

# THE SMITH

RESTAURANT & BAR

November 15, 2023

Michelle Craven  
Assistant Commissioner  
Office of Cityscape and Franchises  
New York City Department of Transportation  
55 Water Street, 9<sup>th</sup> Floor  
New York, NY 10041

Re: Proposed Rules, Dining Out NYC Program

Dear Assistant Commissioner Craven:

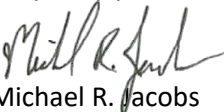
We are the owner/operator of The Smith Lincoln Square, which occupies a retail/restaurant space in the building at One Lincoln Plaza (the "Property"), along with an associated sidewalk cafe. We understand that our landlord, Ogden CAP Properties LLC, as agent for 20 West 64<sup>th</sup> Street Associates, has requested a modification of the Proposed Rules published by the Department of Transportation ("DOT") for DOT's Dining Out NYC program that would reduce the "clear path" requirements as they relate to the Property. We are writing to express our strong support for that the requested modification.

We believe that the three restaurants at One Lincoln Plaza are an important part of the Lincoln Square area, and in particular to visitors to Lincoln Center for the Performing Arts. The cafes that the restaurants provide along Broadway are also an important part of the area, and they are vital to the financial survival of our restaurant in a difficult post-Covid environment.

Our restaurant and the associated sidewalk café have been in operation at this location since November 2012. We have always maintained a clear path of 8 feet from the curb along Broadway, which we understand is consistent with both prior regulations and the requirements of the City's Open Restaurants program. The 8-foot clear path that is currently provided, along with the path through the arcade within the Property, has proven to be sufficient for pedestrian circulation, and the café, as currently configured, has never resulted in overcrowding on the side-walk.

We request that you adopt the proposed modification to the Proposed Rules and reduce the clear path requirement in cases such as ours, where there is a second pedestrian path provided through the adjacent arcade.

Very truly yours,

  
Michael R. Jacobs  
Partner