



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

JESSE R. BODINE
District Manager

October 16, 2015

Vincent G. Bradley
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

Re: 787 Eighth Ave Corp
d/b/a Brazil Grill
787 8th Avenue (West 48th Street)

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) recommends denial of the alteration application of 787 Eighth Ave Corp d/b/a Brazil Grill to extend its On-Premise license to a sidewalk cafe.¹ (Although the applicant's submission to MCB4 categorized this as a new application, our understanding is that the applicant holds an On-Premise license for this establishment and that the current application is more properly categorized as an alteration.) Given the congestion and pedestrian traffic at this busy corner in the theatre district, concerns from nearby community residents about the increased noise and disruption that would accompany this sidewalk café, and community reports of issues and concerns surrounding another sidewalk café operated across the street by the same owner, allowing the alteration would not serve, and would be contrary to, the public interest.

This establishment is located on the corner of Eighth Avenue and West 48th Street (with frontage on both the street and the avenue), an exceedingly busy and congested corner in the heart of the theatre district that is constantly thronged with tourists, theatregoers, commuters heading to and from Port Authority, and other pedestrians. In fact, in likely recognition of this congestion, the Zoning Resolution of the City of New York, Article I, Chapter 4, Section 14-41 prohibits sidewalk cafes on this stretch of Eighth Avenue. Given that prohibition, the applicant has shifted his proposed sidewalk café so that all the tables and chairs are around the corner, on West 48th Street. But that shift does not alleviate the crowded conditions at this busy corner. The sidewalk on the residential side street of West 48th Street is already too congested to reasonably accommodate a sidewalk café. The stretch of sidewalk where the café would be located contains a string of obstacles -- a large telephone booth, a traffic sign, and a tree -- that, together with a sidewalk café, would obstruct the pedestrian clear path along West 48th Street to Eighth Avenue, particularly for wheelchairs and strollers.

Community members, including a representative of the large residential building across the street from the proposed sidewalk café, have pointed out that this corner is already heavily trafficked and that adding a sidewalk café can only reduce sidewalk space and increase noise and congestion. They are also concerned that, as part of the current re-design, the applicant plans to add a door for public access on the residential West 48th Street side of this establishment (in addition to the existing door on Eighth Avenue). The applicant's increased use of the West 48th Street side of the establishment is troubling to community members who report existing problems with noise and music, including live music, escaping from the establishment through open doors and windows and interfering with their quality of life. In addition, community members have informed us that this applicant's owner also owns an establishment with a sidewalk café across the street and that that sidewalk café operates beyond its designated space on the sidewalk.

Thank you for your attention to this application and MCB4's concerns.

Sincerely,



Christine Berthet
Chair

[signed 10/16/15]

Burt Lazarin
Co-Chair
Business License & Permits
Committee



Frank Holozubiec
Co-Chair
Business License & Permits
Committee