

Testimony of Andy Humm, president of the London Terrace Tenants Association, 445 W. 23<sup>rd</sup> St., 4F, New York, NY 10011 to Council Subcommittee on Zoning and Franchises

November 18, 2014 – IN OPPOSITION to Application no. 20133064 from LDV 23, LLC, d/b/a Barchetta for a sidewalk café outside 461 W. 23<sup>rd</sup> St. in Manhattan

I am Andy Humm, President of the London Terrace Tenants Association, founded in 1953 and representing 1,000 rental apartments in the London Terrace complex on West 23<sup>rd</sup> St.

Our board is unanimously opposed to opening up our residential block to sidewalk cafes, especially since the pedestrian volume on our block has increased literally about a thousand-fold since the construction of the High Line. We need MORE public, pedestrian space—not less.

We strongly urge the Council to consider how radically the neighborhood has changed in just the last few years and reject this application from Barchetta for a sidewalk café in a totally inappropriate location—right next to one of the building’s laundry vents. It would also further overcrowd an overcrowded sidewalk where many of our elderly and disabled residents already have difficulty navigating their trips outside. Please do not add to their burden.

It is wrong for a business to be entitled to public space as a matter of right. It is incumbent on the City Council to look closely at the overall effect on a neighborhood. We are opposed to this sidewalk café not just for this location, but because of the precedent it would set for a block that has been strictly residential for more than 80 years.

In the earlier stages of this application, it was denied under the zoning law. In order to find a zoning map that might permit it, it took many months to find one and it had to be dug out of a vault from the 1930s. At that time, ALL the commercial space on each corner was treated as ONE commercial unit, even though the spaces have been subdivided into many different commercial enterprises since. So DCA is now saying that Barchetta qualifies under a technicality. But the various City departments have neglected to update the technical zoning to reflect its spirit of the law—which is to keep sidewalk cafes from being installed when they are beyond 100 feet of the Avenue property line as Barchetta is.

Under most circumstances, Barchetta would never qualify. The Council has to be able to use its discretion in cases such as these to say that this is an inappropriate siting for a sidewalk café. You also have to take into consideration how you have changed the neighborhood by allowing the overdevelopment of West Chelsea and not add to that problem by now allowing a further encroachment on desperately needed public space.

Please vote no on this application. Thank you.

# **42nd Street Auto Showroom Text Amendment**




**Area Map**

605 West 42 Street, Block 1090 Lots 23, 29












**Project**

-  Project Area
-  Development Site
-  600-Foot Radius

**Zoning**

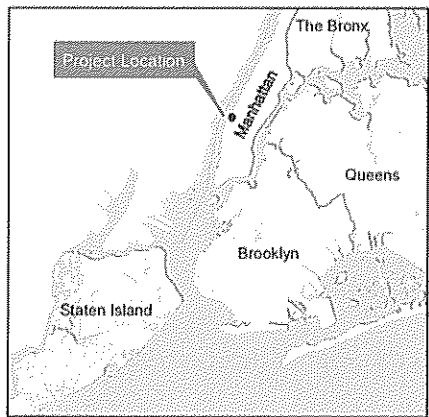
-  Zoning District
-  C2-5
-  Special Zoning District

**Land Use**

-  1 - 2 Family Residential
-  Multifamily Walkup
-  Multifamily Elevator
-  Mixed Commercial/Residential
-  Commercial & Office
-  Industrial & Mfg
-  Transportation & Utility
-  Public Facilities & Institutions
-  Open Space
-  Parking
-  Vacant/No Data

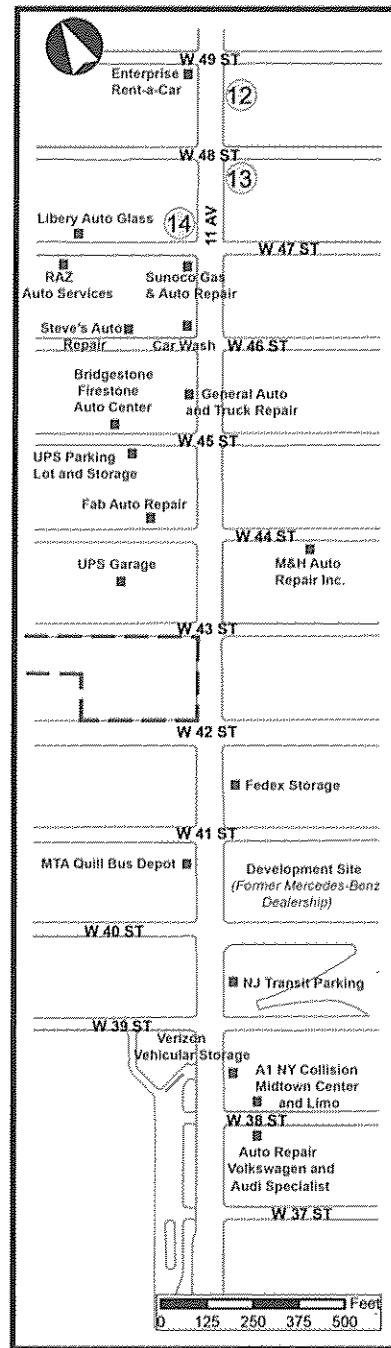
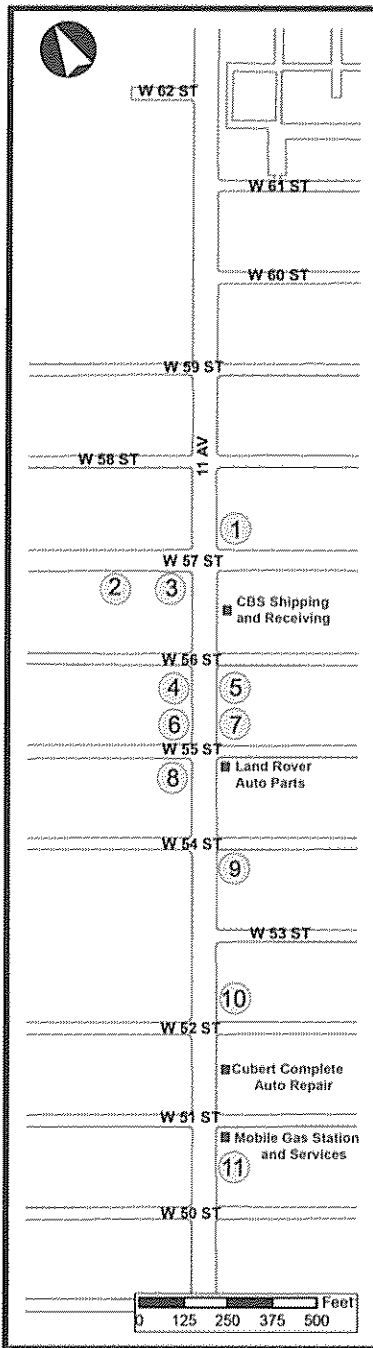
**Motor Vehicles Related Uses**

- A** MTA NYCT Bus Depot
- B** USPS
- C** FedEx
- D** FedEx Vehicle Storage
- E** Vehicle Storage (Trucks)
- F** Parking Lot



EXISTING 11th Avenue Auto Dealerships & Related Motor Vehicle Uses

# Automobile Row



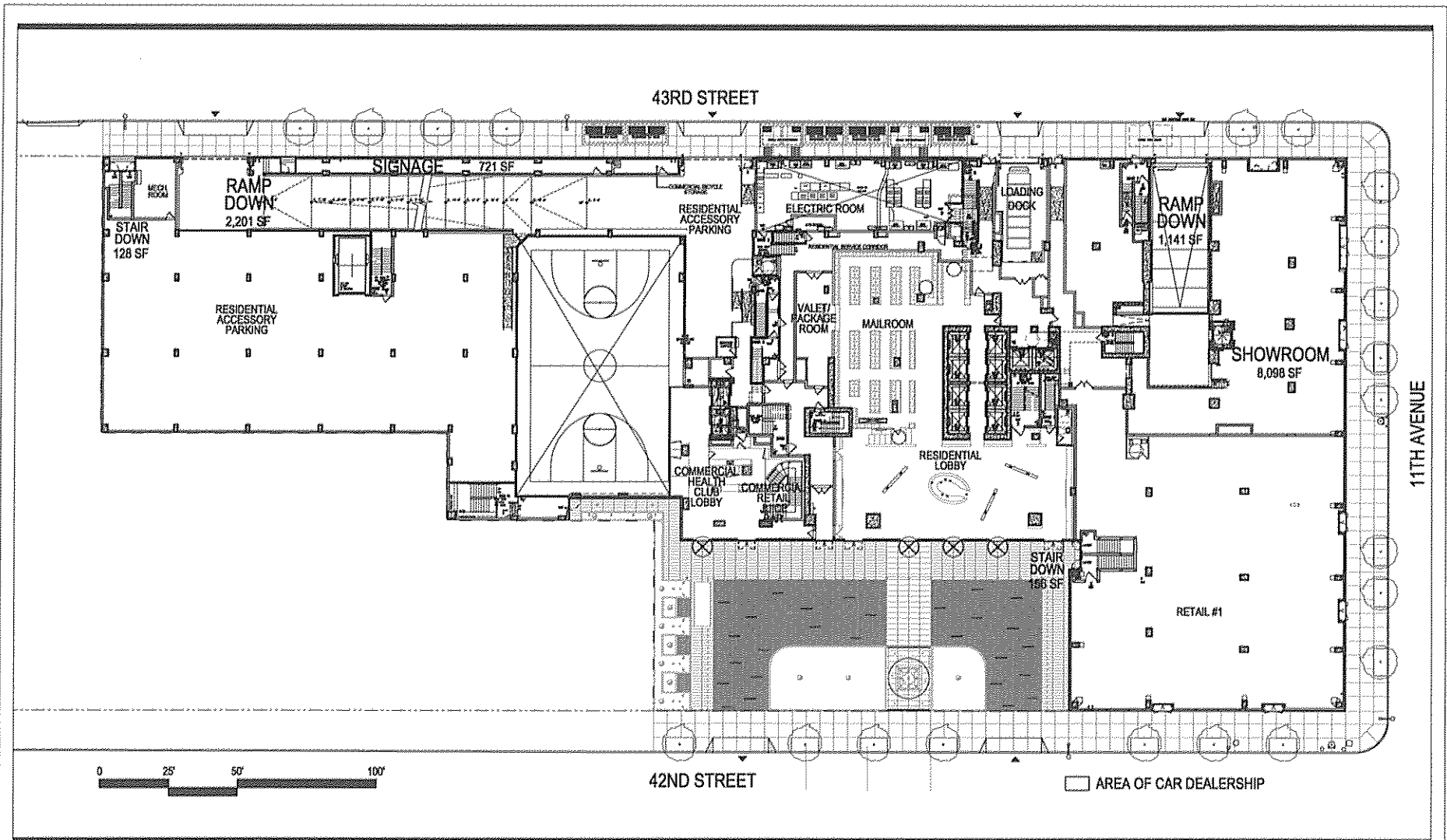
**Auto Dealers**

1. BMW of Manhattan
2. Acura
3. Lexus of Manhattan
4. BMW of Manhattan Certified Pre-Owned
5. Volkswagen of Manhattan
6. MINI Cooper
7. Audi Manhattan
8. Multiple Dealers (Jaguar, Land Rover, Volvo, Ford, Lincoln, and Nissan)
9. Mercedes-Benz
10. Manhattan Armor
11. Potamkin Dealership (GM, Buick, Chevrolet, Cadillac, and GMC)
12. Multiple Dealers (Manhattan Jeep, RAM, Chrysler, and Dodge)
13. Nissan Manhattan/Nissan Infiniti
14. Toyota Manhattan

**Legend**

- Other Related Motor Vehicle Uses
- Project Site





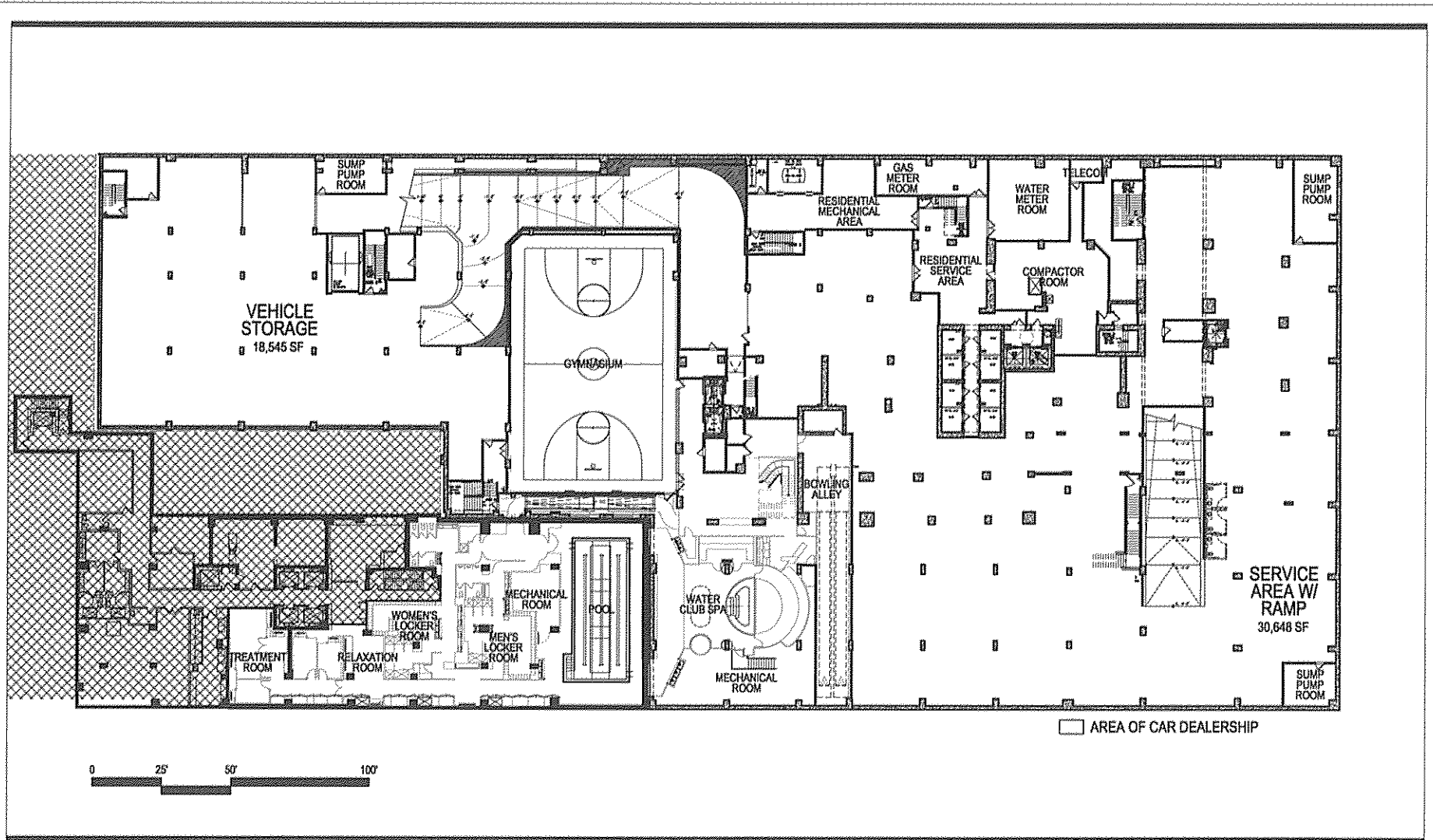
NOTE: ALL DIMENSIONS ARE PRELIMINARY AND APPROXIMATE. LOT AREAS AND EXISTING FLOOR AREAS ARE SUBJECT TO SURVEY CORRECTIONS.

PRELIMINARY: Subject to review and final approval by the NYC Department of Buildings.

605 West 42nd Street  
GROUND FLOOR  
WITH ACTION PLAN

6/30/2014

**GHWA**  
Goldstein, Hill & West Architects, LLP  
11 Broadway, Suite 1700  
New York, NY 10004  
Tel: 212.213.6007  
Fax: 212.686.1764



NOTE: ALL DIMENSIONS ARE PRELIMINARY AND APPROXIMATE. LOT AREAS AND EXISTING FLOOR AREAS ARE SUBJECT TO SURVEY CORRECTIONS.

PRELIMINARY: Subject to review and final approval by the NYC Department of Buildings.

605 West 42nd Street  
 CELLAR FLOOR  
 WITH ACTION PLAN

□ AREA OF CAR DEALERSHIP

6/30/2014

**GHWA**  
 Goldstein, Hill & West Architects, LLP  
 11 Broadway, Suite 1700  
 New York, NY 10004  
 Tel: 212.213.6307  
 Fax: 212.686.1754

**Proposed Use Modification – Special Clinton District – 42nd Street Perimeter Area  
Use Group 16 Zoning Text Amendment**

Matter in underline is new, to be added;  
Matter in strikeout is to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article IX - Special Purpose Districts**

\* \* \*

**Chapter 6  
Special Clinton District**

\* \* \*

**96-20  
PERIMETER AREA**

\* \* \*

**96-21  
Special Regulations for 42nd Street Perimeter Area**

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

- (a) Special #use# regulations ~~for office #use#~~

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, ~~any~~ the following special #use# regulations shall apply:



(1) Offices

Any #development# or #enlargement# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile showrooms or sales, with vehicle storage, preparation of automobiles for delivery, and automobile repairs, may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, provided that:

- (i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery and automobile repairs shall be located on West 43rd Street;
- (ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory parking# for other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory group parking facility#; and
- (iii) the portion of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

\* \* \*

End proposed text

## **Applicant Commitments**

**1. Signage Restrictions**

**2. Sidewalk Parking Prohibition**

**3. Ventilation Noise Limitations**

**4. Vehicle Delivery Hours**



**Department of  
Consumer Affairs**

October 30, 2014

Julie Menin  
Commissioner

The Honorable Melissa Mark-Viverito  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

42 Broadway  
5th Floor, Room 15  
New York, NY 10004

+1 212 436 0113 tel  
+ 1 646 500 5832 fax

[nyc.gov/consumers](http://nyc.gov/consumers)

Re: **GRAMERCY THAI, INC.**  
**DBA: LANTERN**  
**311 2<sup>ND</sup> AVE**  
**NEW YORK, NY 10003**

Dear Speaker Mark-Viverito :

The Department of Consumer Affairs is withdrawing their recommendation of approval for GRAMERCY THAI, INC. an unenclosed sidewalk café at 311 2<sup>nd</sup> Avenue, in the Borough of Manhattan.

Please feel free to call me if you should have any questions. My telephone number is (212) 436-0113. Thank you for your attention to this matter.

Sincerely,

Nadina Resulani  
Sidewalk Café Unit

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. W 146 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/18/14

(PLEASE PRINT)

Name: MELANIE MEYERS

Address: Fried Frank Harris Shriver & Jacobson

I represent: 605 West 42nd Street LLC

Address: 3 Columbus Circle

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 146 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/18/14

(PLEASE PRINT)

Name: ARON KIRSCH

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

I represent: ~~THE MONTAGN GROUP~~ 605 W 42nd St Owner LLC

Address: 3 COLUMBUS CIRCLE NY, NY 10019

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

134

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

in favor  in opposition

Date: 11/18/14

(PLEASE PRINT)

Name: Alon Cohen

Address: 405 W. 23rd St 10011

I represent: LTTA

Address: Lead. Terrace Chelsea

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

134

I intend to appear and speak on Int. No. 134 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/17/14

(PLEASE PRINT)

Name: Benjamin Helfgot

Address: 205 West 80th St, #2C NY, NY, 10024

I represent: Barchetta

Address: 461 W. 23rd St. New York, NY, 10011

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 134 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11-18-14

(PLEASE PRINT)

Name: DONALD M. BERNSTEIN

Address: 18 E 41st St NY NY 10017

I represent: BARCETTA

Address: 461 W. 23rd St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 134 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11-18-14

(PLEASE PRINT)

Name: ANDY Humm

Address: 445 W. 23rd St. 4F NY 10011

I represent: LONDON TERRACE TENANTS ASSOC.

Address: Same

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. 134 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/18/14

Name: ANN NORTHROP (PLEASE PRINT)

Address: 465 W. 23<sup>RD</sup> ST. - #17B

I represent: 465 W. 23 SHAREHOLDERS

Address: 465 W. 23 ST.

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. LU 4 134 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/18/2014

Name: ANTHONY KIKU (PLEASE PRINT)

Address: 372 BROAD ST. BLOOMFIELD NJ

I represent: LDV HOSPITALITY - BARCETA REST.

Address: 465 WEST 23<sup>RD</sup> STREET

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 134 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/18/14

Name: Deborah Bell (PLEASE PRINT)

Address: 465 West 23 St. #825 F

I represent: 465 W. 23 / London Terrace Shareholders

Address: 465 W. 23 St., NYC 10011

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. 134 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/18/2014

(PLEASE PRINT)

Name:

Juliana Freer

Address:

445 W 23rd Street APT 17A

I represent:

465 West 23rd St. Shareholders

Address:

465 West 23rd St.

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