

BERNSTEIN REDO, P.C.  
-ATTORNEYS AT LAW-

1177 AVENUE OF THE AMERICAS, 5<sup>TH</sup> FL  
NEW YORK, NEW YORK 10036  
TEL (212) 651-3100

DONALD M. BERNSTEIN  
MARTHA M. REDO

BENJAMIN SAVITSKY

July 27, 2018

Zoning and Franchises Subcommittee  
Land Use Division  
New York City Council  
City Hall  
250 Broadway  
New York, New York 10007

Re: *Maxver LLC*  
*dba Calle Dao Chelsea*  
*461 West 23<sup>rd</sup> Street*  
*New York, New York 10011*  
*Sidewalk Café Application*

Dear Councilmembers:

We are counsel to Maxver LLC, the owner and operator of the restaurant Calle Dao Chelsea at the referenced address, which has applied to the New York City Department of Consumer Affairs (“DCA”) for a small four-table eight seat unenclosed sidewalk café. This matter was heard before DCA on July 11, 2018, which has recommended approval. This letter is submitted in further support of that application.

There Has Been a Licensed Sidewalk Café Here Before

There had been a licensed sidewalk café at this location just a few years ago. In 2014, the owners of what was then Barchetta had applied for an eight-seat unenclosed sidewalk café, and after hearings before both the Zoning Subcommittee and the Land Use Committee, it was approved and licensed in January 2015 (license number 2014515-DCA). The only material difference is that Barchetta had eight seats with two tables; the instant application will have the same number of seats - eight – but at four small tables instead of two.

The Barchetta sidewalk café license was opposed in 2014 to 2015 by residents of the building. However, DCA and the City Council approved, recognizing that the area was properly zoned for a sidewalk café, and because even though there was opposition by some residents there was no valid land use issue upon which to base a denial.

It Has Been Previously Established That The Space is Properly Zoned for a Sidewalk Café

It was established in 2014, despite opposition, that this space is zoned to permit a sidewalk café. In response to the zoning challenge, on May 30, 2014, DCA, at the request of City Planning, asked Barchetta, the prior owner, to provide diagrams showing the lot lines, zoning districts and precise location of the restaurant in the building, specifically with respect to a split lot. A survey dated June 5, 2014 was provided to DCA, a copy of which is annexed hereto as Exhibit "A", and it was also provided to the City Council on October 30, 2014. On July 23, 2014, DCA requested proof of the zoning lot from a title company. A report was prepared by Kensington Vanguard National Land Services and was provided to DCA on August 27, 2014, and to the City Council on October 29, 2014, and a copy is annexed hereto as Exhibit "B".

On September 12, 2014, DCA (by Sanford M. Cohn) advised the then owner, Barchetta, that after reviewing those documents the Department of City Planning had confirmed that the applicable Zoning Resolution sections 76-131 and 77-11 permits a sidewalk café at the subject location as a split lot.

After hearings at DCA and at City Council, the sidewalk café permit was approved and issued to Barchetta for this exact same location.

There is a Natural Area for the Café So That it Will Not Impede Pedestrian Traffic

In addition to being properly zoned for this café, there is a naturally built alcove for these four small tables. The buildings comprising London Terrace extends on the north side of 23<sup>rd</sup> Street all the way from Ninth Avenue to Tenth Avenue. The premises here are within that portion of the building that is within 150 feet from the east side of Tenth Avenue.

Along approximately three quarters of the length of the building, from avenue to avenue, is a low lying garden and iron grate. This extends approximately five and a half feet out on 23<sup>rd</sup> Street to the building line on 23<sup>rd</sup> Street. A photograph of a portion of this fenced-in garden is annexed hereto as Exhibit "C". Going westwards, that garden stops exactly where Calle Deo Chelsea begins. That is, the sidewalk in front of Calle Dao Chelsea does not have any garden, therefore the width of the sidewalk opens up by five and a half feet, providing a large natural alcove for these two tables. This can be seen on the photograph annexed hereto as Exhibit "D".

This demonstrates that the small sidewalk café cannot and will not impede pedestrian traffic along the sidewalk. It is not reasonable or rational to believe that this 180-square foot small café, that extends seven feet with a service aisle past the building line, leaving clearance of over fifteen feet, is an obstruction, when three quarters of the entire block from Ninth to Tenth Avenue has a five-and-a-half-foot extension from the building line.

The width of the sidewalk café extending from the building line will be about seven feet. See plan annexed hereto as Exhibit "E". The total width of this very wide avenue-sized sidewalk is 23 feet, leaving a clearance for pedestrians of about 16 feet. This far exceeds DCA guidelines and provides maximum clearance for pedestrians. It is even wider, with the four tables, than parts of the sidewalk on Tenth Avenue. Moreover, the four-table café is approximately the same distance from the building as the grate that extends along almost the entire stretch of London Terrace demonstrating that it will not create or cause any obstruction to the flow of pedestrian traffic.

#### There is Support for the Café Among Residents

The overwhelming majority of sidewalk cafes in various neighborhoods throughout the city, particularly in Manhattan, are part of restaurants within residential buildings. To say that a sidewalk café may not be permitted in a residential building would effectively repeal the applicable Zoning Resolution regarding sidewalk cafes.

As a matter of law, a denial may not be based only on community resistance; there must be land use objections to justify a denial. *Weprin v. Council of City of New York*, 15 Misc.3d 684 (2007). As the New York Court of Appeals held, the "classification of a particular use as permitted in a zoning district is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect a neighborhood." *Matter of Twin County Recycling Corp. v. Yevoli*, 90 N.Y.2d 1000, 1002 (1997).

Some of the residents who opposed this made the argument that granting Calle Dao Chelsea this unenclosed sidewalk café will open up the floodgates to sidewalk cafes all along 23<sup>rd</sup> Street. This is simply untrue. That same argument was made in 2014 regarding Barchetta and it has been proven false. There are few restaurants along this block thus few opportunities for sidewalk cafes. Even more important, the Zoning Resolution, as it applies to West 23<sup>rd</sup> Street between Tenth Avenue and Ninth Avenue, stops at Calle Dao Chelsea when going eastward from Tenth Avenue. That is, Calle Dao Chelsea is the furthest east that a sidewalk café would be zoned for, short of Ninth Avenue. Their argument is therefore unfounded.

Though community support or opposition is not determinative here, there is significant support among residents for this café. Annexed hereto as Exhibit "F" are petition signatures in support of the café. And annexed hereto as Exhibit "G" are emails sent to the Community Board office by residents in support, including residents of London Terrace. They note that a few tables and seats outdoors on the very wide sidewalk of 23<sup>rd</sup> Street not only would not create any problems but would be a welcomed addition and amenity. The objections, one resident notes, are "short sighted" and the idea that eight seats outside will create any disturbance considering the buses, traffic, and people walking is unfounded.

This Local Restaurant Should be Supported, Not Pushed Towards Failure

There have been a number of restaurants at this location. And long periods when the space has been vacant. The façade of the restaurant blends in with the block long façade of London Terrace, and it is difficult to discern that there is a restaurant there. The presence of a small outdoor café will create an attractive storefront, and also show the community that there is a welcoming restaurant there.

There is no benefit to the community if the space is a revolving door of failed restaurants at this location. As one resident of London Terrace wrote (see Exhibit "G"), "if we lose another restaurant the whole process starts over...Please don't destroy your own neighborhood" by denying this permit. We hope the Council recognizes how important this small café is to the success of this restaurant.

Conclusion

The sidewalk café is in compliance with the Zoning Resolution and DCA requirements. There is no valid land use issue argument to deny it, and it would be arbitrary and capricious to deny this unenclosed sidewalk café, particularly since a nearly identical one was previously approved. We hope to have your support.

Respectfully,



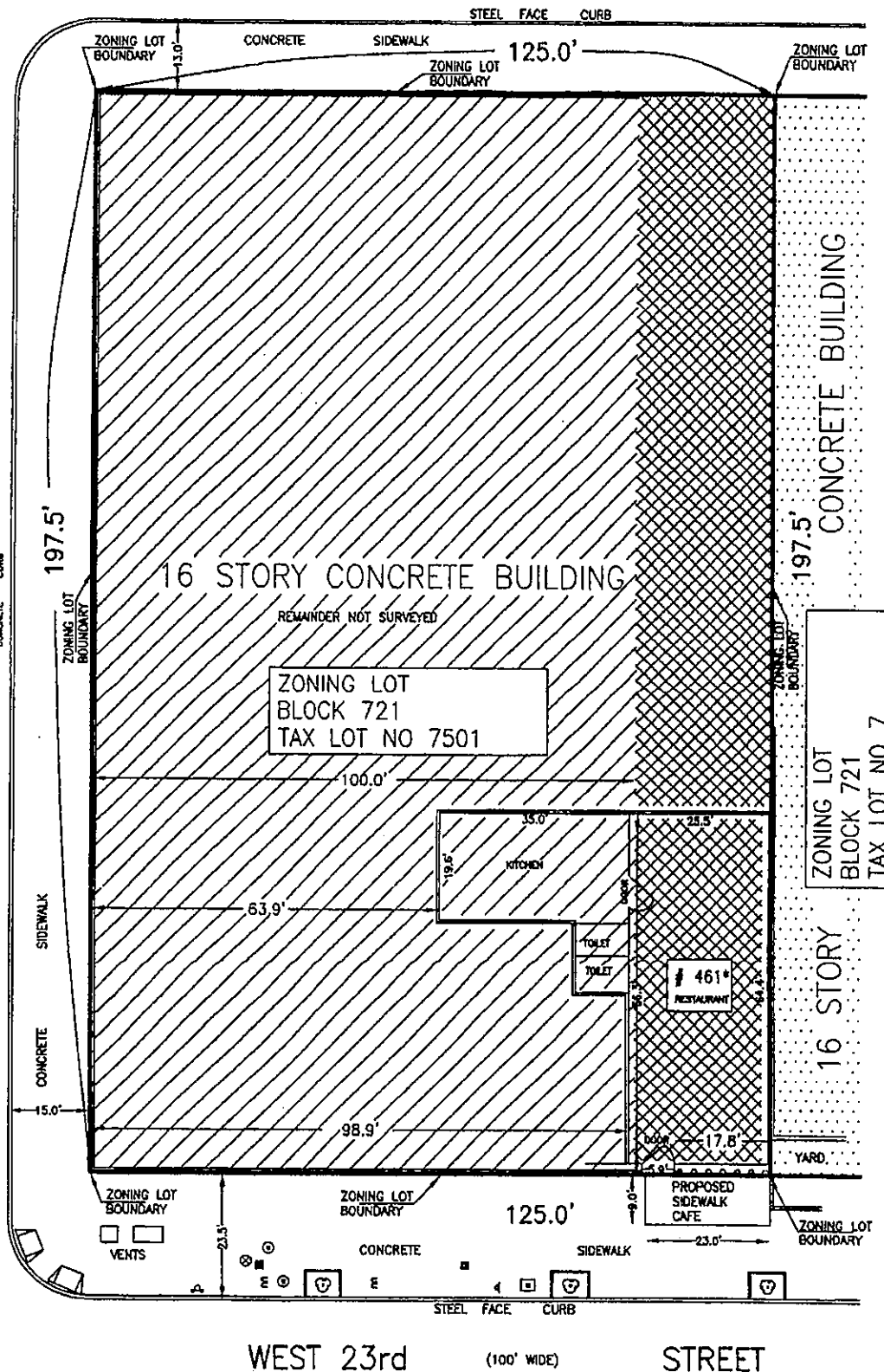
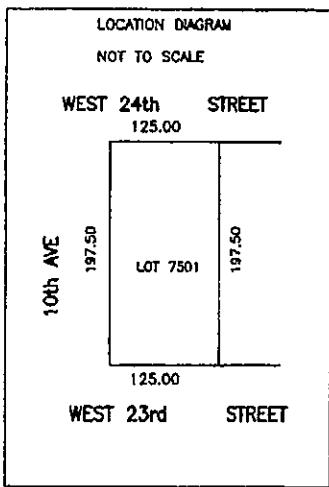
Donald M. Bernstein

Enclosures

# Exhibit A

**LEGEND**

- FIRE HYDRANT WITH BUMPERS
- GAS VALVE
- MAIL BOX
- MANHOLE TYPE UNKNOWN
- PEDESTRIAN RAMP
- SIGN
- TREE
- WATER MANHOLE
- WATER VALVE
- ZONE C2-5 OVERLAY
- ZONE C2-5 OVERLAY EXTENSION AS PER SECTION 77-11 OF THE NYC ZONING LAWS
- ZONE R8



- NOTES:
1. THIS SURVEY WAS PREPARED ONLY FOR AKA STUDIO AND IS TO BE USED FOR BUILDING DEPARTMENT PURPOSES ONLY AND NOT FOR TITLE.
  2. NO GUARANTEE IS IMPLIED BY THIS MAP AS TO THE EXISTENCE OR NONEXISTENCE OF ANY EASEMENTS OF RECORD THAT WOULD AFFECT SUBJECT PROPERTY, UNLESS SURVEYOR HAS BEEN FURNISHED WITH A COMPLETE COPY OF TITLE REPORT.
  3. THIS MAP WAS MADE AT A SCALE OF 1" = 25' WHEN ORIGINALLY DRAWN.
  4. IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY.
  5. ARCHITECTS MUST ORDER A TOPOGRAPHICAL MAP SPECIFYING THEIR EXACT NEEDS.
  6. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

NOTE: THE ADDRESS NO 461 CORRESPONDS TO THE ADJACENT LOT NO 7 IN THE CITY RECORDS. ON THE GROUND THE ADDRESS IS LOCATED ON LOT NO 7501

CERTIFIED TO:

DATE SURVEYED: JUNE 5, 2014

AKA STUDIO

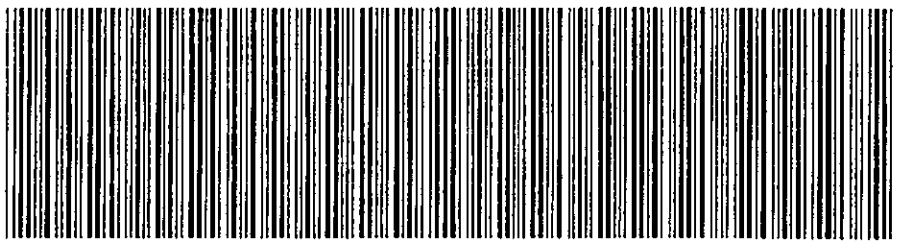
S.N. GATHURA  
PROFESSIONAL LAND SURVEYOR



# Exhibit B

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



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**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 4**

Document ID: 2014082100471002 Document Date: 08-04-2014 Preparation Date: 08-21-2014  
 Document Type: ZONING LOT DESCRIPTION  
 Document Page Count: 3

**PRESENTER:**  
 KENSINGTON VANGUARD NATIONAL LAND SERVICES  
 39 W37TH STREET/ 819012  
 12A  
 NEW YORK, NY 10018  
 212-532-8686

**RETURN TO:**  
 KENSINGTON VANGUARD NATIONAL LAND SERVICES  
 39 WEST 37TH STREET, 3RD FLOOR  
 ATTN: BOB AUDETTE  
 NEW YORK, NY 10018

PROPERTY DATA				
Borough	Block	Lot	Unit	Address
MANHATTAN	721	7501	Entire Lot	465 WEST 23RD STREET
Property Type: OTHER				

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**PARTY ONE:**  
 LDV 23, LLC  
 465 WEST 23RD STREET  
 NEW YORK, NY 10011

**FEEES AND TAXES**

Mortgage :		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	\$ 0.00
Exemption:			\$ 0.00
TAXES: County (Basic):	\$ 0.00	NYS Real Estate Transfer Tax:	\$ 0.00
City (Additional):	\$ 0.00		\$ 0.00
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
<b>TOTAL:</b>	<b>\$ 0.00</b>		
Recording Fee:	\$ 52.00		
Affidavit Fee:	\$ 0.00		

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE**

**CITY OF NEW YORK**  
 Recorded/Filed 08-27-2014 11:06  
 City Register File No.(CRFN):  
 2014000284772



*Annette McMill*

City Register Official Signature



819012

N.B. # \_\_\_\_\_  
or  
ALT. # \_\_\_\_\_

EXHIBIT III

**ZONING LOT DESCRIPTION AND OWNERSHIP STATEMENT BY  
BUILDING DEPARTMENT PERMIT APPLICANT  
AND TO BE RECORDED IN THE  
COUNTY CLERK'S OR REGISTER'S OFFICE**

LDV 23, LLC, 465 West 23<sup>rd</sup> Street, New York, NY 10011, Applicant(s) for present and future permits pursuant to the Zoning Resolution of the City of New York, effective December 15, 1961, and as subsequently amended, states that the zoning lot to which the aforementioned permit or permits pertain are shown on the Tax Map of the City of New York, County of \_\_\_\_\_, as Lot(s) 7501 in Block 721 and is more particularly described as follows:

All that certain plot piece or parcel of land lying being and situate in the Borough of Manhattan, City, County and State of New York, known and designated as Parcel B of the condominium known as the London Terrace Towers Condominium, established pursuant to Article 9-B of the Real Property Law of the State of New York by Declaration of Condominium dated March 31, 1987 and recorded in the Office of the Register of the City of New York on August 6, 1987 in Reel 1270 page 2455, being bounded and described as follows:

Beginning at the corner formed by the intersection of the northerly side of 23<sup>rd</sup> Street and the easterly side of 10<sup>th</sup> Avenue;

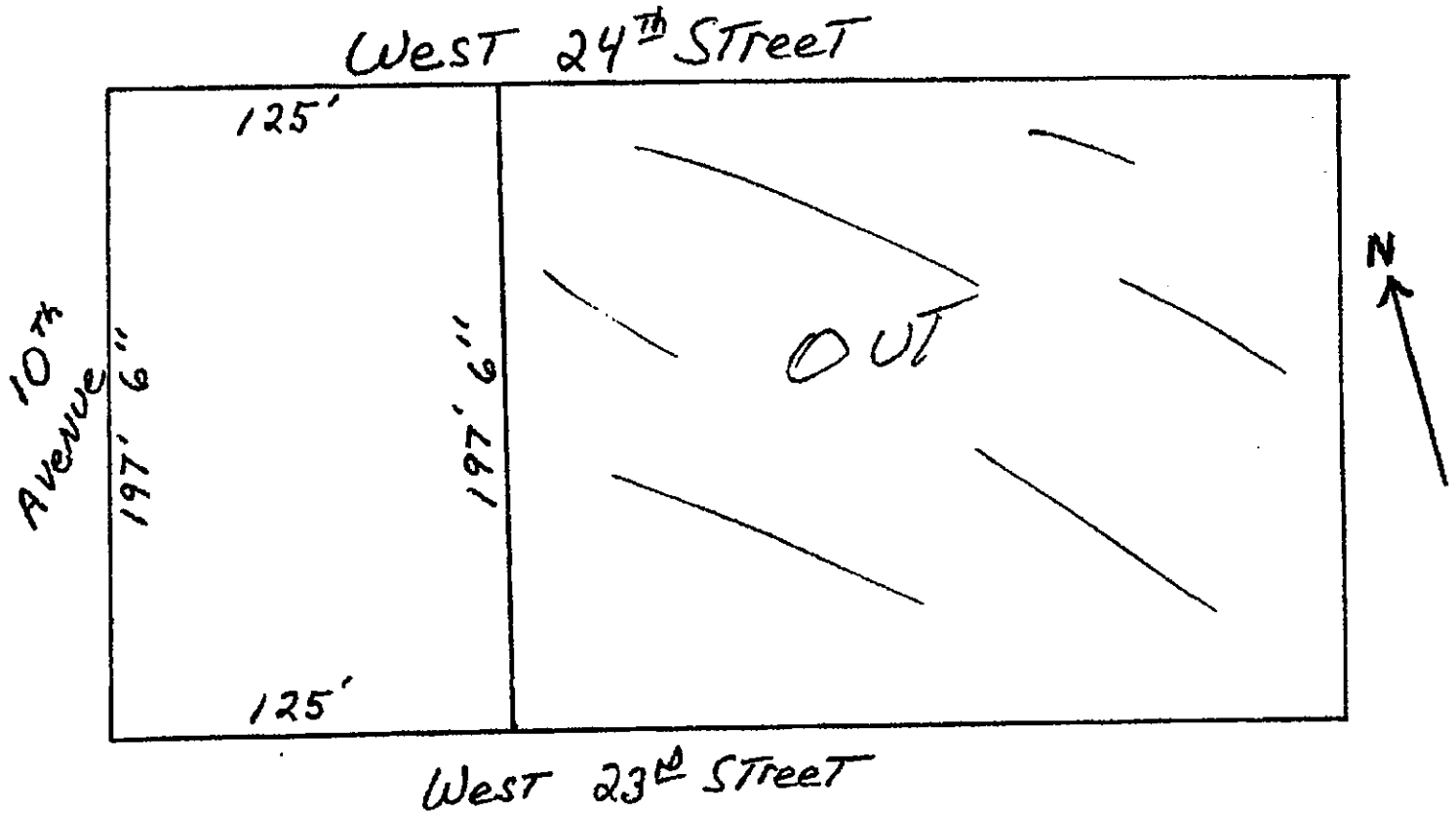
Thence northerly along the easterly side of 10<sup>th</sup> Avenue 197 feet 6 inches to the southerly side of 24<sup>th</sup> Street;

Thence easterly along the southerly side of 24<sup>th</sup> Street 125 feet;

Thence southerly parallel to the easterly side of 10<sup>th</sup> Avenue 197 feet 6 inches to the northerly side of 23<sup>rd</sup> Street;

Thence westerly along the northerly side of 23<sup>rd</sup> Street 125 feet to the point or place of Beginning.

That the said premises are known as and by the street address: 465 West 23<sup>rd</sup> Street, New York, NY, as shown on the following diagram:

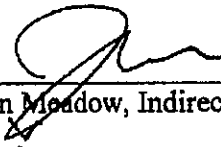


The above-described zoning lots are presently controlled by:

<u>Block</u>	<u>Tax Lot</u>	<u>Name</u>	<u>Address</u>
721	7501	the Board of Managers of London Terrace Towers Condominium	465 West 23 <sup>rd</sup> Street New York, NY 10011


IN THE WITNESS WHEREOF that applicant for permit has executed this instrument this  
4 day of August, 2014

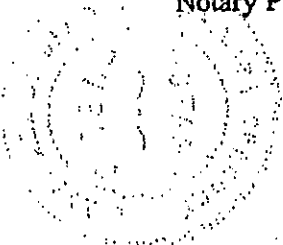
LDV 23, LLC

By: x   
John Meadow, Indirect Member  
C.

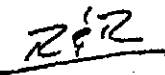
State of New York )  
  ) ss.:  
County of New York

On the 4 day of August in the year 2014 before me, the undersigned, personally  
appeared John C. Meadow known to me or proved to me on the basis of satisfactory  
evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by  
his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which  
the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public



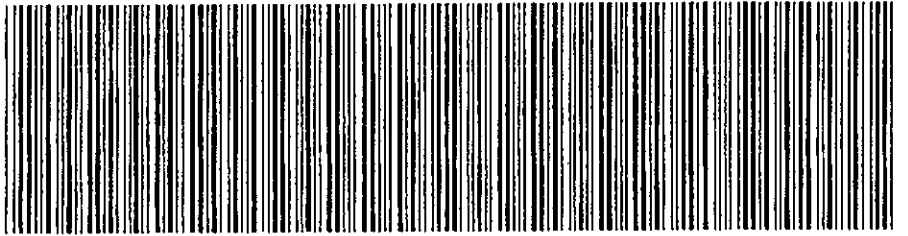
**RICHARD GREGORY**  
Notary Public, State of New York  
Reg. 01GR5087191  
Qualified in New York County  
Commission Expires Dec. 19, 2017



Kensington Vanguard National Land Services  
39 West 37<sup>th</sup> Street, 3rd Floor  
New York, NY 10018  
Attn: Bob Audette

**NYC DEPARTMENT OF FINANCE  
OFFICE OF THE CITY REGISTER**

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2014082100471001001E72FA

**RECORDING AND ENDORSEMENT COVER PAGE**

**PAGE 1 OF 5**

Document ID: 2014082100471001  
Document Type: CERTIFICATE  
Document Page Count: 4

Document Date: 08-01-2014

Preparation Date: 08-21-2014

**PRESENTER:**

KENSINGTON VANGUARD NATIONAL LAND SERVICES  
39 W37TH STREET/ 819012  
12A  
NEW YORK, NY 10018  
212-532-8686

**RETURN TO:**

KENSINGTON VANGUARD NATIONAL LAND SERVICES  
39 WEST 37TH STREET, 3RD FLOOR  
ATTN: BOB AUDETTE  
NEW YORK, NY 10018

**PROPERTY DATA**

Borough	Block	Lot	Unit	Address
MANHATTAN	721	7501	Entire Lot	465 WEST 23RD STREET

Property Type: OTHER

**CROSS REFERENCE DATA**

CRFN \_\_\_\_\_ or DocumentID \_\_\_\_\_ or \_\_\_\_\_ Year \_\_\_\_\_ Reel \_\_\_\_\_ Page \_\_\_\_\_ or File Number \_\_\_\_\_

**PARTIES**

**PARTY 1:**  
KENSINGTON VANGUARD NATIONAL LAND SERVICES OF N.Y.  
39 WEST 37TH STREET  
NEW YORK, NY 10018

**FEES AND TAXES**

**Mortgage :**

Mortgage Amount:	\$	0.00
Taxable Mortgage Amount:	\$	0.00
Exemption:		
TAXES: County (Basic):	\$	0.00
City (Additional):	\$	0.00
Spec (Additional):	\$	0.00
TASF:	\$	0.00
MTA:	\$	0.00
NYCTA:	\$	0.00
Additional MRT:	\$	0.00
<b>TOTAL:</b>	<b>\$</b>	<b>0.00</b>
Recording Fee:	\$	57.00
Affidavit Fee:	\$	0.00

**Filing Fee:**

Filing Fee:	\$	0.00
NYC Real Property Transfer Tax:	\$	0.00
NYS Real Estate Transfer Tax:	\$	0.00

**RECORDED OR FILED IN THE OFFICE  
OF THE CITY REGISTER OF THE  
CITY OF NEW YORK**



Recorded/Filed 08-27-2014 11:06  
City Register File No.(CRFN):  
2014000284771

*Quetta McMill*

City Register Official Signature

819012

N.B. # \_\_\_\_\_  
or  
ALT. # \_\_\_\_\_

EXHIBIT I

CERTIFICATION PURSUANT TO ZONING LOT  
SUBDIVISION C OF SECTION 12-10  
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961  
OF THE CITY OF NEW YORK - AS AMENDED  
EFFECTIVE AUGUST 10, 1977

Kensington Vanguard National Land Services of N.Y., as agent for Stewart Title Insurance Company, a title insurance company authorized to do business in the State of New York and having its principal office at 39 West 37<sup>th</sup> Street, New York, New York, 10018, hereby certifies that as to the land hereafter described being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block in the single ownership of the Board of Managers of the London Terrace Towers Condominium, all the parties in interest constituting a "party in interest" as defined in Section 12-10, subdivision (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, are the following:

<u>Name</u>	<u>Address</u>	<u>Nature of Interest</u>
the Board of Managers of the London Terrace Towers Condominium	465 West 23 <sup>rd</sup> Street New York, NY 10011	for the Unit Owners of the London Terrace Towers Condominium, No. 443 by Declaration in Reel 1270 Page 2445, as amended, Formerly Lot 1 n/k/a Lot 7501
LDV 23, LLC	465 West 23 <sup>rd</sup> Street New York, NY 10011	Lessee of Commercial Units No. 15 & No. 17 in the London Terrace Towers Condominium, Tax Lots 1002 & 1007 (Subject of Application)

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid is known as Tax Lot Number 7501 Block No. 721 as shown on the Tax Map of the City of New York for the County of New York and more particularly described as follows:

All that certain plot piece or parcel of land lying being and situate in the Borough of Manhattan, City, County and State of New York, known and designated as Parcel B of the condominium known as the London Terrace Towers Condominium, established pursuant to Article 9-B of the Real Property Law of the State of New York by Declaration of Condominium dated March 31, 1987 and recorded in the Office of the Register of the City of New York on August 6, 1987 in Reel 1270 page 2455, being bounded and described as follows:

Beginning at the corner formed by the intersection of the northerly side of 23<sup>rd</sup> Street and the easterly side of 10<sup>th</sup> Avenue;

Thence northerly along the easterly side of 10<sup>th</sup> Avenue 197 feet 6 inches to the southerly side of 24<sup>th</sup> Street;

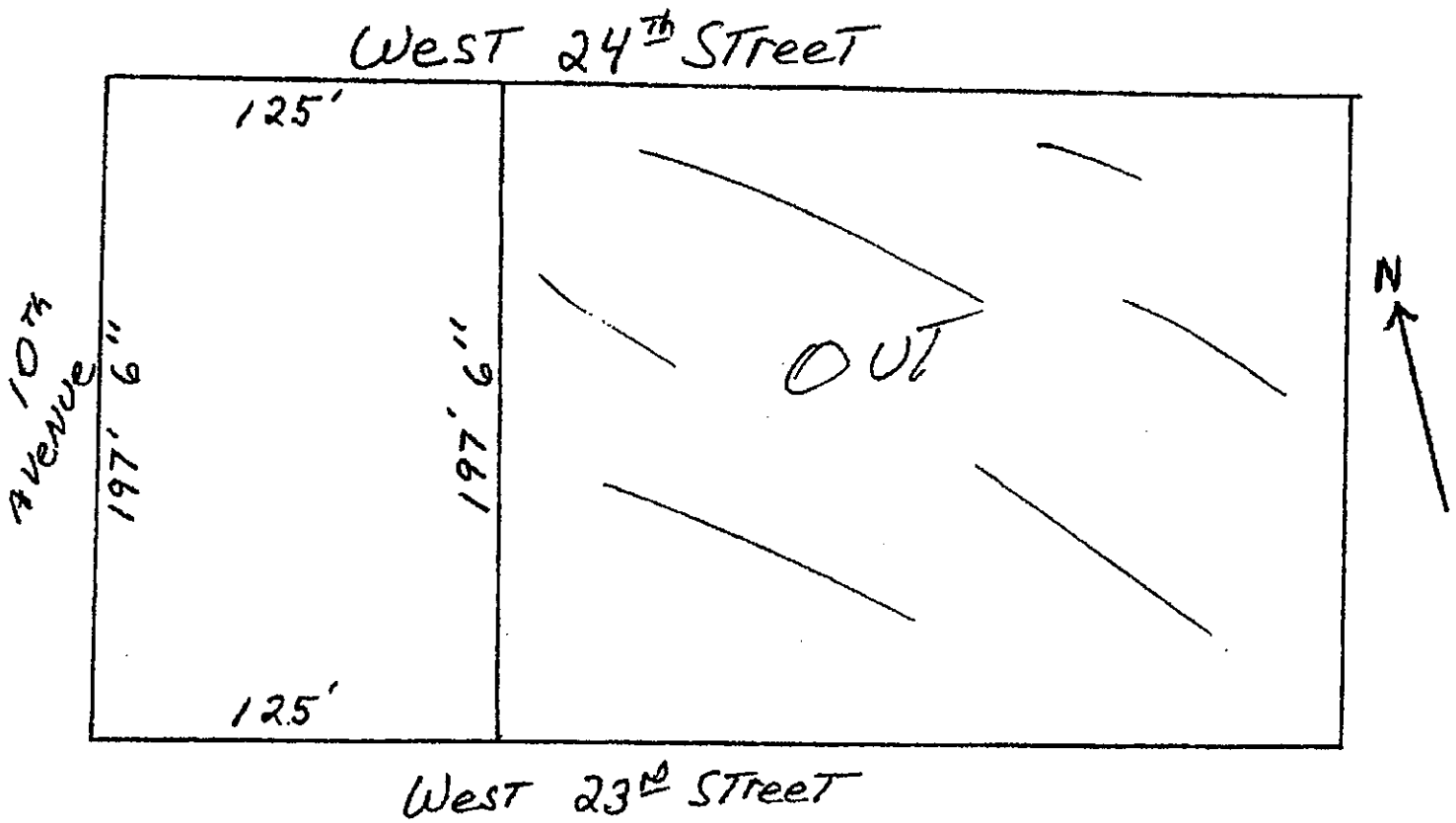
Thence easterly along the southerly side of 24<sup>th</sup> Street 125 feet;

Thence southerly parallel to the easterly side of 10<sup>th</sup> Avenue 197 feet 6 inches to the northerly side of 23<sup>rd</sup> Street;

Thence westerly along the northerly side of 23<sup>rd</sup> Street 125 feet to the point or place of Beginning.

That the said premises are known as and by the street address(es): 465 West 23<sup>rd</sup> Street, New York, NY, as shown on the following diagram:

BLOCK 721



NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREINUNDER IS LIMITED TO THE FEES ACTUALLY PAID HEREUNDER.

IN WITNESS WHEREOF THIS CERTIFICATION HAS BEEN EXECUTED THIS 1st DAY OF AUGUST, 2014.

Kensington Vanguard National Land Services of N.Y.

RSZ

By:   
 Laura Carsten,  
 Authorized signatory

Kensington Vanguard National Land Services  
 39 West 37<sup>th</sup> Street, 3rd Floor  
 New York, NY 10018  
 Attn: Bob Audette

State of New York    )  
                               ) ss.:  
 County of New York )

On the 1st day of August in the year 2014 before me, the undersigned, personally appeared Laura Carsten personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

ANITA NELSON MILLER  
 Notary Public, State of New York  
 No. 01NE6095087  
 Qualified in Queens County  
 Commission Expires June 30, 20 15



# Exhibit C

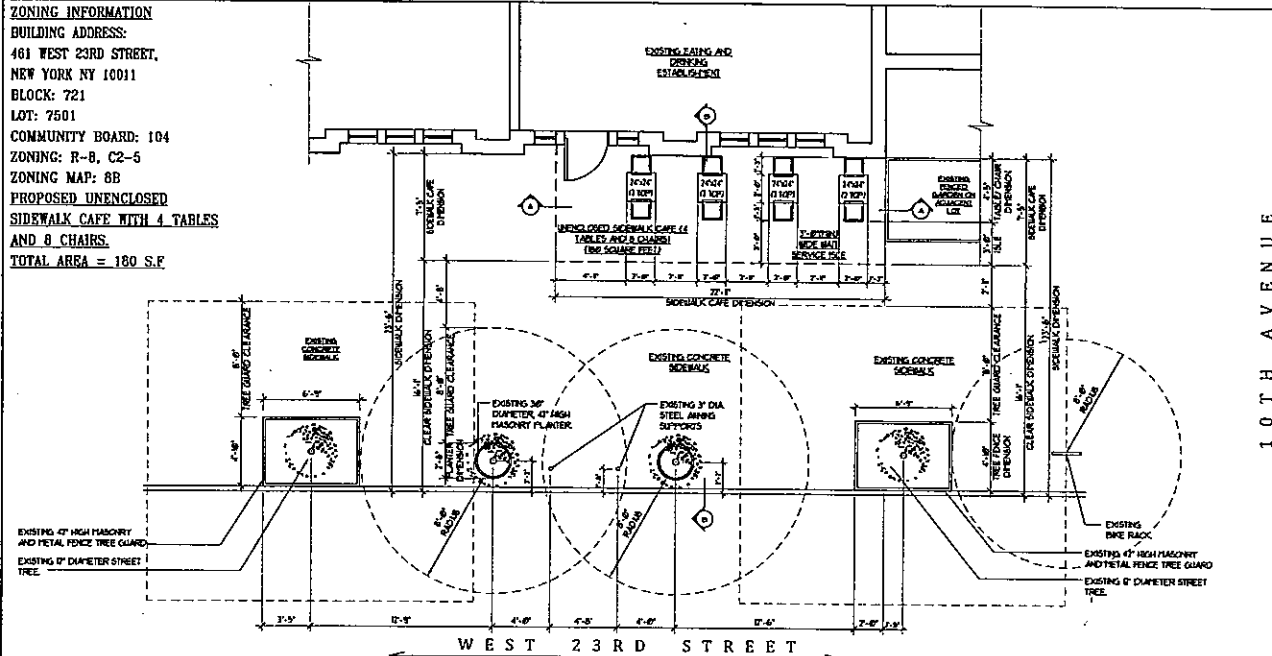


# Exhibit D

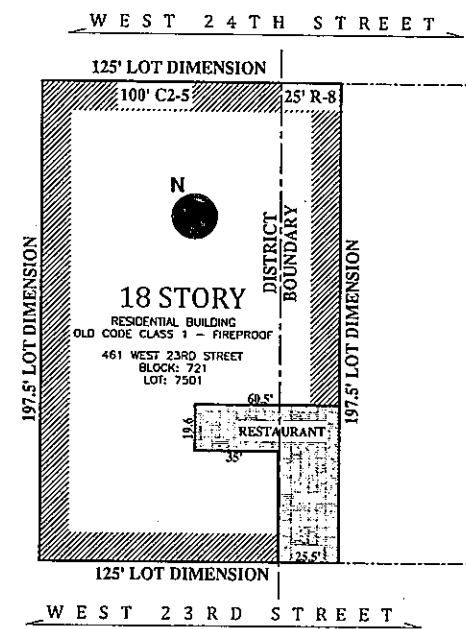


# Exhibit E

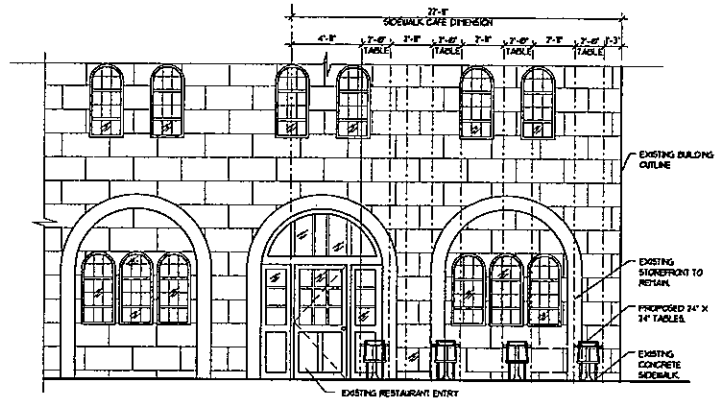
**ZONING INFORMATION**  
 BUILDING ADDRESS:  
 461 WEST 23RD STREET,  
 NEW YORK NY 10011  
 BLOCK: 721  
 LOT: 7501  
 COMMUNITY BOARD: 104  
 ZONING: R-8, C2-5  
 ZONING MAP: 8B  
 PROPOSED UNENCLOSED  
 SIDEWALK CAFE WITH 4 TABLES  
 AND 8 CHAIRS.  
 TOTAL AREA = 180 S.F.



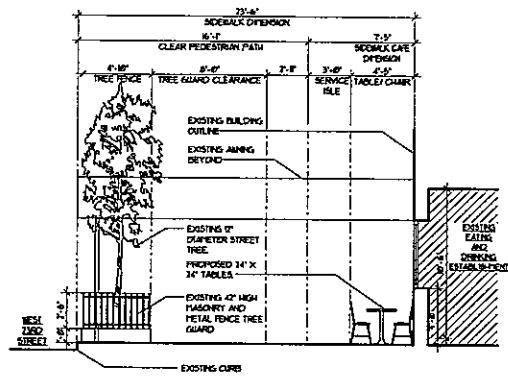
PROPOSED SIDEWALK CAFE PLAN  
 1/4" = 1'-0"



PLOT PLAN  
 N.T.S.



SECTION A-A  
 1/4" = 1'-0"



SECTION B-B  
 1/4" = 1'-0"



372 BROAD STREET SUITE #4  
 BLOOMFIELD NJ 07003  
 T.201.604.3239 F.201.604.3689

**CALL BEFORE YOU DIG!**  
 THE ABOVE PLANNING DESIGN AND MEASUREMENTS  
 REFLECT THE PROPERTY OF ALL SYSTEMS, LLC, AND  
 SHALL NOT BE COPIED, REPRODUCED, INCORPORATED OR  
 USED IN CONNECTION WITH ANY OTHER PROJECT  
 WITHOUT THE WRITTEN AUTHORIZATION OF ALL SYSTEMS, LLC.

CONSULTANTS

NO.	DESCRIPTION	DATE

REVISIONS

NO.	DESCRIPTION	DATE

PROJECT  
**PROPOSED SIDEWALK CAFE FOR  
 CALLE DAO  
 CHELSEA**  
 461 WEST 23RD STREET,  
 NEW YORK NY 10011

DRAWING NAME  
**SIDEWALK CAFE LICENSE  
 PLANS/ SECTIONS**

PROFESSIONAL SEAL: DATE: 05/11/2018  
 SCALE: AS SHOWN  
 PREPARED BY: A.S.  
 CHECKED BY: A.S.  
 PROJECT # 181838  
 CAD FILE: 181838-02  
 CUSTOMER SEAL: ALL  
 NY-13989 CE-11118  
 NY-03010 AD-18184  
 MA-51971


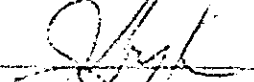
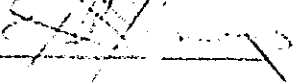
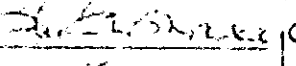
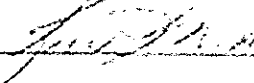
DRAWING #  
**SC-001.00**

NYC DOB JOB NUMBER SHEET 1 OF 1

# Exhibit F

**Maxver LLC dba Calle Dao Chelsea**  
**461 West 23<sup>rd</sup> Street**

Maxver LLC dba Calle Dao Chelsea is a restaurant with 16 tables and 58 seats and has been operating since July 2017. It has filed an application for an exterior sidewalk café with 4 tables and 8 seats with the Department of Consumer Affairs. An alteration application to add the exterior sidewalk café to its liquor license will be submitted to the NYS Liquor Authority. The exterior sidewalk café hours of operation are 11AM to 10PM Monday to Sunday. By signing this petition you are supporting us in our applications for an exterior sidewalk café serving liquor.

NAME	SIGNATURE	ADDRESS
Rebecca Stern		425 W. 24 <sup>th</sup> St.
JEFF KAPLAN		460 W 24 <sup>th</sup> St
Edward Wang		411 E. 23 <sup>rd</sup> St.
Tasha Alexander		445 W 23 <sup>rd</sup> St.
Kara Macke		445 W 23 <sup>rd</sup> St.



**Maxver LLC dba Calle Dao Chelsea**  
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NAME	SIGNATURE	ADDRESS
<u>ROBERT PEAR</u>	<u>[Signature]</u>	<u>405 W 23<sup>rd</sup> 1<sup>st</sup> D</u>
<u>John M. [unclear]</u>	<u>[Signature]</u>	<u>405 W 23<sup>rd</sup> 1<sup>st</sup> D, Apt 1001</u>
<u>Nico Sin.</u>	<u>[Signature]</u>	<u>262 W 17<sup>th</sup> St. 11MA, Bldg 216, Rm 211</u>
<u>[unclear]</u>	<u>[Signature]</u>	<u>312 E 25<sup>th</sup> Apt 1D</u>
<u>Nickolas [unclear]</u>	<u>[Signature]</u>	<u>312 E 25<sup>th</sup> Apt 1D</u>
<u>[unclear]</u>	<u>[Signature]</u>	<u>405 W 23<sup>rd</sup> St Apt SE</u>

**Maxver LLC dba Calle Dao Chelsea**  
**461 West 23<sup>rd</sup> Street**

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NAME	SIGNATURE	ADDRESS
<u>Sally Sternberg</u>	<u>[Signature]</u>	<u>306 9<sup>th</sup> Ave</u>
<u>Michael Marks</u>	<u>[Signature]</u>	<u>410 W 23<sup>rd</sup> St 4B West</u>
<u>Julie Collins</u>	<u>[Signature]</u>	<u>535 W 23<sup>rd</sup> St #7KN, NY, NY 10011</u>
<u>Verka Guraj</u>	<u>[Signature]</u>	<u>427 W 23<sup>rd</sup> St Apt 2F</u>
_____	_____	_____
_____	_____	_____

**Maxver LLC dba Calle Dao Chelsea**  
**461 West 23<sup>rd</sup> Street**

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NAME	SIGNATURE	ADDRESS
<u>[Signature]</u>	<u>[Signature]</u>	<u>36 W. 5<sup>th</sup></u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>434 W 24<sup>th</sup> ST</u>
<u>Alison</u>	<u>[Signature]</u>	<u>429 W 26<sup>th</sup> ST</u>
<u>Francis Tran</u>	<u>[Signature]</u>	<u>429 W 24<sup>th</sup> ST.</u>
<u>ing Alexander Hayes</u>	<u>[Signature]</u>	<u>405 W 23<sup>rd</sup> ST</u>
<u>David Smith</u>	<u>[Signature]</u>	<u>455 W 23<sup>rd</sup> ST</u>



# Exhibit G

**Community Board 4 Meeting 6/12/18 at 6:30pm re 465  
Restaurant**

Ralph Mecke [REDACTED]

Sent: Thursday, June 07, 2018 7:41 PM

To: Pretente, Janine; Gonzalez, Nelly (CB)

Dear Community Board ,

Unfortunately I can't attend the meeting on the 12th of June.  
That's the reason why I take the time to write you. I might take the chance to even  
call Juliana Frei.

I am tired of complaints about 4 tables with 8 chairs in the front of our building.  
I was born in Berlin 55 years ago and lived in Paris for 25 years.  
I never in my entire life heard these kind of complaints.  
A restaurant is a place where people meet. It is a place of communication, of  
hospitality.

Who is compiling about noise of 4 tables when you live on 23rd !! Street. Seriously?

With all the ambulances lighting up every 5 minutes? (If you could do something  
about that, it would have a much larger impact!)  
Overlooking that space ? ( what do they mean - tables with food ? ) When the  
residents are looking at construction, loud trucks,  
Dogs taking shit and ugly bus stops ? I am speechless.

Our entire family doesn't understand the stubborn and depressing arguments.  
I feel it doesn't represent the house but a couple of people which ( like in every  
community ) don't have anything else but time to make other peoples lives difficult.

If we lose another restaurant the whole process starts all over.  
I am not keen getting another ugly bank or dry cleaner to the block. Please don't  
destroy your own neighborhood.

These arguments are seriously an act of short sightedly and unfortunately I am  
afraid that the restaurant will not have a change again.  
It is a shame that angry, depressed people always win over the once who have no time  
to take care about these issues because they work.

Best regards  
Ralph Mecke

465W 23rd Street  
Apt [REDACTED]  
New York, NY 10011

**From:** Holozubiec, Frank [REDACTED]  
**To:** fholozub [REDACTED]  
**Subject:** Fwd: Calle Dao- support for.  
**Date:** Tue, Jun 12, 2018 2:27 pm

---

Sent from my iPhone

Begin forwarded message:

**From:** "Jesse Bodine" <[jbodine@cb.nyc.gov](mailto:jbodine@cb.nyc.gov)>  
**Date:** June 12, 2018 at 1:56:19 PM EDT  
**To:** "Holozubiec, Frank" [REDACTED], "Yoni Bokser" [REDACTED]  
**Subject:** FW: Calle Dao- support for.

One in support.

Jesse Bodine  
District Manager  
Manhattan Community Board 4  
330 West 42 Street, 26th Floor  
New York, New York 10036  
Phone: 212-736-4536, Ext 27  
Fax: 212-947-9512  
[jbodine@cb.nyc.gov](mailto:jbodine@cb.nyc.gov)

---

**From:** Robert Perri [REDACTED]  
**Sent:** Tuesday, June 12, 2018 1:30 PM  
**To:** Jesse Bodine  
**Subject:** Calle Dao- support for.

I support Calle Dao's application for outdoor space.  
Thank you

Robert Perri  
405 w 23<sup>rd</sup>, [REDACTED]

Robert Perri  
[REDACTED]

**From:** Holozubiec, Frank [REDACTED]  
**To:** fholozub [REDACTED]  
**Subject:** Fwd: Calle Dao sidewalk expansion  
**Date:** Tue, Jun 12, 2018 5:11 pm

---

Sent from my iPhone

Begin forwarded message:

**From:** "Jesse Bodine" <[jbodine@cb.nyc.gov](mailto:jbodine@cb.nyc.gov)>  
**Date:** June 12, 2018 at 5:00:02 PM EDT  
**To:** "Holozubiec, Frank" [REDACTED] Yoni Bokser  
[REDACTED]  
**Cc:** "Gonzalez, Nelly (CB)" <[nelgonzalez@cb.nyc.gov](mailto:nelgonzalez@cb.nyc.gov)>  
**Subject:** FW: Calle Dao sidewalk expansion

In support.

Jesse Bodine  
District Manager  
Manhattan Community Board 4  
330 West 42 Street, 26th Floor  
New York, New York 10036  
Phone: 212-736-4536, Ext 27  
Fax: 212-947-9512  
[jbodine@cb.nyc.gov](mailto:jbodine@cb.nyc.gov)

---

**From:** Lisa Bulloch-Jones [REDACTED]  
**Sent:** Saturday, June 09, 2018 11:13 PM  
**To:** Jesse Bodine; [nelgonzalez@cb.nyc.gov](mailto:nelgonzalez@cb.nyc.gov)  
**Subject:** Calle Dao sidewalk expansion

Hi,

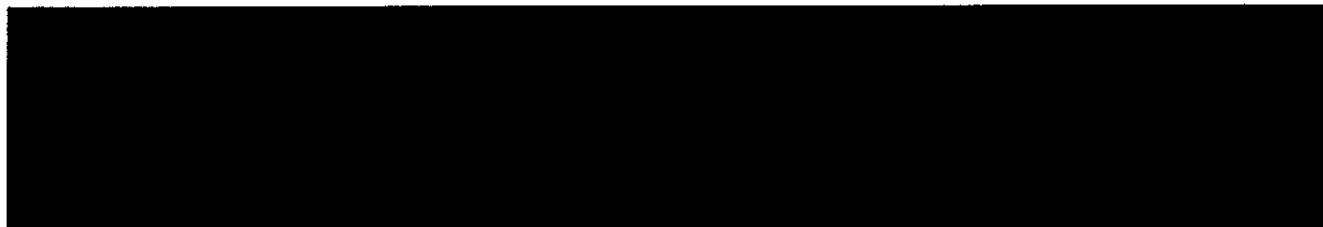
I am reaching out because I know some of our neighbors oppose the sidewalk expansion of Calle Dao on 23rd st. I live in London Terrace Gardens, and I strongly disagree with the stance of the tenant's association (LTTA).

I believe Calle Dao's sidewalk plan is a positive thing for the street/neighborhood. We should be encouraging local restaurant operations. I don't understand why LTTA opposed this. I know that our rent will go up as more successful and desirable businesses open here. I also know that the real neighborhood quality of this block is special and we need to



encourage local business operations—I don't want a McDonalds there!

I would like to have a meal outside at Calle Dao with our pup. There are more dogs than kids in this complex of 900+apartments (not even including the London Terrace Towers condos). A good restaurant that we can sit outside at (presumably with the pup) is just a good thing in the neighborhood. And, 23rd st is an extra wide sidewalk—plenty of room for tables. I'm more disturbed by the bus lane expansion on 23rd. THAT is dangerous...a few restaurant tables are not. Please ignore the London Terrace Tenants Association. And please let me know how I can help spread this message.



# Appendix No. 1



NYC Resources

311

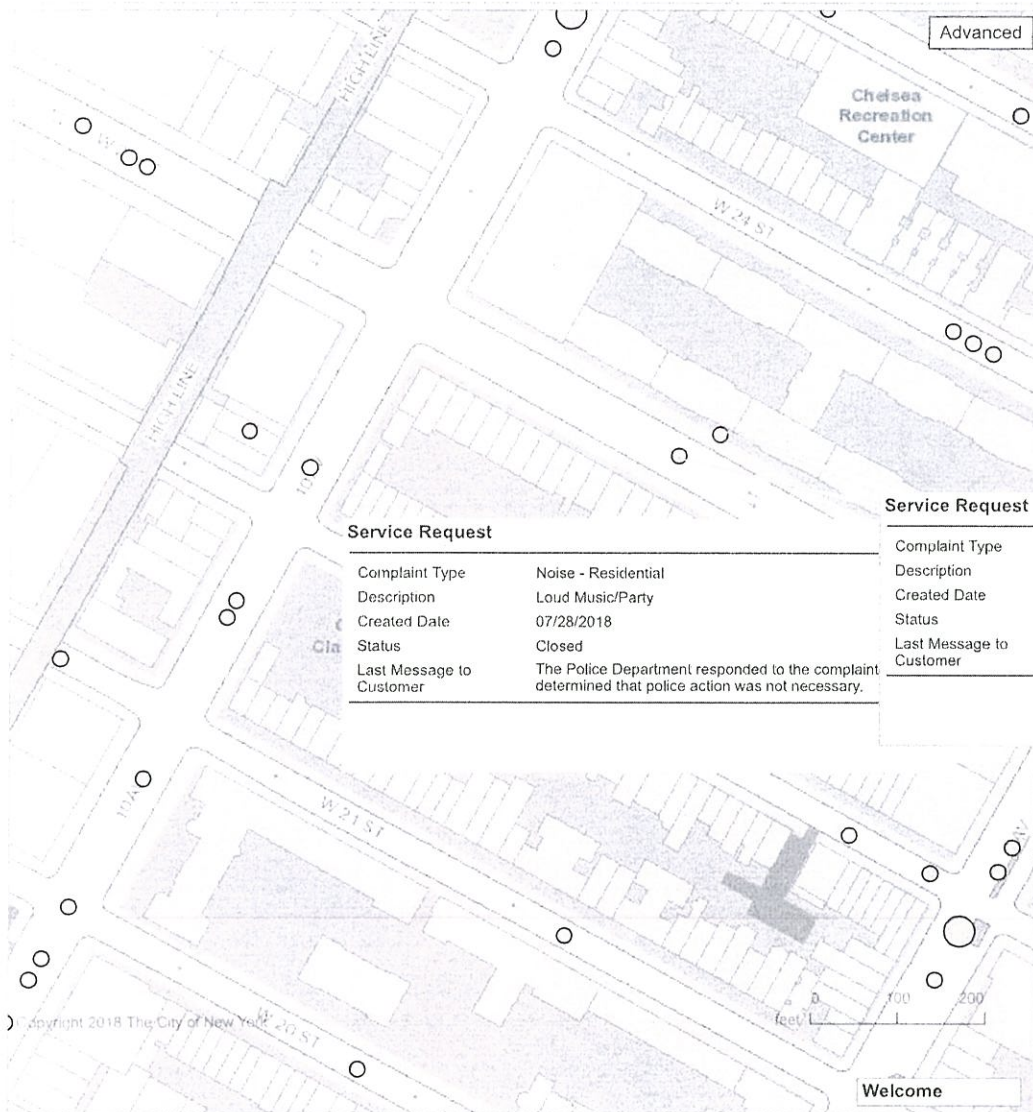
Office of the Mayor

Events

Connect

Jobs

Search



Advanced

SEARCH

Search

LOCATION TYPE

All of NYC

SERVICE REQUEST CATEGORY

All Categories

Advanced Search ?

Search

Service Request Count by Location

- 1 Request
- 2 to 23 Requests
- 24 to 45 Requests

Service Request

Complaint Type	Noise - Residential
Description	Loud Music/Party
Created Date	07/28/2018
Status	Closed
Last Message to Customer	The Police Department responded to the complaint determined that police action was not necessary.

Service Request

Complaint Type	New Tree Request
Description	For One Address
Created Date	05/10/2018
Status	Open
Last Message to Customer	The agency cannot provide Service Request status at this time. Please call 311 for further assistance.

Welcome

Directory of City Agencies

1811 NYC

NYC Mobile Apps

Contact NYC Government

City Store

Maps

City Employees

Stay Connected

311 COMPLAINTS  
461 W. 23rd St

August 2<sup>nd</sup>, 2018

Re: Testimony against the proposal of an outdoor café license at Calle Dao.

Dear members of the Land Use Committee;

I am writing today in opposition of the proposed outdoor tables and chairs that the operator of the restaurant Calle Dao is requesting.

My understanding of how the previous restaurant operator Barchetta got a split lot ruling on their sidewalk tables was by calculating the feet from the 10th ave curb to where their basement storage rooms begin inside our coop! Not inside their restaurant but inside our coop in our basement. The storage room falls within 100 feet or so of the curb, but that is NOT the essence of the law to calculate in basement storage units (which are most likely in violation of city code as they use them as a backup prep area for their kitchen. No ventilation, only mice!)

Between the 8 foot x 3 foot laundry room vent which is situated in the middle of the proposed outdoor café area and the lack of a proper 3 foot service isle or an ADA compliant access to this area. In addition, the approximate 8 foot x 5 foot tree pits, the bike racks, the sandwich boards, and the potted planters there is simply NO room for outdoor tables. Barchetta used to move their tables in to the pedestrian sidewalk every day in order to avoid the air pushed out through the 24-hour laundry room vent. This establishment will have to do the same.

You are setting them up for failure if you allow the tables and you are strapping our residents with the job of policing their illegal behavior. It is also discouraging to think that an operator for profit would be considered over the publics need for more sidewalk space considering we now have over 5 Million visitors walking this block to the highline each year.

It is a terrible decision to grant any tables and will only prove to cause many complaints from hard working residents trying to get some rest at home after work. Why the City Council would want to grant an operator with a terrible track record permission to continue their bad behavior on our residential block will be inconceivable to our entire community.

I would like to point out that there is not one outdoor table on 23rd street from the east river to 10th avenue. These are large residential blocks and London Terrace is a sum total of 2,178 apartments located on one full city block. That is a heck of a lot of potential complaints from one community.

I encourage you to deny the request for any outdoor tables at this location.

Thank you,  
Juliana Frei  
465 West 23<sup>rd</sup> street, apt 17A  
NYC, NY 10011  
London Terrace Towers Co-op Board Member  
Cell: 917 690 9661

# Manhattan Community Board 4

(All Fields Must Be Completed)

## Liquor License Stipulations Application

<b>CORPORATION NAME</b> Maxver LLC		<b>DOING BUSINESS AS (DBA)</b> Calle Dao Chelsea		
<b>STREET ADDRESS</b> 463 W. 23rd Street, New York, NY 10011		<b>CROSS STREETS</b> 9th & 10th Avenues		<b>ZIP CODE</b> 10011
<b>OWNER</b> <i>(Attach a list of all the people that will be associated/listed with the license)</i>	<b>NAME:</b> Marco Britti	<b>ATTORNEY/ REPRESENTAIVE</b>	<b>NAME:</b> James D. DiPsquale, Esq.	
	<b>PHONE:</b> 917-292-7233		<b>PHONE:</b> 646-383-4607	
	<b>EMAIL:</b> mbritti@gmail.com		<b>EMAIL:</b> james@dlgnyc.com	
<b>MANAGER</b>	<b>NAME:</b>	<b>LANDLORD</b>	<b>NAME:</b> 460 West 23rd Retail LLC	
	<b>PHONE:</b>		<b>PHONE:</b> 305-830-1000	
	<b>EMAIL:</b>		<b>EMAIL:</b>	
<b>APPLICATION TYPE</b> <i>(Check One)</i>				
<input checked="" type="radio"/> <b>New</b>	Has applicant owned or managed a similar business?		<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
	What is/was the name and address of establishment?		Calle Dao, 38 W. 39th Street, New York, NY	
	What were the dates applicant was involved with this former premise?		2014 to Present Date	
<input type="radio"/> <b>Transfer</b>	What is the prior license # and expiration date?			
	Is applicant making any alterations or operational changes?		<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
	<i>If alterations or operational changes are being made, please describe/list all changes.</i>			
<input type="radio"/> <b>Alteration</b>	What is the current license # and expiration date?			
	<i>Please list/describe the nature of all the changes and attach the plans:</i>			
<b>METHOD OF OPERATION</b>				
<b>TYPE OF ALCOHOL</b>	<input checked="" type="radio"/> Liquor/Wine/Beer <input type="radio"/> Beer <input type="radio"/> Wine & Beer			
<b>ESTABLISHMENT TYPE</b>	<input checked="" type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)			
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?		<input type="radio"/> <b>YES</b>	<input checked="" type="radio"/> <b>NO</b>	May 2017
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.		<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.		<input type="radio"/> <b>YES</b>	<input checked="" type="radio"/> <b>NO</b>	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		<input checked="" type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>	

10p.m.  
M3

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)									
HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	<b>Operation</b>	11am - 11pm	11am - 11pm	11am - 11pm	11am - 12am	11am - 12am	11am - 12am	11am - 11pm	
	<b>Kitchen</b>	11am - 11pm	11am - 11pm	11am - 11pm	11am - 12am	11am - 12am	11am - 12am	11am - 11pm	
	<b>Music</b>	11am - 11pm	11am - 11pm	11am - 11pm	11am - 12am	11am - 12am	11am - 12am	11am - 11pm	
If you plan to have music, what type(s)? (Circle all that apply)		<input checked="" type="checkbox"/> BACKGROUND	<input type="checkbox"/> LIVE MUSIC	<input type="checkbox"/> DJ	<input type="checkbox"/> JUKE BOX	<input type="checkbox"/> KARAOKE			
OCCUPANCY									
	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar		
<b>INSIDE</b>	74	74	16	58	0	1	10		
<b>OUTSIDE</b> <i>(Other than sidewalk café)</i>	n/a								
<b>SIDEWALK CAFÉ</b>	n/a								
How many floors are there? What is the capacity for each floor?					First Floor Only (74 persons)				
How frequently will the owner(s) be at the establishment?					Everyday				
Will you be applying or intending to apply for a cabaret license with DCA? If yes, will there be dancing?					YES	<input checked="" type="radio"/> NO			
Will applicant have bottle or table service for beverage alcohol?					YES	<input checked="" type="radio"/> NO			
Will you be hosting private; promotional or corporate events?					<input checked="" type="radio"/> YES	NO	Corporate Holiday Events		
Will outside promoters be used on a regular basis? If yes please describe.					YES	<input checked="" type="radio"/> NO			
Will you have a security plan? If, yes please attach.					YES	<input checked="" type="radio"/> NO			
Will security plan be implemented?					YES	<input checked="" type="radio"/> NO			
Will State certified security personnel be used?					YES	NO	n/a		
Will New York Nightlife Association and NYPD Best Practices be followed?					<input checked="" type="radio"/> YES	NO			
Will applicant be using delivery bicycles? If yes, how many?					YES	<input checked="" type="radio"/> NO			
Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law?					YES	NO	n/a		
Where will delivery bicycles be stored during the day when not in use?					n/a				

## LOCATION & ZONING

Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Unknown
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Is a Public Assembly permit required?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Are your plans filed with DOB?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	

## Community Notification/Relations

<b>NOTIFICATION:</b> List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	Fulton House Tenant Association; Miguel Acevedo	
	# 2	Council Chelsea Block Association; Bill Borock	
	# 3	London Terrace Gardens; Andy Humm	
	# 4	Penn South; Mario Mazzoni	
	# 5	Chelsea - Elliot Tenant Assoc; Florence Dent	
Please provide dates when applicant met with the groups listed above.	April 3, 2017 via email.		
Who was your contact person at each group you met with?			
When did applicant post the notice that was provided?	April 3, 2017		
Where did applicant post the notice that was provided?	Front Door of Premises		
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	917-292-7233
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

BUILDING DESIGN			
State the name and type of business previously located in the space.	Barchetta Restaurant		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Barchetta Restaurant
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Signage Only
Will applicant have a vestibule within the establishment?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Will applicant not place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have any of the following: (circle all that apply)	<input type="checkbox"/> FRENCH DOORS	<input type="checkbox"/> GARAGE DOORS	<input checked="" type="checkbox"/> WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WINDOWS OR NET OPEN <i>MS</i>
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<i>MS</i>
Will the establishment have a canopy extending over the sidewalk?	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
Where will the air conditioner be located? What type is it?	No changes will be made to existing HVAC		
When was the air conditioner installed?	Unknown		



OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ	NOT APPLICABLE - NO OUTDOOR SPACE		
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO	
Are the floorplans for the outdoor space(s) included?	YES	NO	
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO	
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO	
Will there be no amplified music, as per the law?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO	
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO	

**OUTDOOR ITEMS – SIDEWALK CAFÉ****NOT APPLICABLE - NO SIDEWALK CAFE**

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 <sup>st</sup> and March 21 <sup>st</sup> , and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

**ADDITIONAL STIPULATIONS: (Office Use Only)**

- Applicant agrees not to apply for a sidewalk cafe now or in the future unless the cafe has the approval of CB4, The London Terrace Tenants Association, and the London Terrace Towers Co-op Board
- Applicant's employees will not be permitted to smoke in front of the establishment and applicant will discourage patrons from smoking in front of establishment
- Applicant will use best efforts to arrange trash disposal in consideration of residents


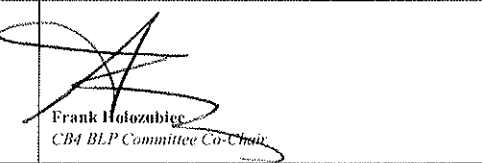

*To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.*

**ADDITIONAL STIPULATIONS: (Office Use Only), *Continued***

***To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 – 6 of this application, the stipulations on pages 7 and 8 control.***


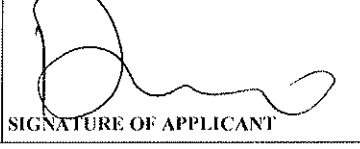
Manhattan Community Board 4 (MCB4) recommends:	<input checked="" type="radio"/> Denial unless all stipulations agreed to by applicant/owner are part of the method of operation <input type="radio"/> Denial <input type="radio"/> Approval
--	---

**CB4 REPRESENTATIVES**

 Nelly Gonzalez <i>CB4 Assistant District Manager</i>	 Frank Holozubiec <i>CB4 BLP Committee Co-Chair</i>	 Burt Lazarin <i>CB4 BLP Committee Co-Chair</i>
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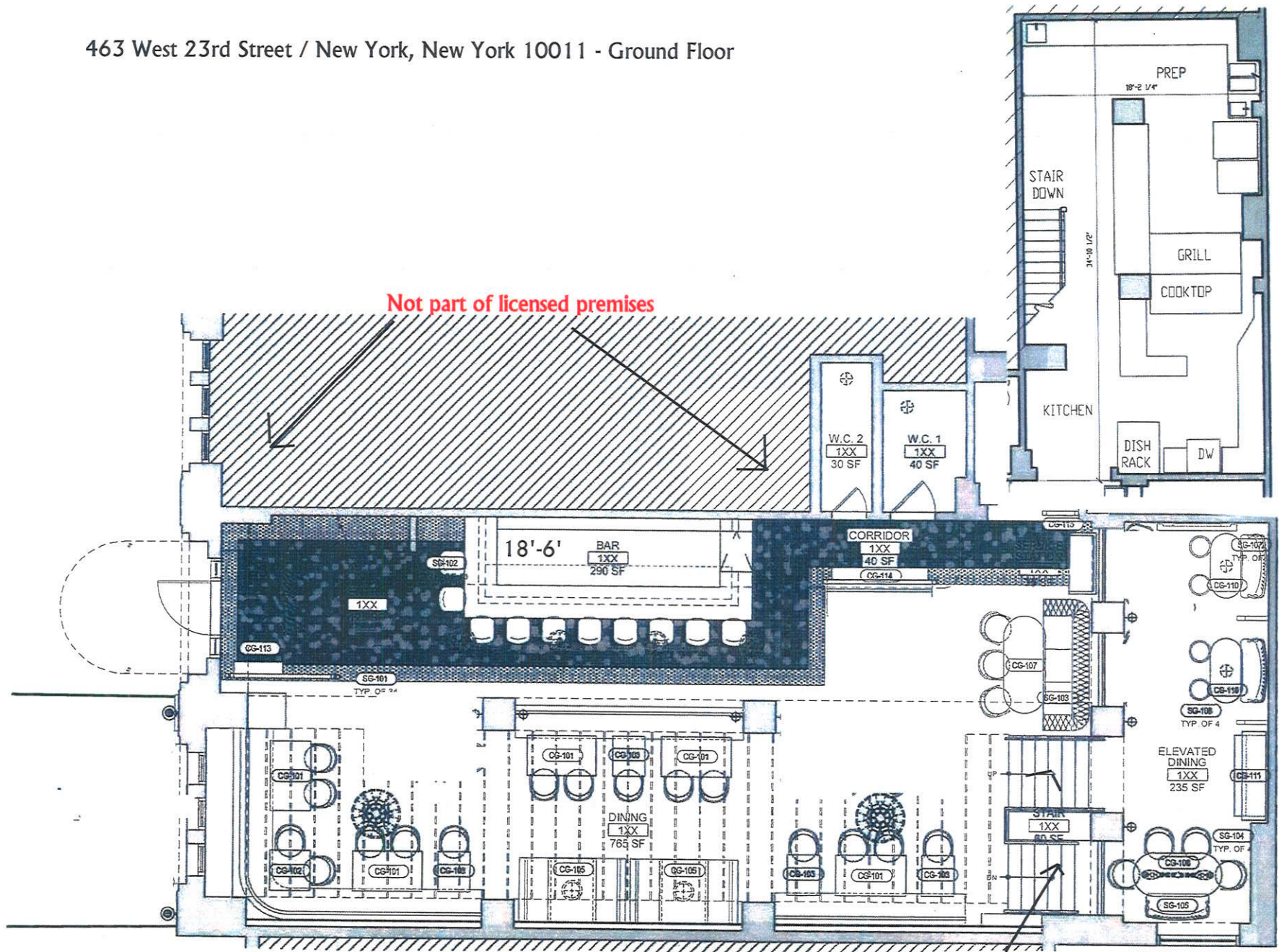
**APPLICANT AGREEMENT WITH THE COMMUNITY**

Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

<b>SIGN HERE</b> →	 PRINT NAME OF APPLICANT	 SIGNATURE OF APPLICANT	4-18-17 DATE
--------------------	--	--	-----------------

      4-18-17

463 West 23rd Street / New York, New York 10011 - Ground Floor



Not part of licensed premises

Stairs to elevated dining area











## CALLE DAO (Knife Street)

Calle Dao is designed to pay homage to Havana's once-thriving El Barrio Chino (Chinatown). Known as the largest such community in Latin America, El Barrio Chino occupied 44 square blocks of real estate in the late 1870s. As the Cuban and Chinese cultures mixed, a unique fusion of cuisine emerged. Today, El Barrio Chino occupies a small section of the narrow Calle Cuchillo – Knife Street – from which Calle Dao takes its name.

The cuisine, cocktails and décor of Calle Dao strive to transport our guests back to El Barrio Chino when it was at the height of its existence. **Calle Dao** has created mouthwatering dishes that seamlessly blend Cuban staples with Asian flavors, such as his **Peking-Style Cornish Hen in Banana Leaves**, a whole Cornish Hen roasted with chinese eggplant, parsley rice, chimichurri and sofrito sauce.

The cocktails, created by **Mixologist Joy Daniel**, also meld the old world with the new using historic names for libations with modern ingredients. The **Revolution!** cocktail is made of Habanero infused Tequila, corn, fresh lemon juice, agave and pineapple juice and Herbsaint. The **1847** is a bold sip of orange infused vodka, amaretto, fresh lime juice, ground ginger and sesame oil garnished with star anise and commemorates the year the first ship carrying Chinese laborers arrived in Cuba. Calle Dao's décor, the creation of its owner Marco Britti (Favela Cubana), is reminiscent of a sultry, old-world Havana restaurant with white-washed walls, distressed wood and whirring ceiling fans. Chinese artwork, spices and bright colors provide the accents.

Step into a bygone era and enjoy a modern dining experience at *Calle Dao*.

## APPETIZERS

salad add on: chicken 4, pork 4, beef 6,  
shrimp 6, market fish 8

TIGER SALAD 12  
cilantro, scallions, watercress, kale  
shallot and garlic crisps,  
toasted sesame seeds dressing

SPRING ROLLS 8  
mushrooms, mixed vegetables,  
Calle Dao mojo sauce

FRIED PORK DUMPLING 8  
ginger, soy and cilantro dipping sauce

SHRIMP EMPANADA 9  
roasted garlic-chard, serrano sofrito

## SIDES

TWO EGGS ANY STYLE 6

PEA SHOOTS 8  
garlic, pickled chillies

TARO HOME FRIES 7

BACON 7

TOSTONES 7  
mint-basil mojito sauce

YUCCA FRIES 7  
Calle Dao mojo sauce and  
tamarind ketchup

RICE OR BEANS 4



## ENTREES

CALLE DAO USES ORGANIC EGGS

FRENCH TOAST 16  
cashew nuts, banana, five spice-caramel sauce

CALLE DAO BENEDICT 17  
english muffin, bacalao croquetas, two slow poached  
eggs, tomate de árbol-hollandaise sauce

CUBAN OMELETTE 15  
ham, lechon, pickles, swiss cheese

VEGETARIAN OMELETTE 15  
baby bok choy, chinese long beans, mushrooms, sofrito

MADURO AND EGGS 15  
maduro, fried rice, sofrito

RICE AND BEANS CON HUEVOS FRITOS 14  
eggs, seaweed, shiso

PAN FRIED NOODLES 15  
mushrooms, baby bok choy, soy sauce,  
add-on: egg 2, chicken 4, pork 4, beef 6  
shrimp 6, market fish 8

STEAK & EGGS 23  
chinese sausage, two eggs any style, taro home fries

BRUNCH

## SANDWICHES

CUBANO 15  
soy-cured pork, ham, pickles, swiss cheese

MUSHROOM 13  
smoked tofu, portobello, basil sauce

GRILLED CHICKEN 14  
avocado, cilantro, pickled jalapeno,  
achiote mayo

BREADED SKIRT STEAK 17  
pickles ginger, baby bok choy,  
green tea aioli, tostones

BLACK ANGUS BURGER 16  
sunny side egg, onions caramelized  
in bean paste, pickled cabbage

GOAT BURGER 16  
leeks, hoisin-salsa criolla, tostones

*Please advise us of any food allergies or special diet*

*\*Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs  
may increase your risk of food borne illness, especially if you have a medical condition*

**HAPPY HOUR**  
DRINKS  
Mon-Fri: 11AM-7PM  
Sat & Sun: 4PM-7PM



## APPETIZERS

**Spring Rolls 8**  
mushrooms, mixed vegetables, Calle Dao mojo sauce

**Oxtail Croquettes 9**  
chili, mango chutney, achiote aioli

**Fried Pork Dumpling 8**  
ginger, soy and cilantro dipping sauce

**Shrimp Empanada 9**  
roasted garlic-chard, serrano sofrito

## SOUPS AND SALADS

*add-on: chicken 4, pork 4, beef 6, shrimp 6, market fish 8*

**Egg Noodle Soup 13**  
beansprouts, watercress, cilantro,  
shitake mushrooms, scallions, sesame oil

**Farmers Market Salad 10**  
tofu, ginger lemon dressing

**Tiger Salad 13**  
cilantro, scallions, kale, watercress,  
shallot crisps, toasted sesame seeds dressing

## SIDES

**Pea Shoots 8**  
garlic, pickled chilies

**Tostones 7**  
mint-basil mojito sauce

**Yucca Fries 7**  
Calle Dao mojo sauce and tamarind ketchup

**Black Beans 4**

**Rice 4**

## SANDWICHES

**Cubano 15**  
soy-cured pork, ham, pickles, swiss cheese

**Mushroom 13**  
smoked tofu, portobello, basil sauce

**Grilled Chicken 14**  
avocado, cilantro, pickled jalapeno, achiote mayo

**Breaded Skirt Steak in Chinese Spices 17**  
pickled ginger, baby bok choy,  
green tea aioli, tostones

**Black Angus Burger 16**  
onions caramelized in bean paste, pickled cabbage

**Goat Burger 16**  
leeks, hoisin-salsa criolla, tostones

## ENTREES

**Pan-Fried Noodles 15**  
mushrooms, baby bok choy, soy sauce  
*add-on: chicken 4, pork 4, beef 6,  
shrimp 6, market fish 8*

**Fried Rice 15**  
scallions, mushrooms, beansprouts, chimichurri  
*add-on: chicken 4, pork 4, beef 6,  
shrimp 6, market fish 8*

**Peking-Style Half Chicken 19**  
crispy garlic, shallots crisps, parsley rice,  
tomate de árbol sauce

**Lechón Asado 20**  
roasted pig with fried rice style quinoa,  
ginger-cilantro sauce

**Grilled Skirt Steak in Chinese Spices 21**  
star anise, cilantro, onions, garlic rice and beans

*Please advise us of any food allergies or special diet*

*\*Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs  
may increase your risk of food borne illness, especially if you have a medical condition*

# DINNER MENU

## RAW BAR

**Chino-Cubano Tuna Ceviche 17**

ginger, avocado, cilantro-lime chili sauce, wonton crisps

**Grilled Octopus Ceviche 16**

red onions, habanero peppers, asian pear, cilantro, fish sauce, shallot crisps

**Blue Point Oyster/Clam MP**

## SALADS

**Farmers Market Salad 11**

tofu, ginger lemon dressing

**Tiger Salad 13**

cilantro, scallions, kale, watercress, shallot crisps, toasted sesame seeds dressing

**Roasted Cauliflower 13**

grilled asian pears, toasted cashew, quinoa, rum-sake vinaigrette

## APPETIZERS

**Oxtail Croquettes 9**

chili, mango chutney, achiote aioli

**Fried Pork Dumplings 8**

ginger-soy and cilantro dipping sauce

**Pig's Ear 10**

cilantro and sesame chili sauce

**Spring Rolls 8**

mushrooms, mixed vegetables, Calle Dao mojo sauce

**Shrimp Empanada 9**

roasted garlic-chard, serrano sofrito

# DINNER MENU

## ENTREES

### **Black Rice Seafood Paella\* 32**

top neck clams, shrimp, mussels, calamari, chorizo,  
beets, daikon radish, chimichurri-sofrito sauce

\* Vegetarian Option 27

### **Roasted Whole Fish M/P**

chili bean sauce, pea shoots

### **Arctic Char 31**

wheat berries, pea shoots, cabbage, cumin barbecue sauce

### **Peking-Style Chicken in Banana Leaves 25**

braised chinese eggplant, parsley rice, chimichurri and sofrito sauce

### **Spiced Goat Neck 31**

Calle Dao house spices, cilantro, baby bok choy, tostones

### **Grilled Skirt Steak in Chinese Spices 31**

star anise, cilantro, onions, garlic rice and beans

### **Grilled New York Angus Strip Steak 36**

sweet and spicy maduro, wood ear mushrooms, citrus chimichurri, soy, sesame

### **Lechón Asado 28**

roasted pig with fried rice style quinoa, ginger-cilantro sauce

## SIDES

### **Pea Shoots 8**

garlic, pickled chilies

### **Tostones 7**

mint-basil mojito sauce

### **Yucca Fries 7**

Calle Dao mojo sauce, tamarind ketchup

### **Maduro 7**

sofrito, five spices

### **Black Beans 5**

### **Rice 5**

*Please advise us of any food allergies or special diet. Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of food borne illness, especially if you have a medical condition*

## DESSERTS

### **Maduro 9**

sesame ice cream

### **Flan 9**

spicy crema sauce

### **Cobbler 10**

seasonal fruits, chinese spices,  
green tea ice cream

### **Matcha Tres Leches 10**

five spices, whipped cream, caramel sauce

## ORGANIC COFFEES AND TEAS

Americano 4

Espresso 3.5

Double Espresso 5

Cortado 3.5

Cafe Cubano 3.5

Cafe con Leche 5

Cappuccino 5

Hot Tea 4

chamomile, peppermint, earl grey, black and green



## SPARKLING

NV Prosecco, 'Villa Jolanda', Italy	13/48
NV Champagne Brut Prestige, 'Duc de Romet', France	74
V Champagne Brut Imperial, 'Moet & Chandon', France	134

## WHITES

'16 Pinot Grigio, 'Delle Venezie', Italy	12/44
'13 Rioja Blanco, 'Cortijo', La Rioja, Spain	12/44
'14 Vinho Verde, 'Vera', Minho, Portugal	13/48

## ROSE

'14 Rose, 'Chateau Deffends', Cotes De Provence, France	12/44
'14 Rosado, 'Montecastillo', Ribera del Duero, Spain	13/48
'14 Rose 'Chateau Montaud', Cotes De Provence, France	14/52

## REDS

'13 Cabernet Sauvignon, 'Mercedes Eguren', Spain	12/44
'15 Tempranillo, 'Vina Herminia', Spain	13/48
'15 Malbec, 'Agua de Piedra', Mendoza, Argentina	14/52
'13 Tempranillo, 'Los Cantos', Ribera del Duero, Spain	15/56

## SANGRIA

Red Sangria	12
Blood Orange Sangria	13

## BEERS 8

Draft	Bottle
Negra Modelo	Corona
Modelo Especial	Tsingtao Lager
Pacifico Clara	Presidente
Dos XX Lager	Estrella Lager
Guinness	Hatuey
Stella Artois	Reed-Non Alcoholic

## COCKTAILS 16

### Calle Dao Mojito

Rum, shiso leaves, ginger liqueur, lemongrass, lime, sparkling sake

### Spice Trade

Gin, lemon, ginger, pink peppercorns, basil

### Malecon

*frozen drink*

Rum, mango sorbet, lime, hibiscus flower

### Monte Cristo

Gin, pear brandy, elderflower liqueur, pear puree, lemon, cardamon

### 1847

Orange infused vodka, amaretto, sesame oil, star anise, lime, ginger

### Hai Chi

Mandarin vodka, plum sake, orange liqueur, lemongrass, pomegranate

### Revolucion!

Habanero infused Tequila, ginger liqueur, absinthe, sweet corn kernels, pineapple, agave, lemon

### Opium

Bourbon, tamarind, ruby red grapefruit, lemon, poppy seeds

### MaxVer

Gin, elderflower liqueur, white peach, shiso leaves, agave, lime



# HAPPY HOUR

## DRINK MENU

Mon - Fri: 11 AM - 7 PM

Sat & Sun: 4 PM - 7 PM

## COCKTAILS AND WINES 8

<b>Mojito</b>	<b>House White</b>
<b>Cuba Libre</b>	<b>House Red</b>
<b>Caipirinha</b>	<b>House Rosé</b>
<b>Margarita</b>	<b>Prosecco</b>
<b>Sangria</b>	<b>Well Drinks</b>

## BEERS 6

<b>DRAFT</b>	<b>BOTTLE</b>
<b>Negra Modelo</b>	<b>Corona</b>
<b>Modelo Especial</b>	<b>Tsingtao Lager</b>
<b>Pacifico Clara</b>	<b>Presidente</b>
<b>Dos XX Lager</b>	<b>Estrella Lager</b>
<b>Guinness</b>	<b>Hatuey</b>
<b>Stella Artois</b>	<b>Reed-Non Alcoholic</b>

**Wi-Fi "Calle Dao" Password: freepass**

# HAPPY HOUR

## FOOD

Everyday: 4 PM - 7 PM

**Blue Point Oysters 1**

**Littleneck Clams 1**

**Goat Sliders 9**  
leeks, hoisin-salsa criolla

**Tostones Cuban Sliders 8**  
roasted pork, ham, swiss cheese  
dill pickles, jalapeno pickles

**Peking Chicken Wings 8**  
pickle chili hoisin sauce

## APPETIZERS

**Spring Rolls 8**  
mushrooms, mixed vegetables  
Calle Dao mojo sauce

**Oxtail Croquettes 9**  
chili, mango chutney, archiote oili

**Fried Pork Dumpling 8**  
ginger, soy and  
cilantro dipping sauce

**Tostones 7**  
mint-basil mojito sauce

**Yucca Fries 7**  
Calle Dao mojo sauce,  
tamarind ketchup

**Pig's Ear 10**  
cilantro, sesame chili sauce

## Proximity Report for Location:

April 3, 2017

461 W 23rd St, New York, NY, 10011

\* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

### Closest Liquor Stores

Name	Address	Approx. Distance
ALGA WINES & SPIRITS LTD	221 9TH AVENUE	555 ft
MIDTOWN SPIRITS INC	177 9TH AVE UNIT C	840 ft
HIGHLINE WINE MARKET CORP	156 10TH AVE	915 ft
SUEBOB LIQUOR INC	312 W 23RD STREET	1365 ft
FORAGERS WINES CHELSEA LLC	231 8TH AVE	1485 ft
DELAUREN WINES INC	332 8TH AVE	1750 ft
MWC RETAIL LLC	606 W 28TH ST SUITE A	1845 ft

### Churches within 500 Feet

Name	Approx. Distance
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### Schools within 500 Feet

Name	Address	Approx. Distance
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### On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
210 EMPIRE LLC	210 10TH AVE	345 ft
AZ HOLDING CORPORATION	225 10TH AVE	360 ft
RED CAT LLC,THE	227 10TH AVENUE	385 ft
AUNT PAUL INC	205 10TH AVE	430 ft
242 TENTH AVENUE LLC	242 10TH AVE	440 ft
505-23 BAR INC	505-507 WEST 23RD STREET	445 ft
BOTTINO CORP	246 248 10TH AVE	490 ft
MANHATTAN MAHARAJA LLC	207 10TH AVE	490 ft
400 WEST 23RD STREET REST CORP	400 W 23RD STREET	520 ft
PINYIN KITCHEN INC	254 10TH AVE	560 ft
200 NINTH RESTAURANT LLC	200 9TH AVE	590 ft
TUAM NEW YORK INC	202 9TH AVENUE	590 ft
THE FIFTH PINE INC	401 W 24TH STREET	600 ft
FONDA OF CHELSEA LLC	189 9TH AVE	655 ft
AMAZING SUSHI INC	235 9TH AVE	660 ft
Tenth Avenue Conference Mgmnt LLC & The General Theological Seminary of the Epis	180 10TH AVE/ DESMOND TUTU CTR	685 ft

Name	Address	Approx. Distance
HIGHLINE HOTEL LLC & TENTH AVENUE HOTEL MANAGEMENT	180 10TH AVE	695 ft
PASTAI INC	186 9TH AVE	700 ft
TXOKO INC	240 9TH AVENUE	735 ft

### Pending Licenses within 750 Feet

Name	Address	Approx. Distance
HAMPTONS OF HIGH LINE CORP	244 10TH AVE	460 ft
SONNY LOU INC	195 10TH AVE	550 ft
SONNY LOU INC	253 10TH AVE	605 ft
AROKA HOSPITALITY LLC	206 9TH AVE	615 ft
CHOITHRAMS USA LLC	239 9TH AVE	660 ft

### Unmapped licenses within zipcode of report location

Name	Address
------	---------



Marco Britti &lt;mbritti@gmail.com&gt;

## Community Notification

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**Marco Britti** <mbritti@gmail.com>

Mon, Apr 3, 2017 at 5:49 PM

To: fdenthunter@gmail.com

Bcc: Andreea Iordanescu &lt;andreea@favelacubana.com&gt;

Dear Florence Dent,

Pursuant to the request of Manhattan Community Board 4, I am writing to inform you that I am planning on filing an OP NYSLA Liquor License application for 461 West 23rd Street, New York, NY.

I plan on opening a restaurant at that location which will serve Cuban Chinese cuisine and will seat about 65 people inside and 8 people outside.

We will play recorded background music only.

I've owned and operated a similar establishment since 2014 named Calle Dao located at 38 West 39th Street, New York, NY. We never received any violations on our liquor license for that establishment and noise has never been an issue with any of our neighbors.

Please do not hesitate to contact me with any questions about the restaurant that I'm planning to open.

Thank You,

Marco Britti



Marco Britti &lt;mbritti@gmail.com&gt;

## Community Notification

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**Marco Britti** <mbritti@gmail.com>

Mon, Apr 3, 2017 at 5:51 PM

To: education@pennsouth.coop

Bcc: Andreea Iordanescu &lt;andreea@favelacubana.com&gt;

Dear Mario Mazzoni,

Pursuant to the request of Manhattan Community Board 4, I am writing to inform you that I am planning on filing an OP NYSLA Liquor License application for 461 West 23rd Street, New York, NY.

I plan on opening a restaurant at that location which will serve Cuban Chinese cuisine and will seat about 65 people inside and 8 people outside.

We will playing recorded background music only.

I've owned and operated a similar establishment since 2014 named Calle Dao located at 38 West 39th Street, New York, NY. We never received any violations on our liquor license for that establishment and noise has never been an issue with any of our neighbors.

Please do not hesitate to contact me with any questions about the restaurant that I'm planning to open.

Thank You,

Marco Britti



Marco Britti &lt;mbritti@gmail.com&gt;

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**Community Notification****Marco Britti** <mbritti@gmail.com>

Mon, Apr 3, 2017 at 5:52 PM

To: andyhumm@aol.com

Bcc: Andreea lordanescu &lt;andreea@favelacubana.com&gt;

**Dear Andy Humm,**

Pursuant to the request of Manhattan Community Board 4, I am writing to inform you that I am planning on filing an OP NYSLA Liquor License application for 461 West 23rd Street, New York, NY.

I plan on opening a restaurant at that location which will serve Cuban Chinese cuisine and will seat about 65 people inside and 8 people outside.

We will playing recorded background music only.

I've owned and operated a similar establishment since 2014 named Calle Dao located at 38 West 39th Street, New York, NY. We never received any violations on our liquor license for that establishment and noise has never been an issue with any of our neighbors.

Please do not hesitate to contact me with any questions about the restaurant that I'm planning to open.

Thank You,

Marco Britti



Marco Britti &lt;mbritti@gmail.com&gt;

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**Community Notification**

Marco Britti <mbritti@gmail.com>  
To: wborock@hotmail.com

Mon, Apr 3, 2017 at 5:45 PM

Dear Bill Borock,

Pursuant to the request of Manhattan Community Board 4, I am writing to inform you that I am planning on filing an OP NYSLA Liquor License application for 461 West 23rd Street, New York, NY.

I plan on opening a restaurant at that location which will serve Cuban Chinese cuisine and will seat about 65 people inside and 8 people outside.

We will playing recorded background music only.

I've owned and operated a similar establishment since 2014 named Calle Dao located at 38 West 39th Street, New York, NY. We never received any violations on our liquor license for that establishment and noise has never been an issue with any of our neighbors.

Please do not hesitate to contact me with any questions about the restaurant that I'm planning to open.

Thank You,

Marco Britti



Marco Britti &lt;mbritti@gmail.com&gt;

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## Community Notification

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Marco Britti <mbritti@gmail.com>  
To: acevedoandassociates@gmail.com

Mon, Apr 3, 2017 at 5:48 PM

Dear Miguel Acevedo,

Pursuant to the request of Manhattan Community Board 4, I am writing to inform you that I am planning on filing an OP NYSLA Liquor License application for 461 West 23rd Street, New York, NY.

I plan on opening a restaurant at that location which will serve Cuban Chinese cuisine and will seat about 65 people inside and 8 people outside.

We will playing recorded background music only.

I've owned and operated a similar establishment since 2014 named Calle Dao located at 38 West 39th Street, New York, NY. We never received any violations on our liquor license for that establishment and noise has never been an issue with any of our neighbors.

Please do not hesitate to contact me with any questions about the restaurant that I'm planning to open.

Thank You,

Marco Britti



**STATEMENT OF PUBLIC CONVENIENCE AND  
ADVANTAGE AND PUBLIC INTEREST**

**MARCO BRITTI OR AN ENTITY TO BE FORMED BY HIM (the "Applicant")**

Granting an On-Premise liquor license to the Applicant would be to the public convenience and advantage and in the public interest for the following reasons:

1. There are presently 8 On-Premise licenses within 500 feet of the Applicant's location.
2. All licenses required for the operation of the Applicant's business will be obtained by the appropriate government agencies prior to the Applicant opening it business to the public.
3. The Applicant has not retained a traffic expert but the Applicant believes that the granting of the license would not have any adverse effect on vehicular traffic because the former use of the premises was a restaurant and the majority of the patrons will be local residents. Other patrons will arrive by car service or taxi which will simply pick up and drop off patrons without having to hold up traffic looking for parking spots.
4. The existing noise level at the location is presently unknown but assumed to be moderate to high given the fact that the premises is located on 23<sup>rd</sup> Street which is a busy street. However, the premises was formerly a restaurant so our business operation will not result in any more noise than was made by the former resident and we will, of course, be very mindful to immediately cease any noise emanating from the premises that can be heard outside.
5. There is no history of liquor license violations at the proposed premises, nor is there any criminal activity that has been reported to have occurred there that the Applicant is aware of.
6. Other facts to be considered are: (a) The Applicant's principal, Marco Britti, has proven to be a responsible NYSLA license holder as he owns another NYSLA OP licensed restaurant in NYC named Calle Dao which he has been operating since early 2014 without any incident whatsoever; (b) Applicant will be employing about 30 people to work at the premises and (c) will generating a substantial amount of tax revenue for the city, state and federal governments.

Dated: April 3, 2017

By:   
\_\_\_\_\_  
Marco Britti

**Testimony of Andy Humm, Secretary, London Terrace Tenants Association**  
415 - 425 - 435 - 445 - 455 W. 23rd St. and 420 - 430 - 440 - 450 - 460 W. 24th St.  
917-972-9600 - [andyhumm@aol.com](mailto:andyhumm@aol.com)

**Re: Maxver LLC d/b/a Calle Dao Chelsea, 461 West 23rd Street (9/10 Avenues)**

The London Terrace Tenants Association (LTTA), founded in 1953 and representing 1,000 rental units in London Terrace Gardens on W. 23<sup>rd</sup> St. and W. 24<sup>th</sup> St. between 9<sup>th</sup> and 10<sup>th</sup> Avenues, strongly urge you to deny the application from Maxcer LLC d/b/a Calle Dao restaurant for an outdoor café. We are joined in our opposition by the London Terrace Towers Owners (LTTO) in whose building Calle Dao sits and the unanimous opposition of the Building Licenses Permits Committee of Community Board 4 and the full board itself.

When we met with Marco Britti, the owner of the restaurant, prior to him obtaining his liquor license for Calle Dao in 2017, we knew he had a bad track record as a neighbor and had been denied licenses and permits before. In order to win our support and that of the community board, **he promised that he would NOT seek an outdoor café unless it was supported by the LTTA, LTTO, and CB4.** He signed this stipulation in writing in his agreement with Community Board 4 along with other stipulations. He made a written promise to a government body--our Community Board. Business owners that lie to government bodies should be penalized, not rewarded with public space.

**Now Mr. Britti wants to break his signed agreement with CB4.** The lawyer who obtained the inside liquor license, James D. Pasquale, has now abandoned him because Mr. Britti is breaking the agreement he negotiated with the Community Board. **Mr. Britti not only has a history of violating stipulations at his other establishments, he erected an illegally large storm enclosure at this current location—again, after signing an agreement with the Community Board that he would not erect ANY storm enclosure at all.** What's more, he kept his illegal storm enclosure up beyond the April 15 deadline for removing all legal ones. And **he is now offering “bottomless brunches” after promising not to in his written agreement with the Community Board.** (See exhibit: Britti's “Liquor License Stipulation Application” to Community Board 4 signed by Britti on 4-18-17.)

**Please see the attached article from *The Midtown Gazette* from 2013 where Mr. Britti's past violations with his Favela Cubana are documented:**

*“Dan Shulman, president of the Condominium Association, outlined the residents' concerns, which are based on Favela Cubana's model: ‘Britti signed his name to Community Board 2's stipulations,’ which oversees the Favela Cubana site, ‘that aren't followed. He explicitly signed a stipulation saying he will not serve alcohol on the sidewalk café after 10 and the sliding doors must close at 10: 30.’*

*“But Favela Cubana patrons are served drinks until closing, according to Shulman, who says that Britti has acknowledged to him that the eastside location serves drinks past 10:30, and allows dancing two nights a week without a cabaret license.*

*“Britti admits that the stipulations say ‘that on Monday- Thursday, I have to close the doors and stop serving alcohol at 10 30.’ When asked if people get drinks later than that, Britti responded ‘I never got a ticket or a violation for that.’*

*“As for dancing, he said, ‘Is dancing illegal?’”*

**This kind of behavior must not be rewarded by the City Council.** The City Council allowed a previous restaurant on this site, Barchetta—also represented by Mr. Britti’s new attorney Donald Bernstein—to operate a sidewalk café and Barchetta violated all stipulations with impunity, always staying open hours beyond the agreed upon closing time to the great disturbance of the residents of London Terrace Towers and London Terrace Gardens.

**You give Mr. Britti an inch and he takes a mile. He has broken three written stipulations at Calle Dao and has a history of violating them at his other establishments.**

For all these reasons, please reject the application for a sidewalk café for Calle Dao. You would be imposing a nuisance on a block that is already inundated with literally millions of tourists walking to and from the High Line on a block that used to be one of the most peaceful in New York. Outside tables are not going to “save” Mr. Britti’s restaurant, but they will impose an intolerable burden on residents just trying to get a good night’s rest and enjoy the quiet comfort of our homes. Outside tables will also attract smokers, subjecting residents of the building to a constant flow of second-hand smoke and the attendant health hazard.

**When you allow businesses to renege on their written agreements with a government body you encourage other businesses to lie to get what they want and breed disrespect for government itself.**

Maryellen Carroll who lives just above Calle Dao in 465 W. 23<sup>rd</sup> St. testifies:

“Here is the vomiting and the man walked out from Calle. The people smoking is a constant from there as well. The garbage as well.”



Illegal storm enclosure outside Calle Dao at 461 W. 23<sup>rd</sup> St. (Britti promised in writing not to erect any storm enclosure. He erected an illegally large one. And left it up past the April deadline for taking them down.) PHOTO: by Andy Humm



## Chelsea locals prevent new restaurant from opening

BY Rachel Benaim, September 15, 2013



*Thursday night dancing at Favela Cubana, owned by Marco Britti, who wants to open Cuban Star in Midtown West.*

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The owner of a Cuban bar and restaurant slated to open on the ground-floor of a West 26th Street condominium is looking for a new home because of organized opposition from the building's condominium association.

Marco Britti attended the late August meeting of the Community Board 4 business licenses and permits committee with his attorney, as did about 40 local residents, who delivered a petition with 249 signatures from both area residents and business owners. Britti, complaining that he'd been "publically embarrassed," skipped the September meeting and says he is now looking for a new venue on the opposite side of 26th Street, which falls instead under Community Board 5's jurisdiction.

At the August meeting, Britti, the operator of the Village's Favela Cubana, was denied his application for a liquor license for a 96-person bar and restaurant, Cuban Star, at 150 W. 26th Street between 6th and 7th avenues, and was instructed to re-submit at the full board's September meeting. He and his attorney, James DiPasquale, walked out and did not return.

Britti had already negotiated the lease agreement with the building's landlord, Steven Israel, but had not yet signed it. Cuban Star would have taken over the space currently occupied by Organic Modernism furniture store, which decided not to renew its lease.

“If I thought it was a detriment to the building, I wouldn’t put it there,” said Israel. While he allowed that a club would be “bad for the building,” where units range from \$2 to \$4.5 million, he said “no one has ever discussed having a club down there.” The paperwork called for a bar and restaurant.

Residents were not convinced. They targeted the meeting because they felt it was important to take action as early in the process as possible, before Britti moved on to apply for city building permits. “It’s about getting the license,” said Richard Winter, who lives on 26th Street and is a member of the block association. “Once you have it, forget it.”

Dan Shulman, president of the Condominium Association, outlined the residents’ concerns, which are based on Favela Cubana’s model: “Britti signed his name to Community Board 2’s stipulations,” which oversees the Favela Cubana site, “that aren’t followed. He explicitly signed a stipulation saying he will not serve alcohol on the sidewalk café after 10 and the sliding doors must close at 10: 30.”

But Favela Cubana patrons are served drinks until closing, according to Shulman, who says that Britti has acknowledged to him that the eastside location serves drinks past 10:30, and allows dancing two nights a week without a cabaret license.

Britti admits that the stipulations say “that on Monday- Thursday, I have to close the doors and stop serving alcohol at 10 30.” When asked if people get drinks later than that, Britti responded “I never got a ticket or a violation for that.” As for dancing, he said, “Is dancing illegal?”

Paul Seres, co-chair of Community Board 4’s permits and licensing committee, commented on Britti’s attitude. “I sat there [at the Community Board meeting] and gave the guy multiple opportunities to change his hours and mode of operation,” he said. “The guy wasn’t willing to work with the community.”

But Britti was frustrated because “they didn’t give me the option to stipulate” —though he admits to not upholding his current stipulations

Currently, there are 14 establishments with liquor licenses within 500 feet of the proposed Cuban Star. In 2009, Fondue 26, LLC filed to open a family restaurant on the block – but that site now houses The Ainsworth, a sports bar with 25 flat screen televisions, which operates late into the night. The 26th Street Block Association opposed Cuban Star out of fear that “this might turn into another Ainsworth,” explained Shulman.

By mid-September, Britti “decided to squash the whole thing,” but he hasn’t given up completely. “We’re going to proceed from here and find a new location on the north side of 26th Street,” he says, which falls in Community Board 5, not 4.

Shulman, adamant in his opposition, said that if Britti tries to open on the other side of the block, “I would use what we’ve gathered with Community Board 5.”

**August 2, 2018**

**Testimony at City Hall against the sidewalk café for Calle Dao Chelsea at 461 West 21<sup>st</sup> Street.**

The following is the full text and images and illustrations for the testimony by Mary Ellen Carroll.

Good Morning,

My name is Mary Ellen Carroll and I am a shareholder and owner in London Terrace Towers at 465 West 23<sup>rd</sup> Street at 10<sup>th</sup> Avenue. I have lived in the building since 1996, and in Chelsea since 1992. I am here to speak on behalf of my fellow shareholders and board members and in solidarity with the residents across the street on the south side of 23<sup>rd</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenue, as well as the residents that live in the apartments in London Terrace. I own property in the coop and have a unit above the restaurant Calle Dao. I would also like to note that I teach and lecture on land use policy and zoning and the institutions in the United States include (amongst others in the US and world), Columbia University here in NYC and Rice University in Houston, where we know there is no zoning.

I want to begin with thanking this commission and everyone in attendance and my colleagues including Andy Humm and Ann Northrup and Juliana Frei who will also relate details about the application and the owner of Calle Dao, Mr. Marco Britti. I would like to begin by noting that there have been numerous calls made to 311, the restaurant management and our building management and doormen at 465 West 23<sup>rd</sup> Street about Calle Dao to register complaints about excessive and loud noise, staying open after hours, groups of people smoking in front of the residential building, vomiting and garbage. If there is some confusion about this in terms of what is in the 311 record, this may be because the address can be given as 465 West 23<sup>rd</sup> Street rather than 461 West 23<sup>rd</sup> Street, but the calls have been made.

**Smoking in front of Calle Dao on October 24, 2017. Patrons throw their cigarette butts on the sidewalk.**

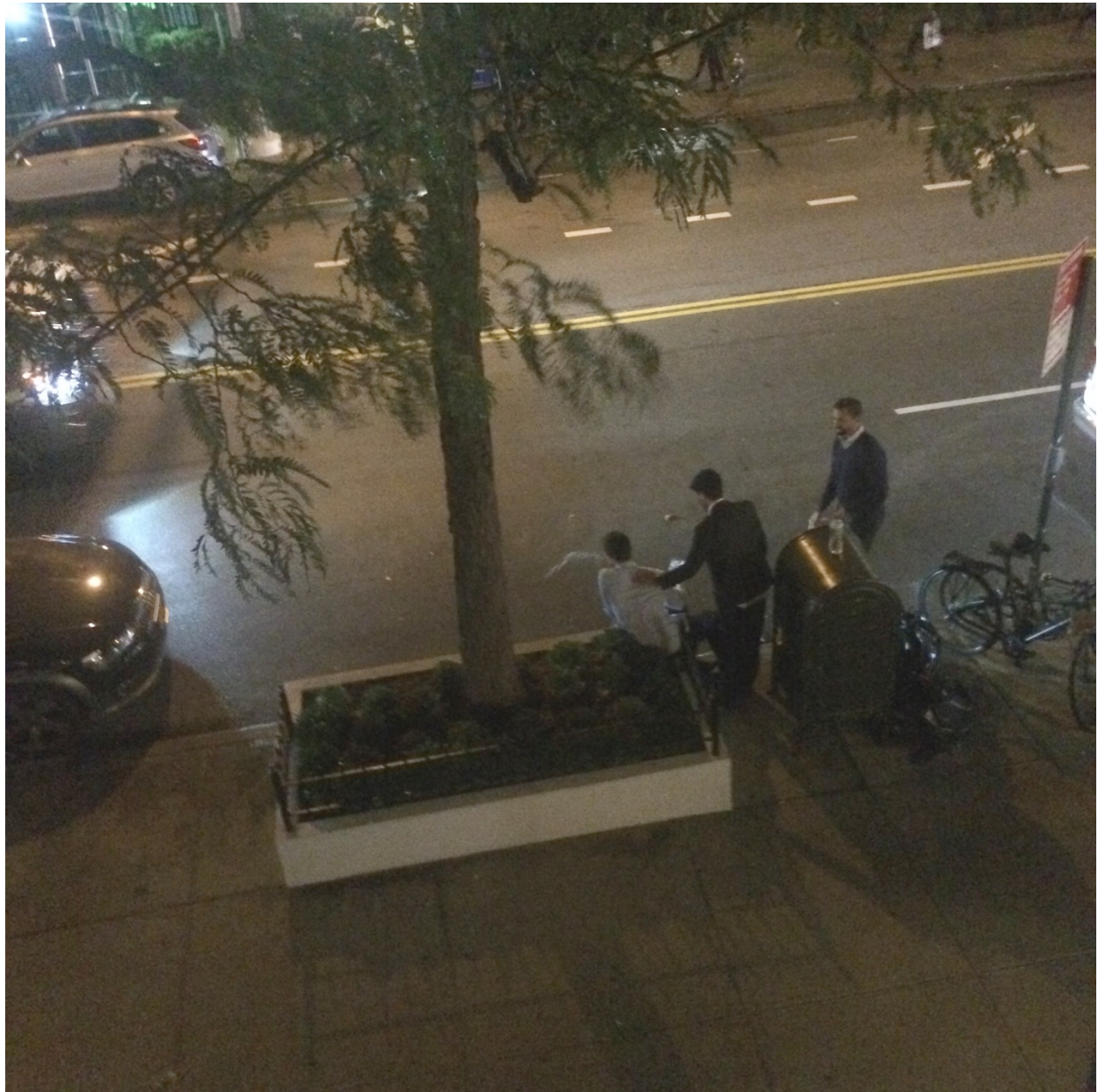






The extracurricular activity of drinking to excess to the point of vomiting is also a part of Calle Dao's history of their patrons and after hours. One thing that living atop these establishments provides is a direct view including the live audio of adults who are being curbed by their friends, (if they only could do so with their dogs) and as evidenced by the attached photo below that I was awakened by at 1 am.

**Calle-Dao-Man-Vomiting, Shouting-Noise-November 2, 2017 at 1 am**



## Garbage



### **It is worthwhile now to quote the city back to itself. In the New York City Affairs Guidelines for SIDEWALK CAFÉ DESIGN AND REGULATIONS GUIDE**

“Sidewalks are used by people to stroll, shop, or go to or from work. The sidewalks of New York City were originally designed for four- and five-story buildings. They now accommodate 40-story towers. In fact, sidewalks have become smaller as the demands of motorized vehicles have grown. In the crowded streets of pedestrian malls, which are closed to vehicles, shoppers accept pedestrian congestion, and some walkers even enjoy it. But certain vital arteries have congestion problems that can slow down the life of the City. (The Highline now has over 7 million people a year visiting it and who use 23<sup>rd</sup> Street as the primary artery, as estimated by the architects, Diller, Scofidio + Renfro and the Highline.) 23<sup>rd</sup> Street is one of the main arteries that shuttles people from the C and E line at 8<sup>th</sup> and 23<sup>rd</sup> Street, including the buses and other forms of transportation.

*As stated in the guidelines: On these streets, cafés are not viable options. Sidewalk safety – There is a need to prevent situations that would be uncomfortable and downright dangerous to pedestrians. This need is especially great when sidewalk cafés, which consume large portions of the sidewalks, are imposed upon public thoroughfares already occupied by other obstructions.*

Please see the following image from August 1, 2018 at 4 pm. This is typical congestion that is a constant throughout the day.



Our concern is for the growing crowding of the sidewalk, the noise, the vomiting, the smells and trash (attracting vermin), the cigarette smoking--all seriously degrading our quality of life and putting at real risk the residents and public. It also is damaging to the unique character of this historic block in Chelsea on 23<sup>rd</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues and has a negative impact on the buildings and residents. Do we have to continue to go through this with our elected officials when we have already made the case against this on numerous occasions?

There is also the issue of the space itself where tables would fit in a space that is only 6 feet deep from the building. There is also the ventilation from the laundry room and the dryers that terminate per code from the building onto the sidewalk where they are requesting to place the outdoor tables. ADA compliance requires 4 feet of space and per Section 501.2.2 of the International Building Code (and NYC) for Exhaust Opening Protection: Outdoor openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles and exhaust openings located in exterior walls shall meet the provisions for exterior wall opening protective in accordance with the NYC Building Code. (There are two portions of the code that deal with exhaust that list a 6 inch as well as an 18 inch clearance.) There is also the split lot rule and the 25 feet as you can see from the attached measurements and drawings does not extend to include Calle Dao.

Thank you for your consideration and we hope that the Commission and our City Council and the Mayor's office will consider our request against this outdoor seating and rule in favor of the constituents, the voters and these important quality of life issues. I would also like to suggest that 23<sup>rd</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues be rezoned as a preservation district and as considered urbanism. This block of 23<sup>rd</sup> Street is glaring in contrast to the entire length of the street from the East River to the Hudson River and this is due to the historical facades as well as the landscaping. We need to preserve this in our city and not diminish this unique block that provides a much needed repose and provides a residential and well cared for entrance that introduces the present as the historical to the residents of Chelsea and the over 7 million visitors to the Highline. Let's keep it that way as it is in the best interest of us all as inhabitants of this remarkable city.

Most sincerely,



Mary Ellen Carroll





To the left of  
this line from  
the curb  
at 10th Avenue

125 feet



## Detailed Document Information

DOCUMENT ID: 2011021600614001  
 # of PAGES: 5  
 DOC. TYPE: DEED  
 DOC. DATE: 2/9/2011  
 DOC. AMOUNT: \$1,751,425.00  
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COLLATERAL:	N/A
EXPIRATION DATE:	N/A
ASSESSMENT DATE:	N/A
SLID #:	N/A
MAP SEQUENCE #:	N/A

PARTY 1						
NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP	COUNTRY
481 WEST 23RD STREET, LLC	481 WEST 23RD STREET		NEW YORK	NY	10011	US
PARTY 2						
NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP	COUNTRY
481 WEST 23 RETAIL LLC	CO MAXELLE REAL ESTATE GROUP, INC.	3950 AVENTURA BOULEVARD, THIRD FLOOR	AVENTURA	FL	33180	US
PARTY 3/Other						
NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP	COUNTRY

Advanced | Map Type | Search for a Location

**Searched Locations**

461 WEST 23 STREET  
NEW YORK 10011

Hide Additional Information

- Additional Zoning Information

- Building & Property Information

Borough: Manhattan Block: 721 Lot: 7  
Police Precinct: 10  
Owner: LONDON TERRACE GARDEN

Address: 461 WEST 23 STREET, NEW YORK 10011  
Lot Area: 108825 sf  
Lot Frontage: 550' Lot Depth: 197.5  
Year Built: 1934  
Number of Buildings: 10  
Number of Floors: 17  
Gross Floor Area: 950,200 sf (estimated)  
Residential Units: 921 Total # of Units: 950  
Land Use: Multi-Family Elevator Buildings  
Landmark Building: No  
Historic District: No

Dept. of City Planning, PLUTO 12v2 © 2013 and other city agency so 461 WEST 23 STREET, NEW YORK, 100

DISCLAIMER | FEEDBACK FORM | HELP

Advanced | Map Type | Search for a Location

**Searched Locations**

461 WEST 23 STREET  
NEW YORK 10011

Hide Additional Information...

- Zoning

**Zoning Information:**

Borough: Manhattan Blocks: 721 Lots: 7

**Zoning: R8A**

Zoning Map: [#b](#)

Historical Zoning Maps: [#b](#)

Department of City Planning, Zoning Database (updated monthly)

# NO SIDEWALK CAFE ON OUR RESIDENTIAL BLOCK

Petition by [London Terrace Residents](#)

To be delivered to **Corey Johnson, NYC Council Member, Robert Benfatto, CB4-District Manager, and Nelly Gonzalez, CB4-Asst. District Manager**

COUNCIL MEMBER JOHNSON:

We the undersigned call on you to STOP the application of Barchetta for a sidewalk cafe outside of 461 W. 23rd St. It would set an unacceptable precedent. NO sidewalk cafes on our residential block.

There are currently 126 signatures. NEW goal - We need 200 signatures!



## PETITION BACKGROUND

Our block is residential and the restaurant at 461 West 23rd Street (Barchetta) has applied for outdoor cafe tables. They are doing this with disregard for the fact that our block is residential and this would set an unacceptable precedent. They said they are doing it to "advertise" their location. Their outdoor cafe tables will negatively impact the quality of life for all residents on the block. It will obstruct and restrict the sidewalk for people with disabilities, the elderly, people with children (strollers) and pet owners. It will cause excessive noise, smoke, garbage, odors, vermin and lower the quality of life for residents and lower property values. OUR BLOCK IS RESIDENTIAL---NO SIDEWALK CAFES!



## CURRENT PETITION SIGNERS

126. **Robert Waisman** from New York, NY signed this petition on Jun 10, 2014.

125. **sara jeen grodensky** from new york, NY signed this petition on Jun 2, 2014.

We do not need tables on a main street. we have enough unecessary traffic from the High Line which has hurt 23rd street tremendously



124. **Michael Walsh** from NY, NY signed this petition on May 29, 2014.

We must work for balance in our community.



123. **Jocelyne Tord** from New York, NY signed this petition on May 22, 2014.

Outdoor tables and diners would negatively impact our residences and must not be allowed.



122. **Alison Attenborough** from NEW YORK, NY signed this petition on May 22, 2014.

121. **Sandor. Reich** from New York, NY signed this petition on May 21, 2014.

No sidewalk Cafe in front of 465 West 23rd Street



120. **Howard J Shattuck** from New York, NY signed this petition on May 21, 2014.

We already have three outdoor cafes with in 150 feet of the entrance of 465 West 23 rd Street. The noise, trash, crowds are already a issue in our neighborhood.



119. **Dottie Francoeur** from New York, NY signed this petition on May 21, 2014.

118. **Thomas** from New York, NY signed this petition on May 21, 2014.

117. **Evyan Horton** from Seattle, WA signed this petition on May 21, 2014.

116. **Caroline Grist** from new York, NY signed this petition on May 21, 2014.
115. **George Shechtman** from New York, NY signed this petition on May 21, 2014.
114. **Nancy Hicks** from New York, NY signed this petition on May 21, 2014.
113. **Caitlin O'Toole** from New York, NY signed this petition on May 21, 2014.
112. **claire speciner** from new york, NY signed this petition on May 20, 2014.
111. **molly price** from NYC, NY signed this petition on May 20, 2014.
110. **Christine Monterosso** from New York, NY signed this petition on May 20, 2014.
109. **Patricia Monterosso** from New York, NY signed this petition on May 20, 2014.
108. **M Fischer** from New York, NY signed this petition on May 20, 2014.

33-year resident. Congestion is overwhelming on the block already with huge tourist pedestrian traffic to The Highline. Not for nothing the air vent from a laundry room is located right where they want to put the sidewalk cafe. Unappetizing. A sidewalk cafe doesn't belong there or anywhere on this block.



107. **Meryl Stein** from New York, NY signed this petition on May 20, 2014.

### CURRENT PETITION SIGNERS

106. **Frank Tagariello** from New York, NY signed this petition on May 20, 2014.

105. **Eleanora Tevis** from New York City, NY signed this petition on May 20, 2014.

104. **Paul Maloney** from New York, NY signed this petition on May 20, 2014.

No outside cafe tables, please. Completely inappropriate at this location.



103. **Carlos Gutierrez-Solana** from New York, NY signed this petition on May 20, 2014.

102. **Jeffrey gladstone** from NYC Ny, NY signed this petition on May 20, 2014.

The noise from the sidewalk is already too loud at night and the foot tragic on the sidewalk there's no Extra room for tables and chairs



101. **Leslie Greaves** from New York, NY signed this petition on May 20, 2014.

100. **Maria Kalligeros** from New York, NY signed this petition on May 20, 2014.

99. **Kevin Farrington** from New York, NY signed this petition on May 20, 2014.

Ours is a residential building and the presence of tables will only add to the congestion that has only come with this area suddenly being a "destination" for many. Please consider the impact this will have on our quality of life.



98. **Juliana** from NYC, NY signed this petition on May 20, 2014.

Please do not allow the sidewalk café tables on our entirely residential block. We have too much traffic as it is with the addition of the highline visitors, we need all the open public space for pedestrians. Thank you. Juliana Frei



97. **Nancy Balbirer** from New York, NY signed this petition on May 20, 2014.

No sidewalk cafés!!!



### CURRENT PETITION SIGNERS

- 96. **Lisa Vaamonde** from New York, NY signed this petition on May 20, 2014.
- 95. **J Lieder** from New York, NY signed this petition on May 19, 2014.
- 94. **Steven Marchetti** from New York, NY signed this petition on May 19, 2014.

please help us keep our block residential!



- 93. **Wayne Koestenbaum** from New York, NY signed this petition on May 19, 2014.
- 92. **Jamie Bryan** from New York, NY signed this petition on May 19, 2014.
- 91. **Nicholas Dennis** from Nyc, NY signed this petition on May 19, 2014.
- 90. **William Delsener** from New York, NY signed this petition on May 19, 2014.
- 89. **Anja Limperis** from New York, NY signed this petition on May 19, 2014.
- 88. **Karen Jacob** from New York, NY signed this petition on May 19, 2014.
- 87. **Frank Filannino** from New York, NY signed this petition on May 19, 2014.

### CURRENT PETITION SIGNERS

- 86. **Adrienne Kalligeros** from New York, NY signed this petition on May 19, 2014.
- 85. **Paul J Groncki** from New York, NY signed this petition on May 19, 2014.
- 84. **Stuart Anthony** from New York, NY signed this petition on May 19, 2014.
- 83. **Allen Oster** from New York, NY signed this petition on May 19, 2014.
- 82. **Will** from New York, NY signed this petition on May 19, 2014.
- 81. **Deborah Frame** from New York, NY signed this petition on May 19, 2014.
- 80. **Craig Slutzkin** from New York, AL signed this petition on May 19, 2014.
- 79. **Phyllis Waisman** from New York, NY signed this petition on May 19, 2014.

The streets of Chelsea are too crowded. Please support the residents of 461 West 23rd Street to stop the application of Barchetta for a sidewalk café. Thank you.



- 78. **Sally Greenspan** from New York, NY signed this petition on May 19, 2014.
- 77. **Keith Gardner** from New York, NY signed this petition on May 19, 2014.

76. **gloria sukenick** from New York, NY signed this petition on May 19, 2014.

75. **Alan Cohen** from New York, NY signed this petition on May 19, 2014.

stop this!



74. **Jean Blair** from New York, NY signed this petition on May 19, 2014.

73. **Norma Cote** from Nyc, NY signed this petition on May 19, 2014.

The rampant proliferation of sidewalk cafes in some neighborhoods has destroyed the neighborhood character of those areas. In return, all the City gets is a paltry sum, while the restaurant owners and landlords get rich sucking the life out of the neighborhood. And there is NO enforcement of any restrictions that are contained in the cafe licenses. The cafes spread well beyond their permitted areas, post signs in the pedestrian walkway, let their wait staff go out into the passageways to serve and clear tables, let patrons park baby carriages next to the tables right out into the passageway. Just look at Hudson Street below Bank St. and you'll see what I mean. PLEASE take a stand against the rampant expansion of this public land grab.



72. **Nicholas Brown** from New York, NY signed this petition on May 19, 2014.

71. **Janet Ziff** from New York, NY signed this petition on May 19, 2014.

Enough already with the commercialization of every inch of our city.



70. **Elizabeth Cook** from New York, NY signed this petition on May 19, 2014.

69. **Tim Saternow** from New York, NY signed this petition on May 19, 2014.

68. **Deborah Bell** from New York, NY signed this petition on May 19, 2014.

I live above the restaurant that has proposed the sidewalk cafe.



67. **Marika Turano** from New York, NY signed this petition on May 19, 2014.

## CURRENT PETITION SIGNERS

66. **Carolyn Dobbs** from New York, NY signed this petition on May 19, 2014.

The outdoor cafe will bring further noise to an already noisy residential block and restrict the increasingly heavy flow of foot traffic on the block. Please deny Barchetta's petition.



65. **Michael Brian Dunn** from NYC, NY signed this petition on May 19, 2014.

Help us to keep some semblance of our once quiet neighborhood in tact. We have been over run by a huge influx of pedestrian traffic on our sidewalks. I am no longer able to have a peaceful walk along the sidewalk that was once such a part of our landmark building! Please HELP us to preserve what little we might have control of. thank you.



64. **Craig Urquhart** from New York, NY signed this petition on May 19, 2014.

I voted for you, I expect you to come through.



63. **Marjorie E Schulman** from New York, NY signed this petition on May 19, 2014.

62. **Stephen Henderson** from New York, NY signed this petition on May 19, 2014.

61. **Maya Hess** from New York, NY signed this petition on May 19, 2014.

60. **Michael McCurdy** from New York, NY signed this petition on May 19, 2014.

59. **Ruth Oron** from Nyc, NY signed this petition on May 19, 2014.

58. **Blair** from Ny, NY signed this petition on May 19, 2014.


57. **Sandra Palmer** from NY, NY signed this petition on May 19, 2014.

### CURRENT PETITION SIGNERS

56. **Philip Feiner** from New York, NY signed this petition on May 19, 2014.

55. **beth shapiro** from nyc, NY signed this petition on May 19, 2014.

54. **Andre Bedard** from New York, NY signed this petition on May 19, 2014.

NO SIDEWALK CAFE OUTSIDE OF 461 W.23RD STREET OR ANY WHERE ON 23RD STREET BETWEEN 9TH AND 10 AVE. THE NOISE, CIGARETTE BUTTS, DOUBLE PARKING IN FRONT OF THE RESTAURANT HAS ALREADY STARTED AND THE CAFE IS NOT OPEN. PLEASE, LETS KEEP OUR LONDON TERRACE GARDENS, safe and protected from business owners who do not care about the residence who live above. There has never been a cafe on 23rd Street between 9th Ave and 10Ave. and let's not start NOW. Thank you Andre Bedard 

53. **Edrie Cote** from New York, NY signed this petition on May 19, 2014.


52. **Laura Kaster** from New York, NY signed this petition on May 19, 2014.

51. **Kate Richardson** from New York, NY signed this petition on May 18, 2014.

50. **Dorothy Moulton** from New York, NY signed this petition on May 18, 2014.

49. **Kara P.** from NY, NY signed this petition on May 18, 2014.

48. **Mark S.** from NY, NY signed this petition on May 18, 2014.

Please take a look at the traffic caused by the High Line, and see how the current sidewalk cafes are already creating congestion in this rapidly shifting neighborhood. 

47. **Jay Ruttenberg** from New York, NY signed this petition on May 18, 2014.

### CURRENT PETITION SIGNERS

46. **william murphy** from new york, NY signed this petition on May 18, 2014.
45. **Sandra Hill** from New York, NY signed this petition on May 18, 2014.
44. **Francesca Granata** from New York, NY signed this petition on May 18, 2014.
43. **Mitchell Belgin** from New York, NY signed this petition on May 18, 2014.
42. **blake** from New York, NY signed this petition on May 18, 2014.
41. **Tracy Snyder** from New York, NY signed this petition on May 18, 2014.
40. **Lisa Morgan** from NY, NY signed this petition on May 18, 2014.

This is a residential block. Noise and smoke from a sidewalk cafe would add to an already-congested environment inundated by Highline traffic, film shoots and tourists.



39. **Zoe Rodriguez** from New York, NY signed this petition on May 18, 2014.
38. **Anani Dzidzienyo** from New York, NY signed this petition on May 18, 2014.
37. **Rose-Ann Mitchell** from New York, NY signed this petition on May 18, 2014.



#### CURRENT PETITION SIGNERS

36. **Stuart Williams** from New York, NY signed this petition on May 18, 2014.

35. **sara jeen grodensky** from new york, NY signed this petition on May 18, 2014.

there is enough traffic on 23rd street from the Highline we do not need the actual streets invaded. There is no room anymore including parking.



34. **Donald Lee** from New York, NY signed this petition on May 18, 2014.

33. **Joan Tramontano** from Venice, FL signed this petition on May 18, 2014.

Terrible idea!



32. **Elizabeth Reynolds** from New York, NY signed this petition on May 18, 2014.

31. **George Boras** from NY, NY signed this petition on May 18, 2014.

C.M. Johnson I am one to be residents of London Terrace who would like you to oppose the proposed sidewalk cafe outside of 461 W 23 Street.



30. **Faith** from New York, NY signed this petition on May 18, 2014.

23rd street has already become a very busy block overrun by people heading to and from the highline. The noise at night is getting too much as it is.



29. **Michelle Spinner** from New York, NY signed this petition on May 18, 2014.

Barchetta is clearly not behaving like a good neighbor. A sidewalk cafe will impact negatively on those of us who live in the building, especially our neighbors in the 455 building who will have to contend with excess noise and smoke. This sidewalk cafe is a terrible idea and sets and even worse precedent.



28. **A Mehl** from New York, NY signed this petition on May 18, 2014.

This application is a bad idea in a neighborhood whose sidewalks are already being threatened by sidewalk cafes who've taken a foot where an inch was granted (e.g. Don Giovanni). Our residential building is steps from the Highline Park, and is already chockablock with people who crowd the sidewalks around our building. Many of our residents are elderly, and some handicapped. Granting this restaurant needed sidewalk space hinders their ability to get around. Please heed the wishes of your constituents and vote NO on this awful measure!



27. **Elizabeth Morina** from New York, NY signed this petition on May 18, 2014.

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#### CURRENT PETITION SIGNERS

26. **Benjamin** from New York, NY signed this petition on May 18, 2014.

25. **Patricia DiTolla** from New York, NY signed this petition on May 18, 2014.

24. **C Limperis** from New York, NY signed this petition on May 18, 2014.

Please do not put the sidewalk café on our very busy block that already is overrun by people heading to the highline.



23. **MARTHA GOLD** from NEW YORK, NY signed this petition on May 18, 2014.

22. **Madelon Spier** from NY, NY signed this petition on May 18, 2014.

West 23 Street is too crowded with visitors coming from everywhere - an added confusion with an outdoor cafe is unreasonable.



21. **Eileen Moss** from NY, NY signed this petition on May 18, 2014.

There is too much foot traffic to have an outdoor cafe. The streets are crowded enough.



20. **Dara Wishingrad** from New York, NY signed this petition on May 18, 2014.

19. **Inge** from Ny, NY signed this petition on May 18, 2014.

18. **Andy Humm** from New York, NY signed this petition on May 18, 2014.

We in the London Terrace Tenants Association representing renters in the Gardens buildings stand in solidarity with our neighbors in the Towers building fighting this application for a sidewalk cafe. I have lived here for 28 years and there has never been a sidewalk cafe on the block in that time. This is an almost totally residential block that has become overwhelmed with foot traffic from those going to and from the High Line. We have to draw the line at stopping sidewalk cafes. If this one is approved, it will be impossible to stop others.



17. **Roberto Bavidó** from NYC, NY signed this petition on May 18, 2014.

Please don't allow the outside tables at the entrance of our building.



## CURRENT PETITION SIGNERS

16. **Christine Moore** from New York,, NY signed this petition on May 18, 2014.

As a long time resident of Chelsea and London Terrace Towers, I write to express my opposition to the proposed outdoor cafe tables at 461 West 23rd Street. The proposed outdoor cafe in front of this large residential building will adversely impact the quality of life in Chelsea and the value of our property. An outdoor cafe will generate unwanted noise and restrict access to public sidewalk and private entrances. Chelsea is saturated with out door cafes and this cafe will only add to the existing congestion without positively contributing anything to the neighborhood.

15. **Kristen Aiken** from New York, NY signed this petition on May 18, 2014.

14. **Renee Richardson** from New York, NY signed this petition on May 17, 2014.

13. **Ryan McEntee** from New York, NY signed this petition on May 17, 2014.

No sidewalk tables

12. **James LaForce** from NYC, NY signed this petition on May 17, 2014.

11. **Terence Gower** from New York, NY signed this petition on May 17, 2014.

10. **Alan Ring** from New York, NY signed this petition on May 17, 2014.

9. **Brian Paul Clamp** from New York, NY signed this petition on May 17, 2014.

8. **G. Muccioli** from New York, NY signed this petition on May 17, 2014.

We want Barchetta to be successful but thought must be given to the fact that LTTO is our investmaent and it's also our home. Barchetta, who is leasing the space from the condo owner should not be given priority to thouse of us who live within our own investment. The sidewalk is already over burdened with Highline traffic, however the Highline is a project that is representative of the changing face of Chelsea. With more families moving in and schools opening an active restaurant scene in front of a massive residential building is not keeping in line with the direction the community is now taking. Although outdoor cafe tables are a part of bringing in business, creating jobs, and appealing to tourists, care should be given to where and how many of these applications are approved.

7. **Marques McClary** from New York, NY signed this petition on May 17, 2014.

I voted for you, Mr. Johnson, and need your support. I live above the restaurant, and will be directly affected by the noise and disruption outdoor seating will bring. People already congregate outside the door area late at night, smoking and littering.

#### CURRENT PETITION SIGNERS

6. **Barbara Raab** from New York, NY signed this petition on May 17, 2014.

I could not agree more – please help us, Corey!



5. **Mary Gardiner** from New York, NY signed this petition on May 17, 2014.

4. **Robert Isaacs** from New York, NY signed this petition on May 17, 2014.

3. **Ann Northrop** from New York, NY signed this petition on May 16, 2014.

2. **Mary Ellen Carroll** from New York, NY signed this petition on May 16, 2014.

1. **London Terrace Residents** from New York, NY signed this petition on May 16, 2014.

THE COUNCIL  
THE CITY OF NEW YORK

LU 169

Appearance Card

SIDEWALK  
CAFE

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 461 W. 23<sup>rd</sup> St.  
 in favor  in opposition

Date: 8/2/18

(PLEASE PRINT)

Name: HARRIS CLOWDINARY

Address: 465 W 23<sup>rd</sup> St

I represent: Julianha Frej

Address: 465 W 23<sup>rd</sup> St

THE COUNCIL  
THE CITY OF NEW YORK

LU  
169

Appearance Card

SIDEWALK  
CAFE

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 461 W. 23<sup>rd</sup> St.  
 in favor  in opposition

Date: 8/2/18

(PLEASE PRINT)

Name: MARY ELLEN CARROLL

Address: 465 W 23<sup>rd</sup> St NY 10011

I represent: LONDON TERRACE TOWERS OWNERS

Address: SAME

THE COUNCIL  
THE CITY OF NEW YORK

LU 169

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition SIDEWALK CAFE

Date: 8-2-18 at 461 W. 23<sup>rd</sup> St.

(PLEASE PRINT)

Name: ANDY HUMM

Address: 445 W. 23<sup>rd</sup> St. 4F

I represent: LONDON TERRACE TENANTS ASSOCIATION

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

THE COUNCIL  
THE CITY OF NEW YORK

20-169

Appearance Card

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

in favor  in opposition

Date: AUG. 2, 2018

Name: ANN NORTHROP (PLEASE PRINT)

Address: 465 W. 123<sup>RD</sup> ST. - #17B

I represent: LONDON TERRACE TOWERS OWNERS

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: 8-2-18

Name: DONALD M BERNSTEIN (PLEASE PRINT)

Address: 1177 AVE OF AMERICAS NYC 10036

I represent: CALLE DAD

Address: 461 W 23<sup>RD</sup> ST NYC 10011

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