



Eric Adams  
Mayor

Ydanis Rodriguez  
Commissioner

# COMMUNITY BOARD FEEDBACK PACKAGE

**Please review this application and provide the required feedback.**

Manhattan Community Board 4's (MCB4) recommendation is based on a voted at its April 2, 2025 Full Board Meeting with 44 members in favor of the recommendation, 0 member opposed, 0 members abstaining and 0 present but not eligible.

## DINING OUT NYC

## COMMUNITY BOARD RECOMMENDATION FORM

This form is to be used by community boards during the cafe review process. Any comments from the community board should be recorded on this form and submitted to NYC DOT. For information pertaining to specific cafe design requirements, visit the Dining Out NYC website for program legislation, rules, and Setup Guides.

**Business Name:** Don Giovanni Ristorante

**Cafe Address:** 358 W 44TH ST, NEW YORK, NY, 10036

**Application Number:** 20240719010016

**CB Review Deadline (on date or next business day):** 3/30/2025

NYCDOT Internal Use Only

### Sidewalk Cafe Setup Feedback:

☐ Community Board chooses to **WAIVE** review

#### Comments related to the cafe's **physical footprint and dimensions**:

The proposed Site Plan has inaccurate measurements that are significantly larger than the actual cafe space. The applicant has provided the attached Revised Site Plan with accurate measurements and a corresponding reduction in the number of tables and seats.

#### Comments related to **pedestrian flow** (i.e., visibility, safety, potential crowding):

#### Comments related to potential conflicts with **existing curb use** (i.e., planters, bike racks, bus stops):

Please check one of the recommendations below, either **approval**, **denial**, or **approval with modifications** relating to the above application:

☐ Community Board recommends **approval**

☐ Community Board recommends **denial**

☒ Community Board recommends **approval w/ modifications**

#### Recommended modifications (**only if approved w/ modifications**):

MCB4 requests that the proposed site plan be revised to reflect accurate measurements and that the number of tables and seats be reduced as necessary to fit within the smaller cafe perimeter. Applicant has agreed to these modifications and has provided the attached Revised Site Plan.

☒ Applicant acknowledges and agrees to modifications relating to the above referenced application

☐ Applicant acknowledges **BUT** does **NOT** agree with modifications relating to the above referenced application. If this box is checked, please provide NYC DOT with documentation of such agreement for NYC DOT's consideration.

Nelly Gonzalez

Community Board Authorizing Name

Community Board Authorizing Signature

3/26/25

Date

On 3/11/25 the Business Licenses & Permits Committee voted to recommend approval with modifications. This application is subject to ratification by MCB4 Full Board on Wednesday, April 2, 2025.

## RESTAURANT DETAILS

Food Service Establishment Permit(FSEP)

FSEP#: 50097296

Expiration Date: 08/31/2025

DOHMH Status: CURRENT

Business Legal Name: MARILYN 18 REST INC

Assumed Name: DON GIOVANNI RISTORANTE

Business Address: 358 W 44TH ST, NEW YORK, NY 10036

Venue Type: Restaurant (with bar)

Last updated from DOHMH: 02/15/2025

### Restaurant Information

Entity Type: Corporation

Phone: (914) 740-3580

Email Address: kellymlk136@GMAIL.COM

### DOS Information

DOS ID#: 5393375

Process Name: MARILYN 18 REST INC

DOS Address: 358 W 44TH ST, NEW YORK, New York 10036

### NYS Liquor Authority Information

NYSLA Serial No: 034023133381

License Type: On-Premises

Name of License: KIMCOHEN

Title of Representative: PRESIDENT

Name of Certificate Holder: MARILYN 18 REST INC

### Business hours

Sun: 5:00 PM- 11:30 PM

Mon: 5:00 PM- 11:30 PM

Tues: 5:00 PM- 11:30 PM

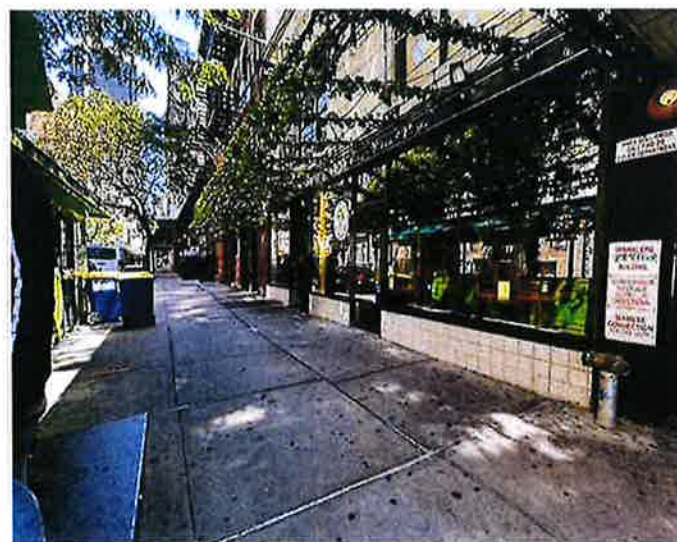
Wed: 5:00 PM- 11:30 PM

Thurs: 5:00 PM- 11:30 PM

Fri: 5:00 PM- 11:30 PM

Sat: 5:00 PM- 11:30 PM





# SUPERSEDED

## SECTION 1: Site Plan

- This Site Plan form is required to be uploaded in the "Sidewalk Site Plan" field of your online application.
- Refer to the [How to Apply](#) page in the Dining Out NYC website for more information about the application process.

### Identify Clear Path Requirements:

- Clear path requirement for your sidewalk cafe can be found by identifying your corridor type on the DOT's Pedestrian Mobility Plan [Pedestrian Demand Map on Open Data](#).
- ☐ C1- Global Corridor (12 feet Clear Path)
- ☐ C2- Regional Corridor (10 feet Clear Path)
- ☒ C3- Neighborhood Corridor (8 feet Clear Path)
- ☐ C4- Community Connector (8 feet Clear Path)
- ☐ C5- Baseline Street (8 feet Clear Path)

### Setup Area Identification:

- ☐ Please check this box if you plan to have outdoor dining located within private property. If so, indicate the property line in the site plan drawing below.
- ☐ Please check this box if all or part of your sidewalk cafe is in a sidewalk widening area, developed pursuant to the NYC Zoning Resolution. If so, indicate the property line in the site plan drawing below.



## Sidewalk Cafe Site Plan Form

Applicant Name: **MARILYN 18 REST INC**  
Restaurant Name: **Don Giovanni**  
FSEP Number: **50097296**

Use the space below to draw or upload your Site Plan representing your cafe perimeters, furniture, and clearances.

### Drawing Requirements

**Food service establishment frontage shown by:**

- Line representing space occupied in building
- Labels

**Street names:**

- Labels on each street

**Sidewalk shown as:**

- Line representing street curb
- Width measured from building line to curb line

**Primary building entrance shown as:**

- Label
- Distance from proposed setup

**Cafe perimeter shown as:**

- Line
- Length and width
- (Dashed line) representing Private Property Line

**Set-up furniture (tables, chairs, etc.) shown as:**

- Lines or symbols at approximate location within setup

**Sidewalk elements or objects shown as:**

- Lines or symbols
- Labels
- Distance from cafe perimeter

**Utility coverings shown as:**

- Symbols representing the approximate shape of the covering within the setup
- ☐ MANHOLE COVER
- ☒ UTILITY COVERING



## SECTION 2: Required Clearances

- Please provide distances from the following objects.
- Only provide a distance if the listed object is within 15 feet of your proposed setup.
- Leave box blank if not applicable.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding clearances.

### Elements with minimum 15 feet clearance from sidewalk cafe:

☐ S01- Subway Stair: Open End \_\_\_\_\_ feet

### Elements with minimum 10 feet clearance from sidewalk cafe:

☐ S02- Subway Elevator Entrance \_\_\_\_\_ feet ☐ S04- MTA Curb Cut \_\_\_\_\_ feet

☐ S03- Exhaust Duct \_\_\_\_\_ feet ☐ S05- FDNY Curb Cut \_\_\_\_\_ feet

### Elements with minimum 8 feet clearance from sidewalk cafe:

☒ S06- Street Tree Bed \_\_\_\_\_ feet ☐ S13- Newsstand \_\_\_\_\_ feet

☐ S07- Mailbox \_\_\_\_\_ feet ☐ S14- Streetlight \_\_\_\_\_ feet

☐ S08- LinkNYC Kiosk \_\_\_\_\_ feet ☐ S15- Bus Stop Pole \_\_\_\_\_ feet

☐ S09- Wayfinding Kiosk \_\_\_\_\_ feet ☐ S16- Fire Hydrant \_\_\_\_\_ feet

☐ S10- E-charging Station \_\_\_\_\_ feet ☐ S17- Bus Stop Shelter \_\_\_\_\_ feet

☐ S11- Parking Meter \_\_\_\_\_ feet ☐ S18- Traffic Signal \_\_\_\_\_ feet

☐ S12- Select Bus Service Fare Machine \_\_\_\_\_ feet

### Elements with minimum 5 feet clearance from sidewalk cafe:

☐ S19- CitiBike/Bike Share Station \_\_\_\_\_ feet ☐ S24- Emergency Exit Hatch \_\_\_\_\_ feet

☐ S20- Bike Corral \_\_\_\_\_ feet ☐ S25- Subway Stair: Closed End \_\_\_\_\_ feet

☐ S21- Micromobility Station \_\_\_\_\_ feet ☐ S26- Subway Elevator: Non-Entry \_\_\_\_\_ feet

☐ S22- Primary Building Entrance \_\_\_\_\_ feet ☐ S27- Stamese Connection \_\_\_\_\_ feet

☐ S23- Curb Cut \_\_\_\_\_ feet

### Elements with minimum 3 feet clearance from sidewalk cafe:

☐ S28- Elevated Train Infrastructure \_\_\_\_\_ feet

☐ S29- Transformer Vault \_\_\_\_\_ feet

### Elements with minimum 1 foot 6 inches clearance from sidewalk cafe elements:

☐ S30- Vent Infrastructure \_\_\_\_\_ inches



## SECTION 3: Material Requirements

- Please indicate which of the following materials will be part of your sidewalk cafe by checking the box next to the category. If applicable, please confirm the materials comply with the Dining Out NYC requirements by checking the box next to the associated requirement.
- Refer to the [Setup Guides](#) in the Dining Out NYC website for more information regarding materials.

### Materials Checklist:

#### \*Required\*

#### ☒ Perimeter Demarcation

- ☒ Perimeter demarcation must be clear and visible by using a lightweight and removable self-supporting base wall, railing, planter, fence, or stanchion and rope.
- ☒ Maximum height is 2 feet 6 inches (excluding planting(s)).
- ☒ Not affixed to the sidewalk.

\*Optional: Only check the material categories you intend to use in your sidewalk cafe.\*

#### ☐ Furnishings

- ☐ Lightweight and easily movable.
- ☐ Not affixed to the sidewalk.

#### ☐ Awnings (Physically attached to the building)

- ☐ Minimum 8 feet height from the ground and does not exceed 10 feet height.
- ☐ Easily removable, comprised of fire-grade and wind resistant materials.
- ☐ Does not extend beyond the perimeter of the sidewalk cafe.
- ☐ Complies with the New York City Building Code and the requirements of the Landmarks Preservation Commission, as applicable.

#### ☐ Overhead Coverings/ Umbrellas

- ☐ Minimum 7 feet height from the ground and does not exceed 10 feet height.
- ☐ Easily removable, comprised of fire-grade and wind resistant materials.
- ☐ Does not extend beyond the perimeter of the sidewalk cafe.
- ☐ The umbrella/overhead covering has a weighted base and any supports are not affixed to the sidewalk.
- ☐ Any support structures are of sufficient size and strength, made of durable materials, and free of defects.

#### ☐ Lighting and Electrical Connections

- ☐ Any lighting is outdoor rated, properly secured, and lightweight.
- ☐ Connection is directly connected to ground floor restaurant's power source and within the perimeter of the cafe.
- ☐ Does not extend beyond the perimeter of the sidewalk cafe.
- ☐ Does not exceed 10 feet in height.
- ☐ Not attached to any City property, including street trees.
- ☐ Electrical work complies with the applicable requirements set forth in the DOT's rules and the New York City Electrical Code.

- ☐ Please check this box if you are submitting additional documents for review. Documents may include technical drawings prepared by a licensed professional.

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## REVISED PLANS

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ADJACENT PROPERTY

EXG RESTAURANT  
358 W 44TH STREET  
NEW YORK, NY 10036

EXG RESIDENTIAL ENTRY

EXG ENTRY

3'-0" SERVICE AISLE

2

2

2

2

2

2

2

2

14'-0"

19'-4"

6'-0"

9'-7"

3'-0"

6'-9"

8'-0"

CELLAR DOORS TO BE CLOSED, LOCKED, AND REINFORCED DURING CAFE OPERATION

30" MAX HEIGHT STANCHION & ROPE

STREET CURB

WEST 44TH STREET

STREET TREE AND TREE BED

Length of sidewalk cafe: 19.3 feet

Width of sidewalk cafe: 6 feet

### Drawing Requirements

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  - ⊠ UTILITY COVERING

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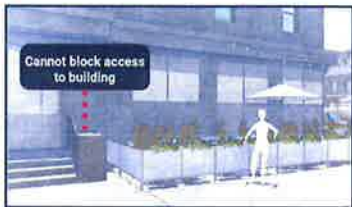
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