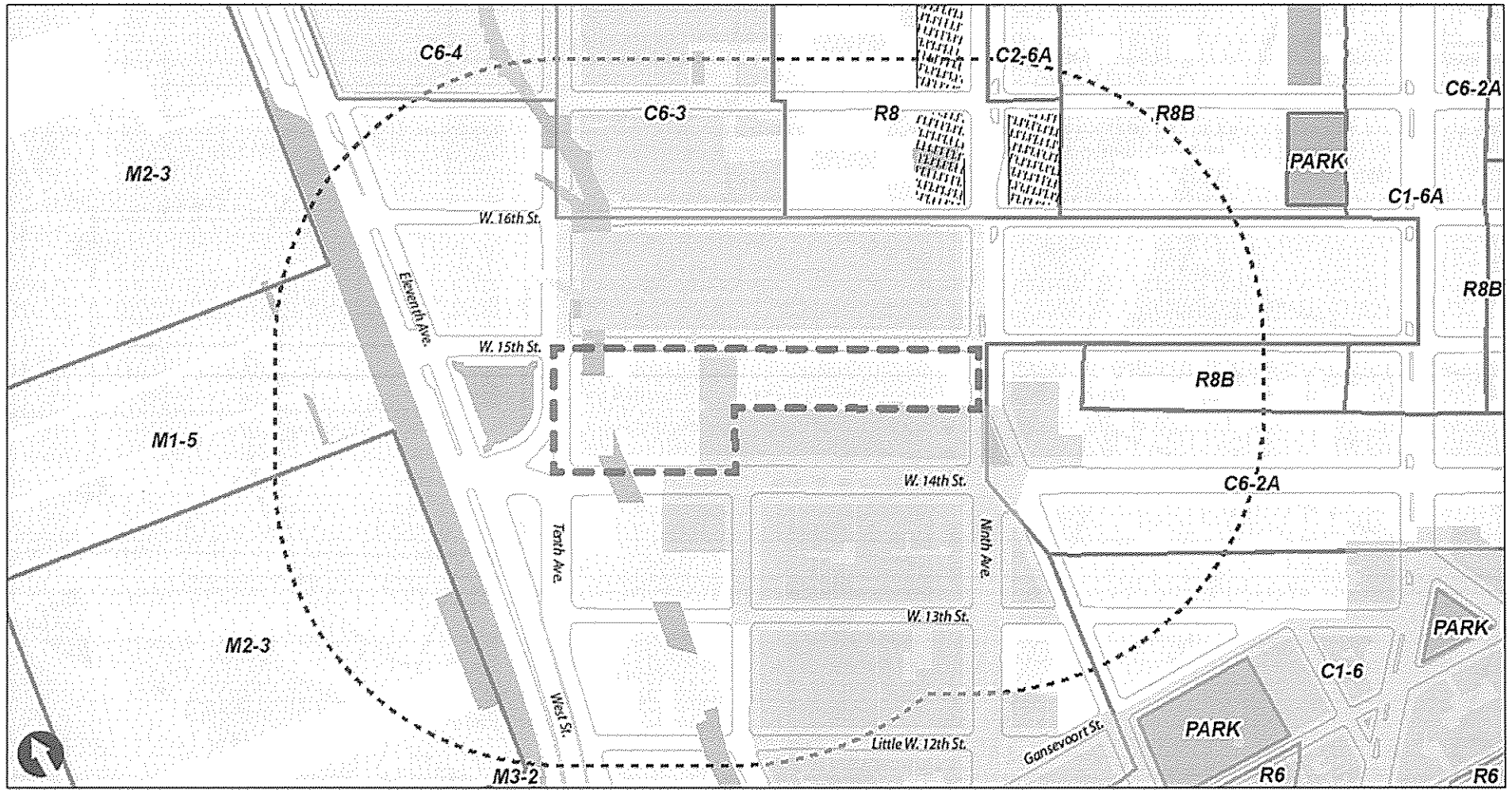








-  Special West Chelsea District
-  Special West Chelsea District subareas
-  project area (proposed rezoning area)
-  zoning districts
-  special districts (other than WCh)

*West 15<sup>th</sup> Street/  
 Expansion of the Special West Chelsea District*  
**Special West Chelsea District Map**



*West 15th Street/  
 Special West Chelsea District Expansion*  
**Area Map**

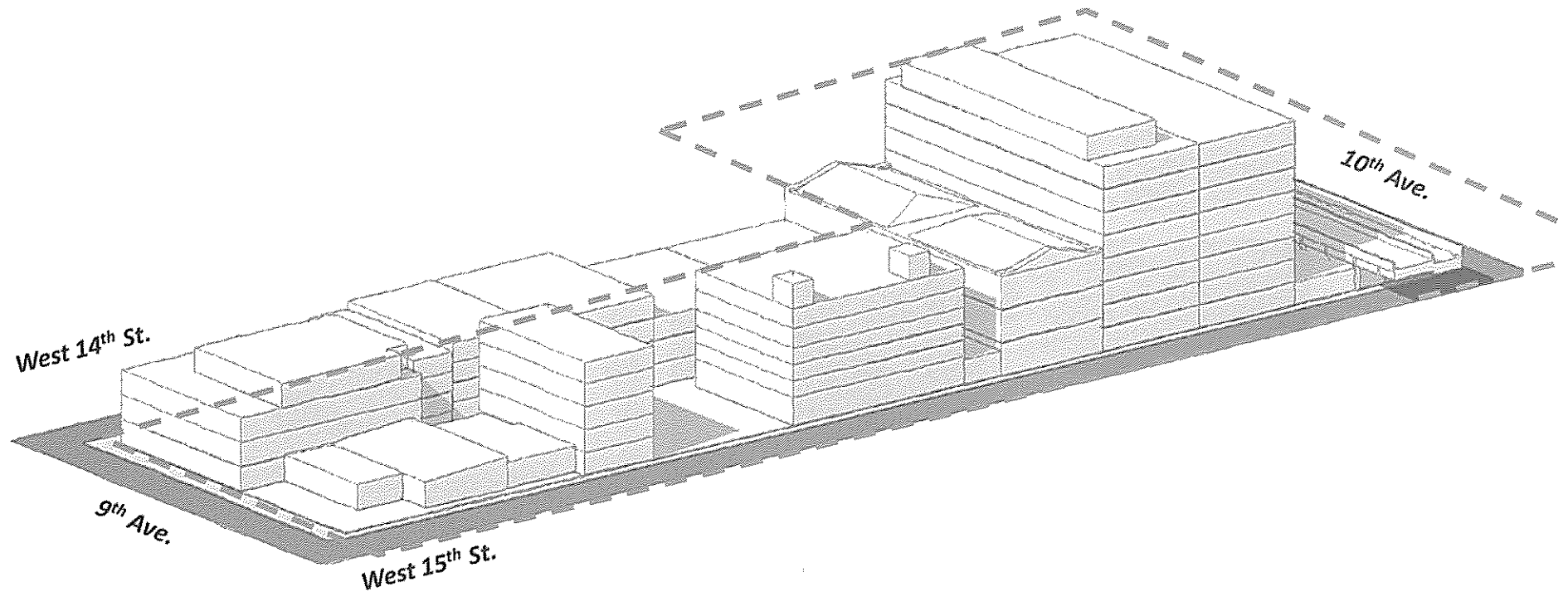


-  project area
-  600' radius
-  Special West Chelsea District
-  Gansevoort Market Historic District
-  zoning districts
-  building footprints

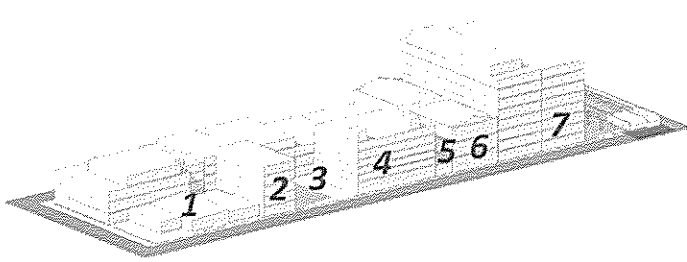
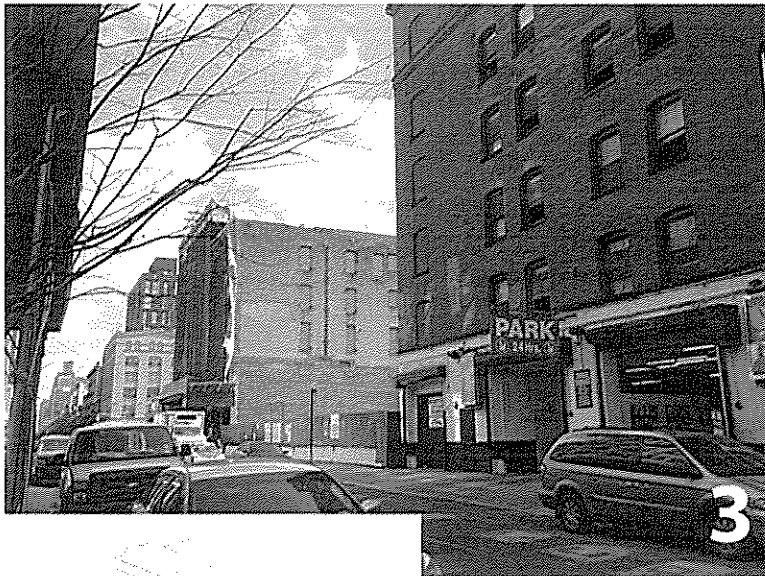
West 15th Street/  
Special West Chelsea District Expansion

# Historic and Special Districts Map

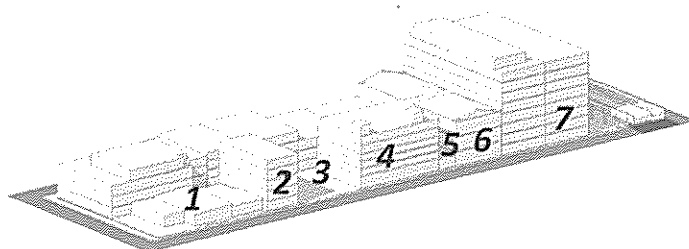
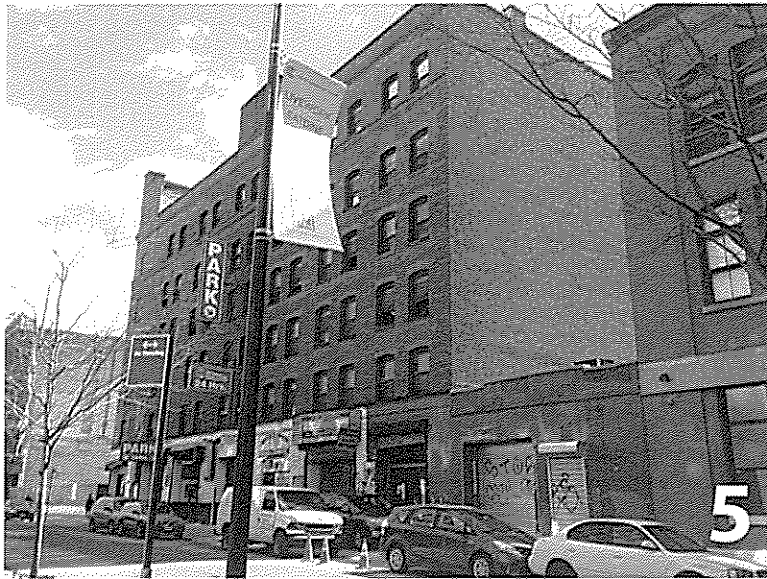




*West 15th Street/  
Expansion of the Special West Chelsea District  
Existing Conditions Massing*

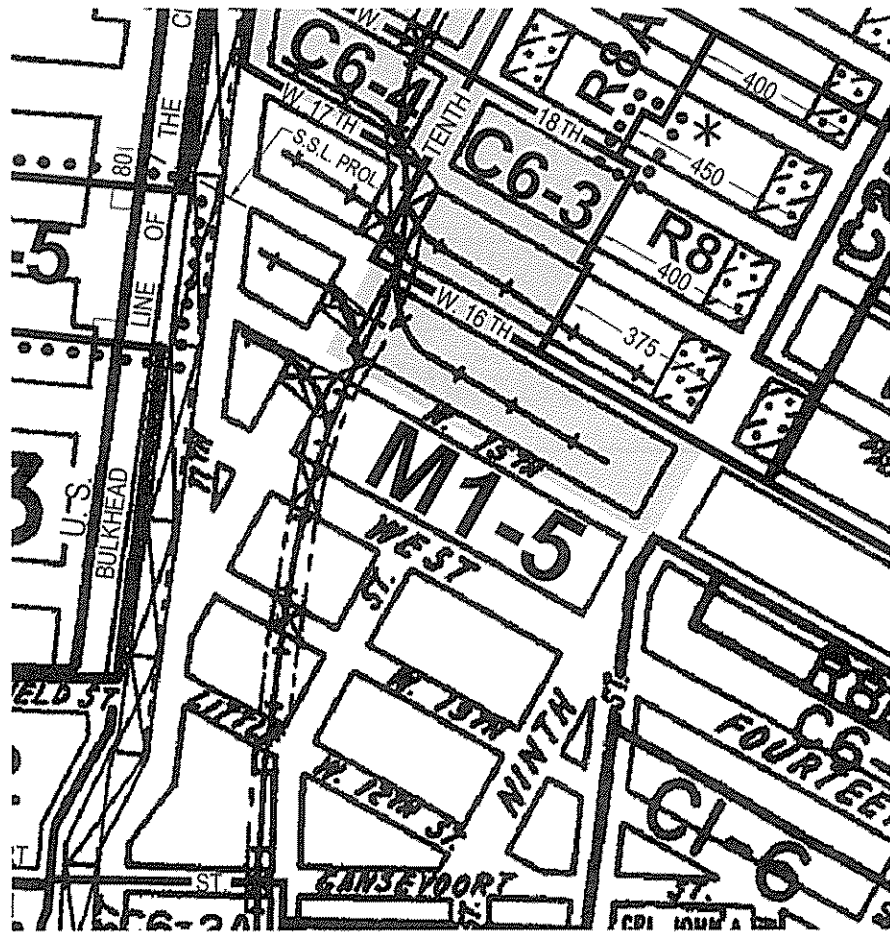


*West 15<sup>th</sup> Street/  
Expansion of the Special West Chelsea District  
Project Area Photos*

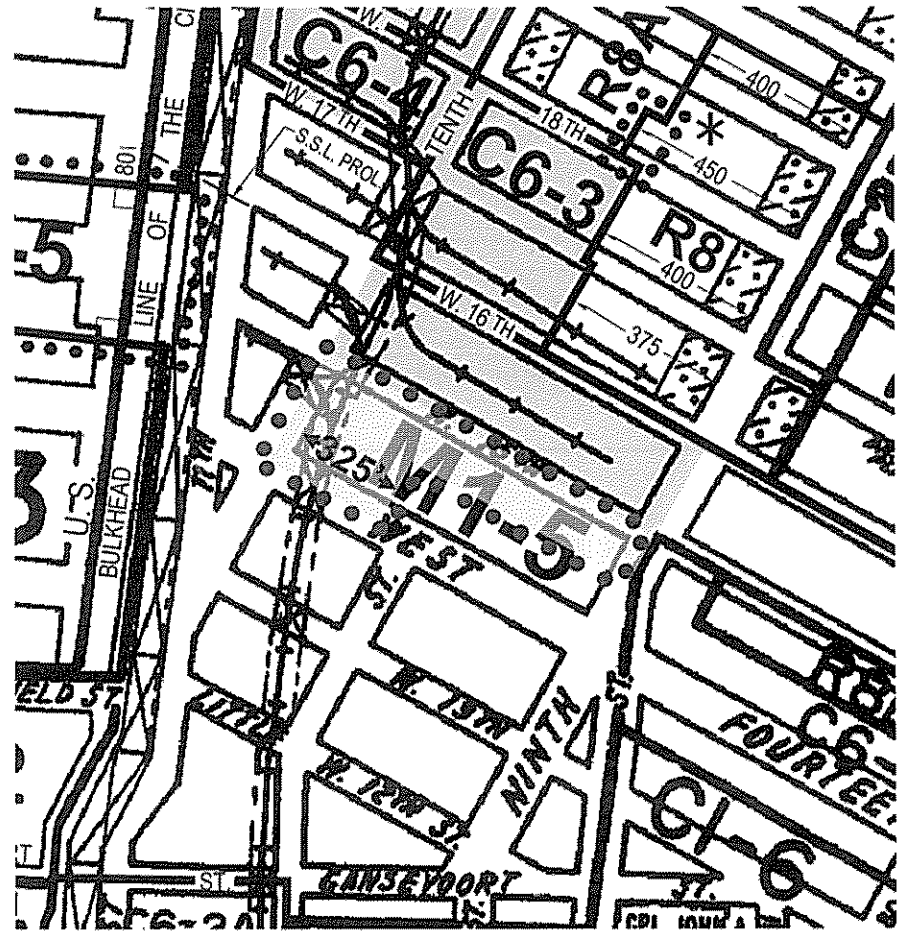


*West 15<sup>th</sup> Street/  
Expansion of the Special West Chelsea District  
Project Area Photos*

# Zoning Change Map



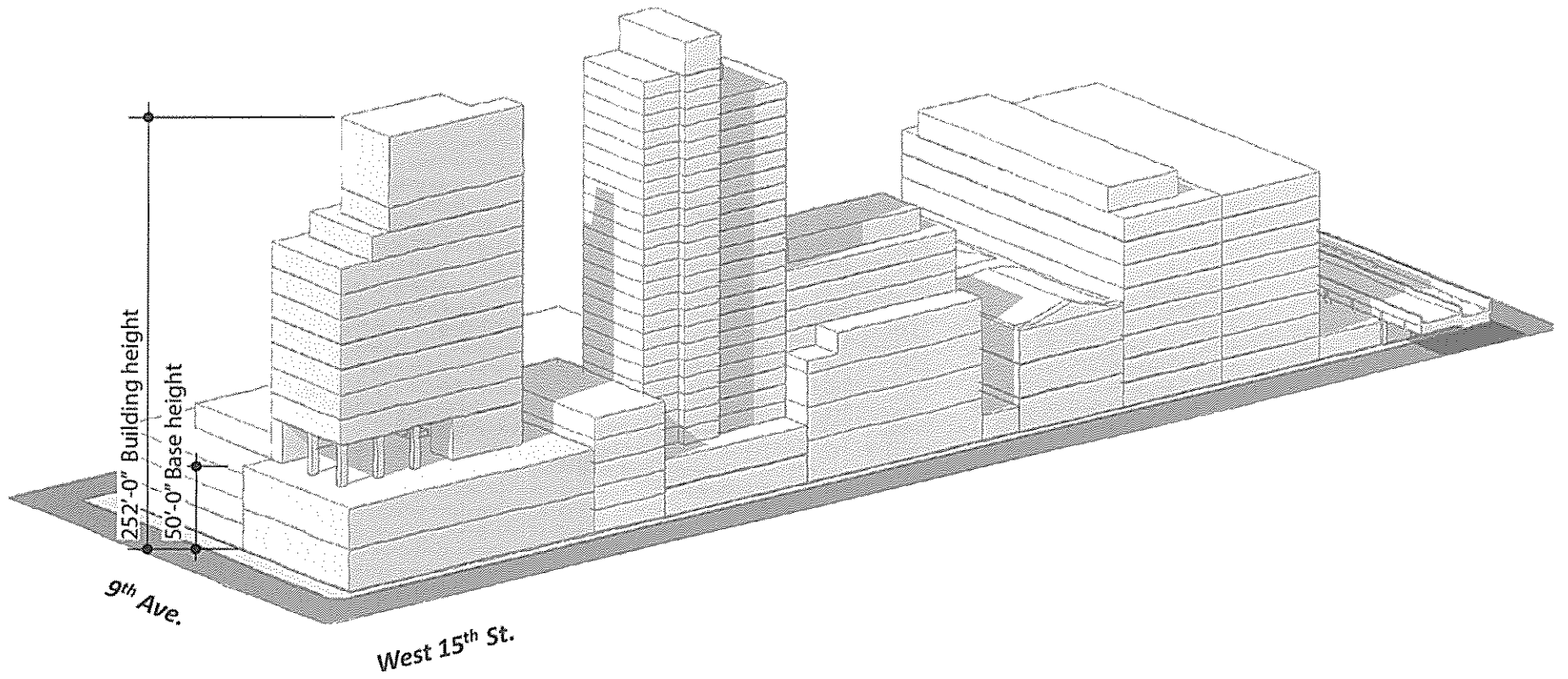
CURRENT ZONING MAP



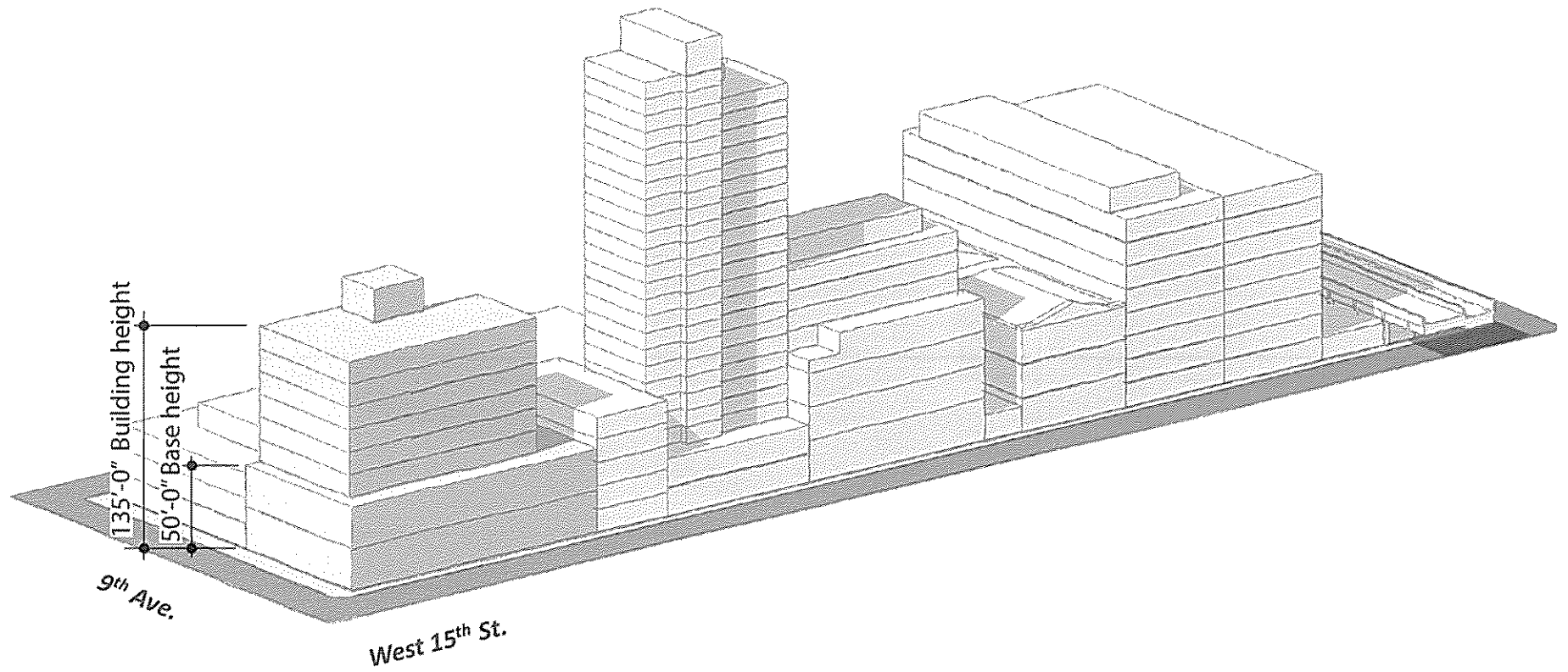
PROPOSED ZONING MAP

Area being rezoned is outlined with dotted lines

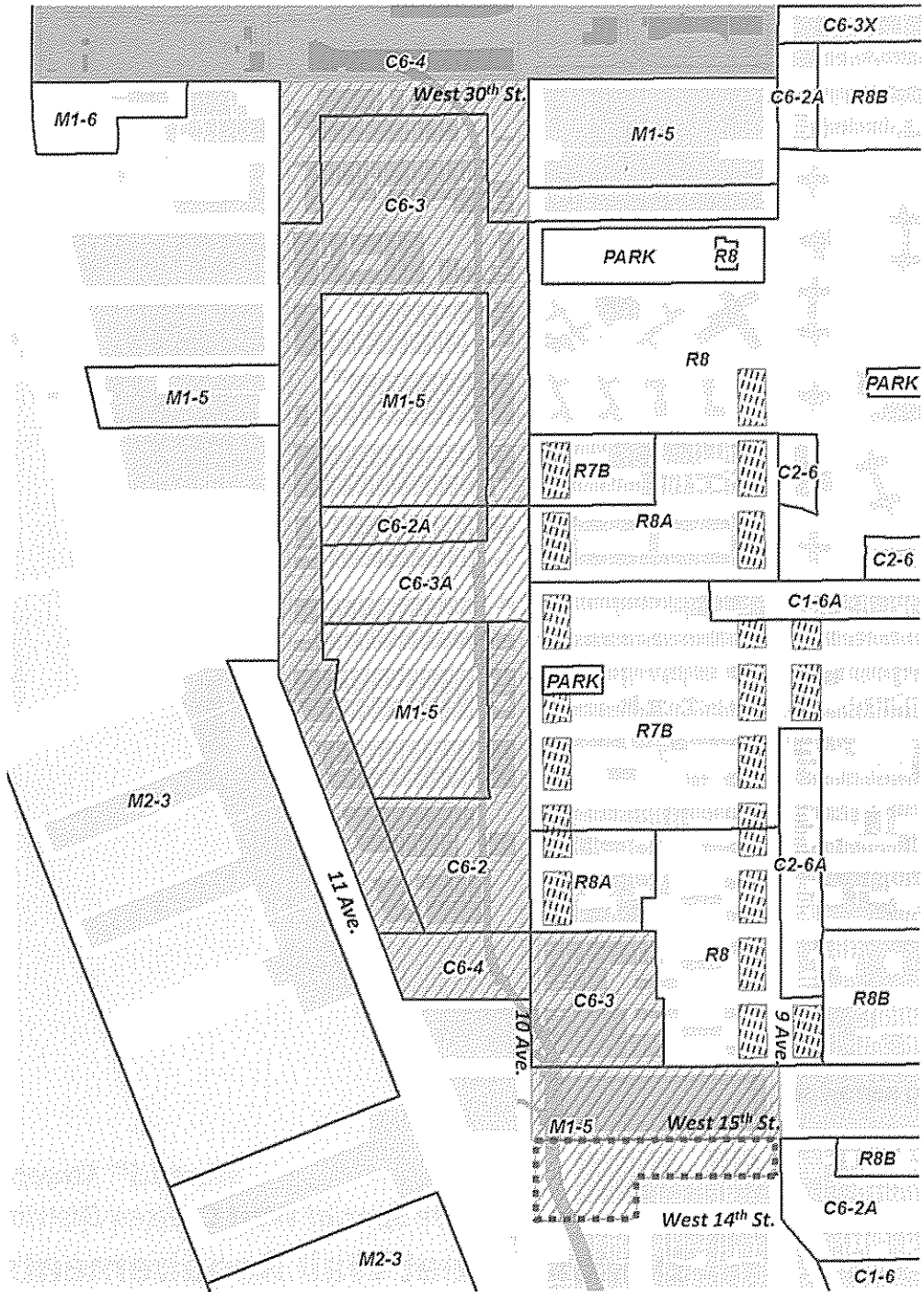
Changing an M1-5 district to an M1-5 (WCh) district








*West 15<sup>th</sup> Street/  
Expansion of the Special West Chelsea District  
Existing M1-5 Massing*



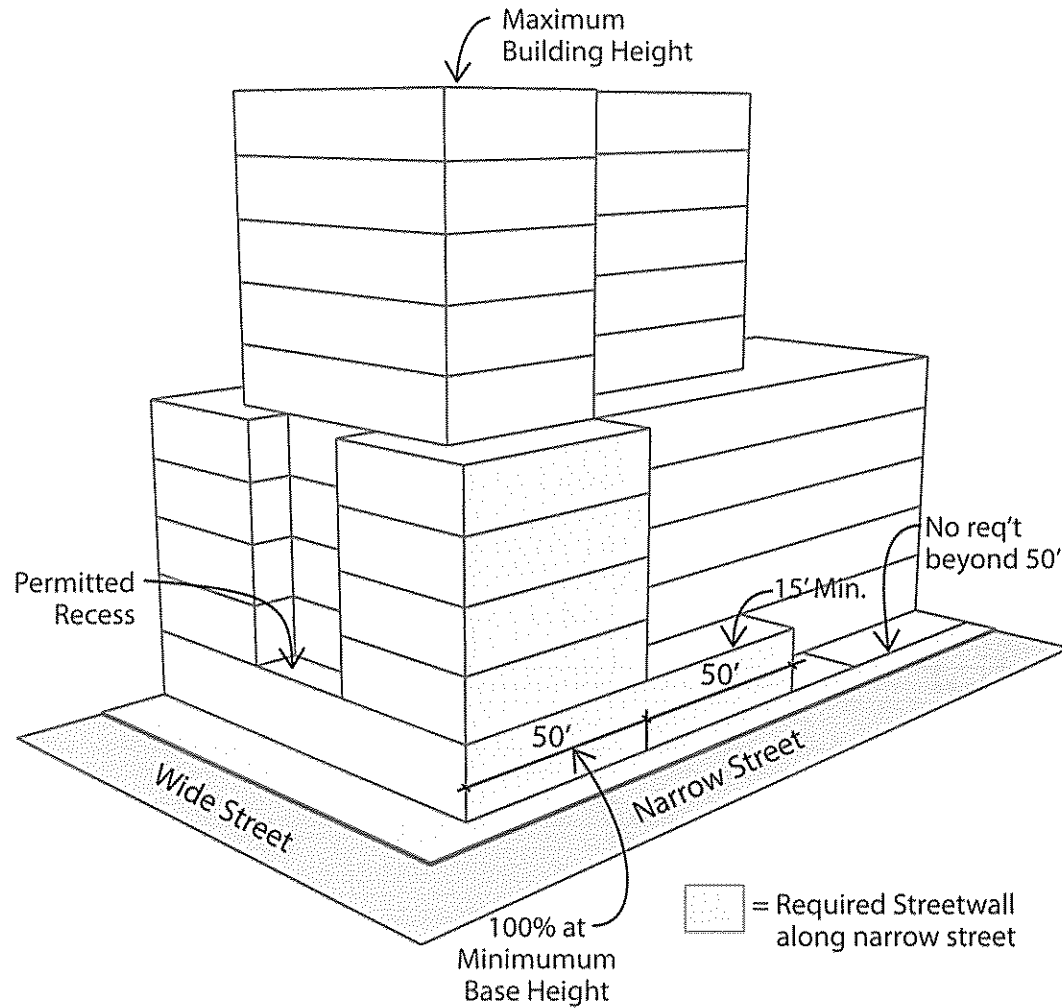
*West 15<sup>th</sup> Street/  
Expansion of the Special West Chelsea District  
Proposed WCh M1-5 Massing*



-  Special West Chelsea District
-  Special West Chelsea District subareas
-  project area (proposed rezoning area)
-  zoning districts
-  special districts (other than WCh)

*West 15<sup>th</sup> Street/*  
*Expansion of the Special West Chelsea District*  
**Special West Chelsea District Map**

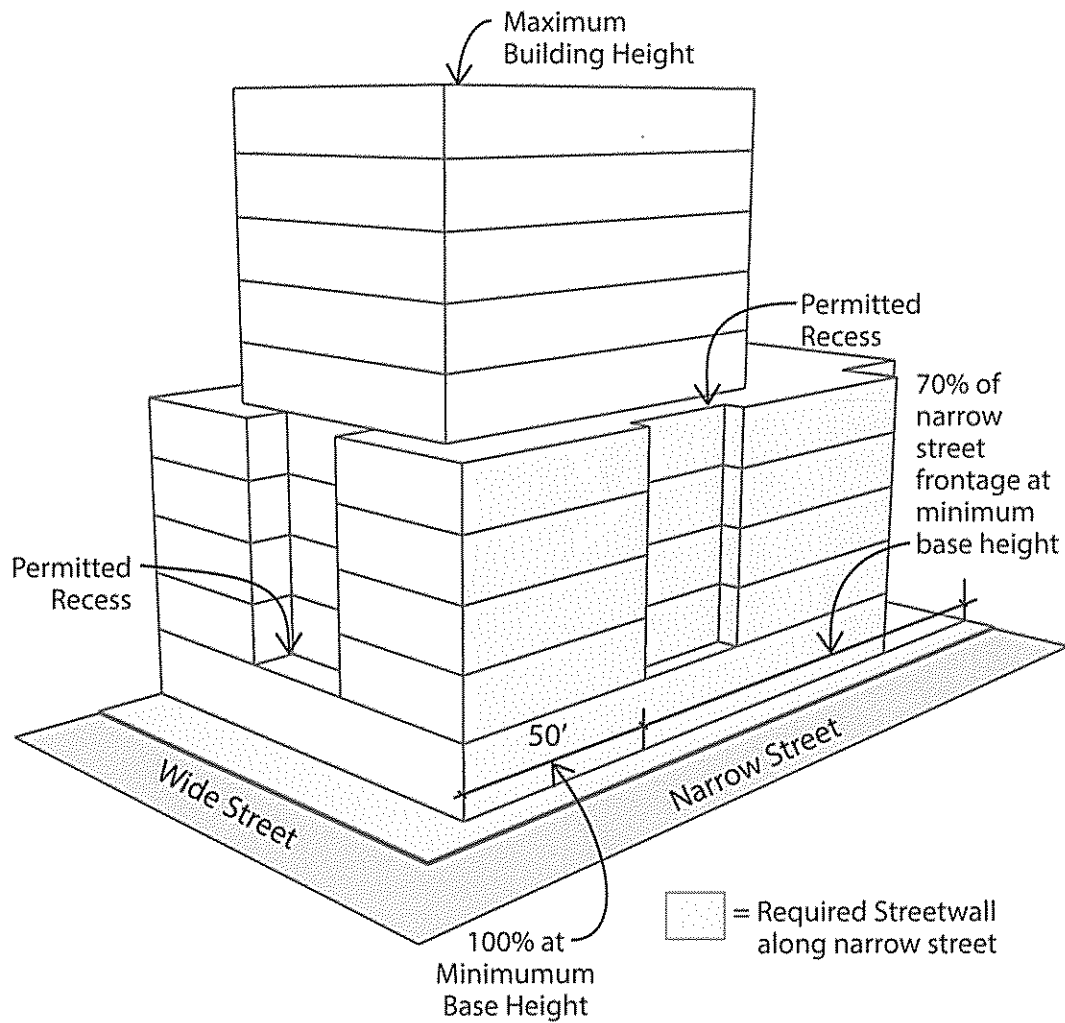
Existing West Chelsea Streetwall Requirements:



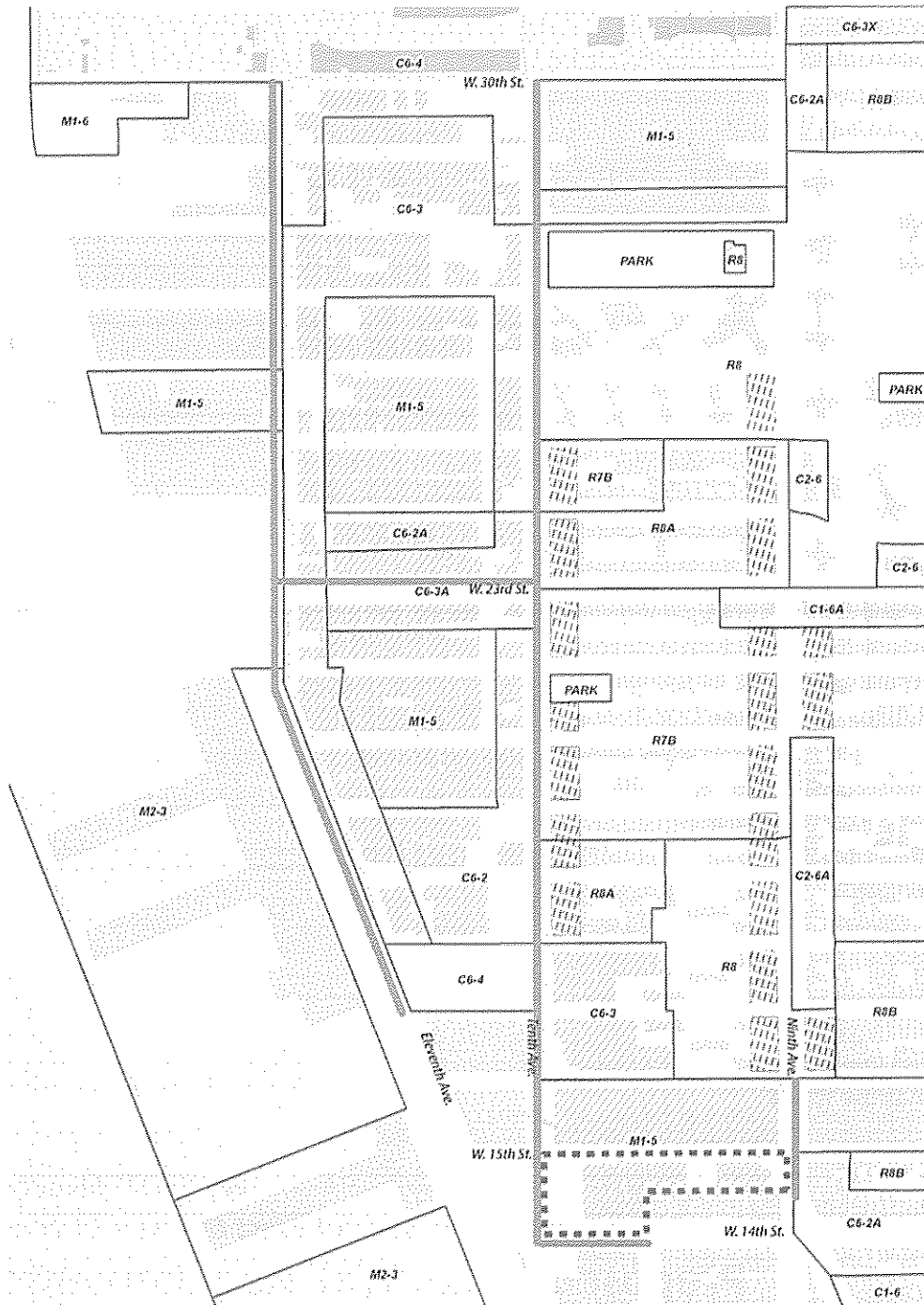
*West 15<sup>th</sup> Street/  
Expansion of the Special West Chelsea District  
Existing Street Wall Requirements*








Proposed West Chelsea Streetwall Requirements:



West 15<sup>th</sup> Street/  
Expansion of the Special West Chelsea District  
Proposed Street Wall Requirements



-  unenclosed sidewalk cafes
-  zoning districts
-  Special West Chelsea District
-  project area (proposed rezoning area)
-  special districts (other than WCh)

*West 15<sup>th</sup> Street/  
Expansion of the Special West Chelsea District  
Proposed Sidewalk Café Applicability*

## **Community Board Recommendation:**

Positive Recommendation

34 in favor

0 against

0 abstained

Condition: Remove 9<sup>th</sup> Avenue from the areas where sidewalk cafes are permitted

## **Borough President Recommendation:**

Positive Recommendation, no conditions

## **City Planning Commission:**

**Approved with Text Modification:**

Rear yard equivalent for pre-existing buildings adjacent to the High Line

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

Name: Shlomo Steve Wygodc (PLEASE PRINT)

Address: 11 6 Ave

I represent: 11 6 Ave

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 164 Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

Name: BERTHE (PLEASE PRINT)

Address: 348 W 38th

I represent: CB4

Address: 330 W 42nd

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 164 Res. No. \_\_\_\_\_

in favor     in opposition

Date: 1/13/15

Name: Erik Bodsford (PLEASE PRINT)

Address: NYC DCP 22 Beale St

I represent: NYC DCP

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

LW169

I intend to appear and speak on Int. No. 169 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Alice Blank

Address: 11 W. Spence St, NY NY 10013

I represent: myself

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 169 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Betty Markintosh

Address: 340 W. 28<sup>th</sup> St, NY NY

I represent: CB 4

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms