

# Manhattan Community Board 4

(All Fields Must Be Completed)

NYS Liquor License/DOT Dining Out Stipulations Application

CORPORATION NAME		DOING BUSINESS AS (DBA)	
10th AVENUE GRANT INC		44 + X HELL'S KITCHEN	
STREET ADDRESS		CROSS STREETS	ZIP CODE
622 10th AVE			
Applicant <small>(Attach a list of all individuals that will be listed/associated with the license)</small>	NAME: BRUCE HOROWITZ	ATTORNEY/ REPRESENTATIVE	NAME: MICHAEL KELLY
	PHONE: 212 977-1170		PHONE: 914 632-0036
	EMAIL: BRUCEHNYC@AOL.COM		EMAIL: KELLYMLK136@GMAIL.COM
MANAGER	NAME:	LANDLORD	NAME: 626 EMMET PROPERTIES LLC
	PHONE:		PHONE:
	EMAIL:		EMAIL:
APPLICATION TYPE ( <input checked="" type="checkbox"/> New York State Liquor License <input checked="" type="checkbox"/> Dept. of Transportation Dining Out )			
<input type="radio"/> New	Has applicant owned or managed a similar business?		YES NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Corp Change/Class Change/Method of Operation Change/Removal	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?		YES NO
	If alterations or operational changes are being made, please describe/list all changes.		
<input checked="" type="radio"/> Alteration	What is the current license # and expiration date?		0340-21-116790 EXP 1/31/26
	Please list/describe the nature of all the changes and attach the plans: ADDING DINING OUT NYC OUTDOOR SIDEWALK SEATING WITH 22 TABLES + 44 SEATS		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <input type="radio"/> Beer & Cider <input type="radio"/> Wine/Beer & Cider		
ESTABLISHMENT TYPE	<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 filed with the SLA? If yes, when? If no, when does applicant plan to file?		YES NO	THE LICENSE IS EXISTING - THE ALTERATION HAS NOT BEEN FILED YET
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 foot radius of the establishment and the Public Interest Statement.		YES NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship within a 200 foot radius of the establishment.		YES NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?		YES NO	

**OPERATIONAL DETAILS (\*Closing time will be when establishment is vacated of all patrons)**

HOURS of Operation		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	Indoors	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am
	Outdoors	11 Am - 10 Pm	11 Am - 10 Pm	11 Am - 10 Pm	11 Am - 10 Pm	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10 Pm
	Kitchen	11 Am - 10:30 Pm	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am
	Music (indoors)	11 Am - 10:30 Pm	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am	11 Am - 10:30 Am

If yes, what type(s)?  
(Circle all that apply)

BACKGROUND

LIVE MUSIC

DJ

JUKE BOX

KARAOKE

**OCCUPANCY**

	Capacity Pursuant to Certificate of Occupancy	Maximum Occupancy (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	
INSIDE	74	74	13	54	0	1	9	
OUTSIDE <i>(Rooftop/Rear Yard/Patio/Terrace /Garden; within the premises)</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
DOT Dining Out: Sidewalk Cafe		46	22	44				
DOT Dining Out: Roadway	N/A	N/A	N/A	N/A				

How frequently will the owner(s) be at the establishment?

DAILY

Will there be dancing?

YES

NO

Will applicant have bottle or table service for alcohol beverages other than wine?

YES

NO

Will applicant be hosting private promotional or corporate events?

YES

NO

Will outside promoters be used on a regular basis? If yes, please describe.

YES

NO

Will applicant have a security plan? If yes, please attach.

YES

NO

Will security plan be implemented?

YES

NO

Will State certified security personnel be used?

YES

NO

Will New York Nightlife Association and NYPD Best Practices be followed?

YES

NO

Does applicant agree to notify MCB4 prior to making changes to its method of operation?

YES

NO

Will applicant be using delivery bicycles? If yes, how many? Please describe where delivery bicycles will be parked when picking up deliveries?

YES

NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly marked with the name as described by NYC Law?	YES	NO	N/A
Where will applicants' own delivery bicycles be parked when not making deliveries?	N/A		
If applicant is using third party delivery service, where will third party delivery bicycles park?	N/A		
Where will applicant store its garbage containers when not in use?	Basement		
Where will applicant lay out garbage containers and at what time?	CURBSIDE AT 10:30 PM		

### LOCATION & ZONING

Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	CLINTON
Does the building have a Certificate of Occupancy ("C of O") or a Letter of No Objection?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is a Public Assembly permit required?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
What is the zoning designation for this location?	R8 C2-5		

### 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	
	# 2	
	# 3	
	# 4	
	# 5	
When did applicant post the notice that was provided?	2/5/25	
Where did applicant post the notice that was provided?	FRONT WINDOW + LIGHT POSTS	
Please provide dates when applicant met with the groups listed above.	EMAILED ENTIRE LIST	
Who was your contact person at each group you met with?		
Will applicant provide a cell phone number to neighbors and respond to complaints that arise? If yes, please provide.	<input checked="" type="radio"/> YES	<input type="radio"/> NO BRUCE HOROWITZ 917 697-4484
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicant's jobs webpage?	<input checked="" type="radio"/> YES	<input type="radio"/> NO



# **MULTIPLE SPACES/FLOORS BREAKDOWN**

Space/Floor	Description/ Use of Space	Capacity	Hours	# of Tables	# of Seats	# of Service- Only Bars	# of Stand-Up Bars/Seats at Bar	Music
BSMNT	OFFICE STORAGE	74	11 AM - 10:30 PM	0	0	0	0	NO
1ST FLR	BAR SEATING AREA KITCHEN RESTROOM	74	11 AM - 10:30 PM	13	54	0	1/9	YES

# BUILDING DESIGN

APPLICANT HAS OPERATED THIS SPACE  
FOR MORE THAN 15 YEARS

State the name and type of business previously located in the space.	10TH AVENUE GROUP INC		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Has the applicant/owner(s) read MCB4 ADA Guidelines Memo?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Is the entrance ADA Compliant?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use a storm enclosure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Does applicant agree to keep the sidewalk clear of all items or obstructions, such as sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	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="radio"/> YES	<input type="radio"/> NO	N/A
Will applicant close all windows, French doors, garage doors by 11 p.m. Friday and Saturday and 10 p.m. on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	<input type="radio"/> 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="radio"/> YES	<input type="radio"/> 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="radio"/> YES	<input type="radio"/> NO	
Will the kitchen exhaust system extend to the roof?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the establishment have a pole-supporting canopy extending over the sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Where will the air conditioner be located? What type is it?	EXISTING		
When was the air conditioner installed?			

**OUTDOOR PRIVATE PROPERTY – ROOFTOP, REAR YARD, TERRACE**

Has the applicant/owner(s) read MCB4 Rear Yard Rooftop Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck, gazebo? If yes, which one(s)?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
			N/A
Are the floorplans for the outdoor space(s) included?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the outdoor space(s) by 11 p.m. on Friday & Saturday and 10 p.m. on all other days?	<input type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant prohibit patrons from drinking in any outdoor space(s)?	<input type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to post signs outside asking customers to respect the neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to train staff to encourage a peaceful environment?	<input type="radio"/> YES	<input type="radio"/> NO	
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants; apartments)	<input type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input type="radio"/> YES	<input type="radio"/> NO	

# DEPARTMENT OF TRANSPORTATION DINING OUT: SIDEWALK

Has the applicant read MCB4 Sidewalk Café Policy?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant be applying for sidewalk seating now or in the future?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
<b>If you answered no to the question above, jump to the next page</b>			
Did applicant submit an application and dimension site plan at scale to NYC Dept. of Transportation? Please attach a copy of application and plans.	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant close and vacate the sidewalk and roadway seating by 11 p.m. on Friday & Saturday and 10 p.m. on all other days?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant respect trees and tree pits and insure the health of the tree?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant prohibit patrons from drinking in any outdoor space(s) or adjacent sidewalk?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	ALCOHOL WILL ONLY BE SERVED IN THE LICENSED AREAS
Will applicant permit NO wait lines or smoking outside?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be no amplified music, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a staff person responsible to ensure no loitering, noise or crowds outside?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree not to use propane heaters?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will applicant agree to abide by all applicable fire codes, including not blocking fire escapes?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the outdoor dining deposit its garbage in a container on the parking lane?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Will the café have a 3 foot-wide serving aisle running the entire length of the sidewalk seating?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk seating have a platform?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	
Does applicant agree to keep the sidewalk clear of all items or obstructions, such as sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	
Will the sidewalk seating block subway grate, utility hardware or Siamese water connection?	<input type="radio"/> YES	<input checked="" type="radio"/> 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?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	



# DEPARTMENT OF TRANSPORTATION DINING OUT: ROADWAY

Did applicant submit an application and dimension site plan at scale to NYC Dept. of Transportation? Please attach a copy of application and plans.	YES	<input checked="" type="radio"/> NO	
If you answered no to the question above, jump to the next page			N/A
Will the roadway structure extend on top of the curb or pedestrian refuge? By how much?	YES	NO	↓
Will the roadway structure have an ADA compliant ramp (not in the bike lane)?	YES	NO	
Will the roadway structure extend in the striped zone along the bike lane? By how much?	YES	NO	
Will the electric wires be brought over at the roof level?	YES	NO	
Will applicant dismantle and dispose of a shed that is no longer in use, along with its furniture?	YES	NO	
Will there be no music or amplifies sound in any outdoor seating, as per law?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will applicant close and vacate the sidewalk and roadway seating by 11 p.m. on Friday & Saturday and 10 p.m. on all other days?	YES	NO	
Will the Outdoor Dining Sidewalk & Roadway provide no standing space for drinking or smoking?	YES	NO	
Will the service and consumption of alcohol in the Outdoor Dining Sidewalk/Roadway only be via seated food service?	YES	NO	
Will applicant prohibit patrons from drinking in any outdoor space(s) or adjacent sidewalk?	YES	NO	
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO	
Will applicant permit NO wait lines or smoking outside?	YES	NO	
Does applicant agree to keep the sidewalk clear of all items or obstructions, such as sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	YES	NO	
Will applicant respect trees and tree pits and insure the health of the tree?	YES	NO	
Will applicant permit NO wait lines or smoking outside?	YES	NO	
Will there be a staff person responsible to ensure no loitering, noise or crowds outside?	YES	NO	
Will applicant agree not to use propane heaters?	YES	NO	
Will the outdoor dining deposit its garbage in a container on the parking lane?	YES	NO	↓



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

- Any lanterns must be placed within approved perimeter of sidewalk cafe
- Any storm enclosure shall extend no further than 18" from building facade

*To the extent any additional stipulation on pages 9 and 10 of this application conflicts with any response on pages 1 – 11 of this application, the stipulations on pages 9 and 10 control.*

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

*To the extent any additional stipulation on pages 9 and 10 of this application conflicts with any response on pages 1 – 11 of this application, the stipulations on pages 9 and 10 control.*

Manhattan Community Board 4 (MCB4) recommends:

(MCB4's recommendation is based on a vote taken at its  
March 5, 2025 full board meeting, with 43 members voting  
in favor of the recommendation, 0 members opposed, 0  
members abstaining and 0 present but not eligible)

☒ Denial unless all stipulations agreed to by applicant/owner are part  
of the method of operation

☐ Denial ☐ Approval

#### MCB4 REPRESENTATIVES

Nelly Gonzalez  
MCB4 Assistant District Manager

Frank Heonublec  
MCB4 RLP Committee Co-Chair

Matt Laranis  
MCB4 RLP Committee Co-Chair

#### 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 representatives and applicant. These stipulations supersede any oral statements, representations, or prior iterations in connection with this application.

SIGN HERE →

BRUCE HOROWITZ

SIGNATURE OF APPLICANT

2/5/25

DATE



## 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:

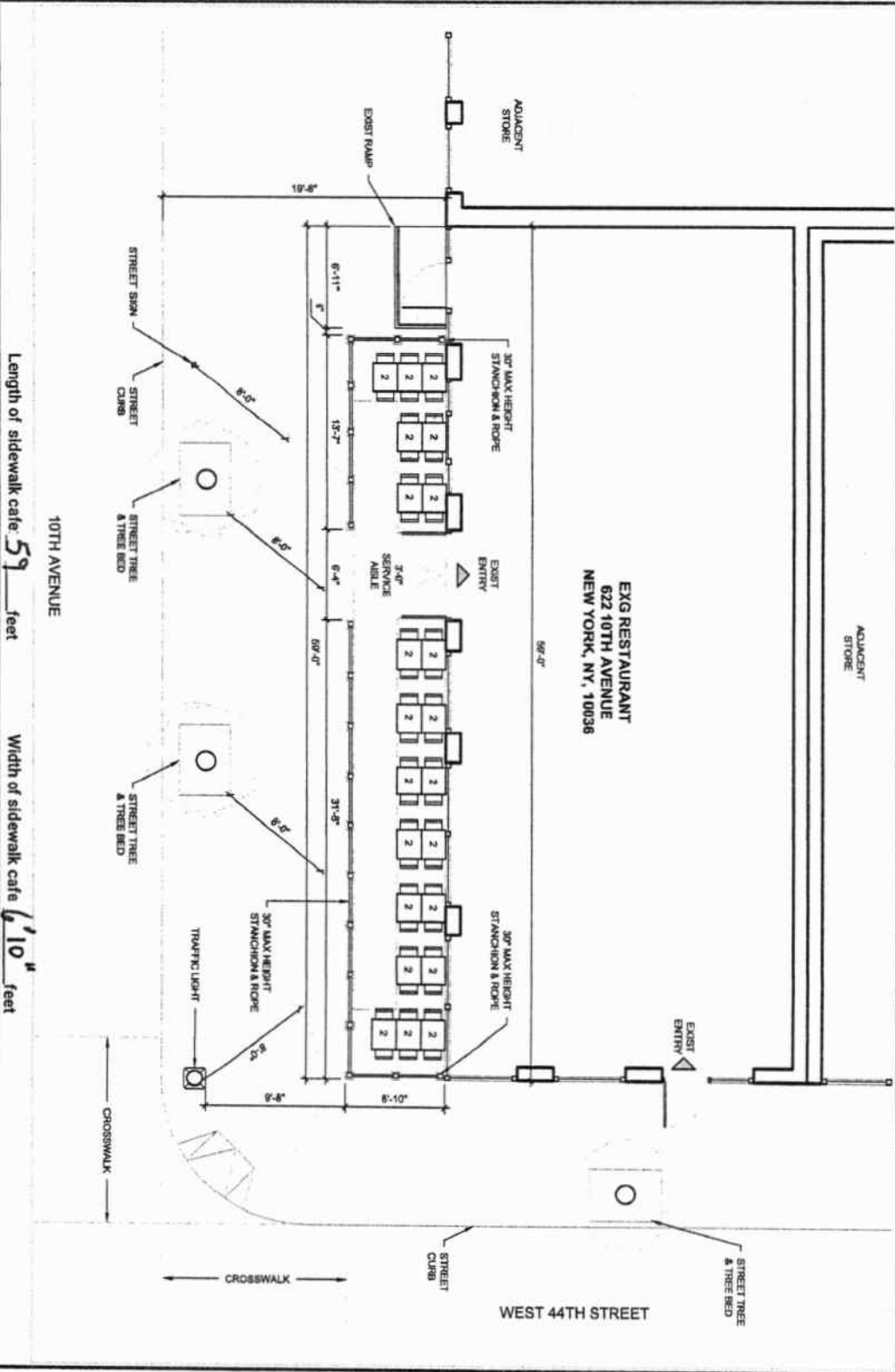
- Clear path requirement for your sidewalk cafe can be found by identifying your corridor type on the DOT's Pedestrian Mobility Plan Pedestrian Demand Map on Open Data.

- ☐ 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.

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



Length of sidewalk cafe 59 feet

Width of sidewalk cafe 6'10" feet



## Sidewalk Cafe Site Plan Form

Applicant Name: 10th Avenue Group Inc

Restaurant Name: 44 & X

FSEP Number: 40809948

### 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- Siamese Connection \_\_\_\_\_ feet

☐ S23- Curb Cut \_\_\_\_\_ feet

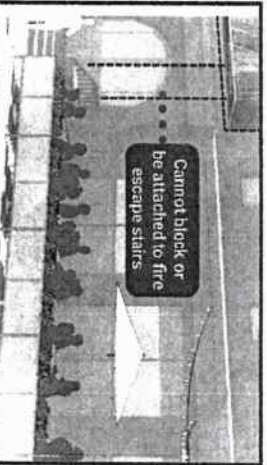
Elements with minimum 3 feet clearance from sidewalk cafe:

☐ 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.

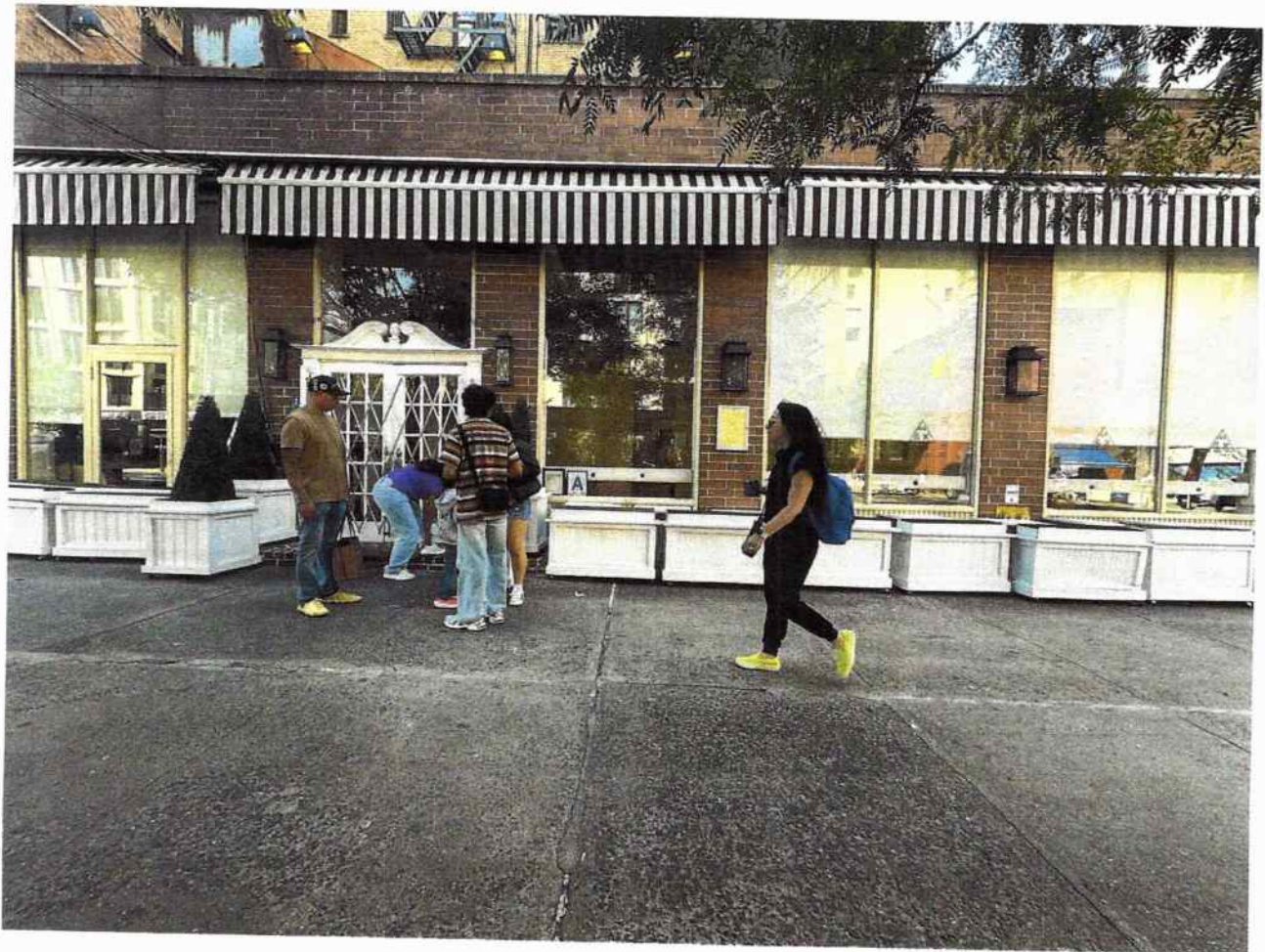
☐ Does not exceed 10 feet in height.

☐ Not attached to any City property, including street trees.

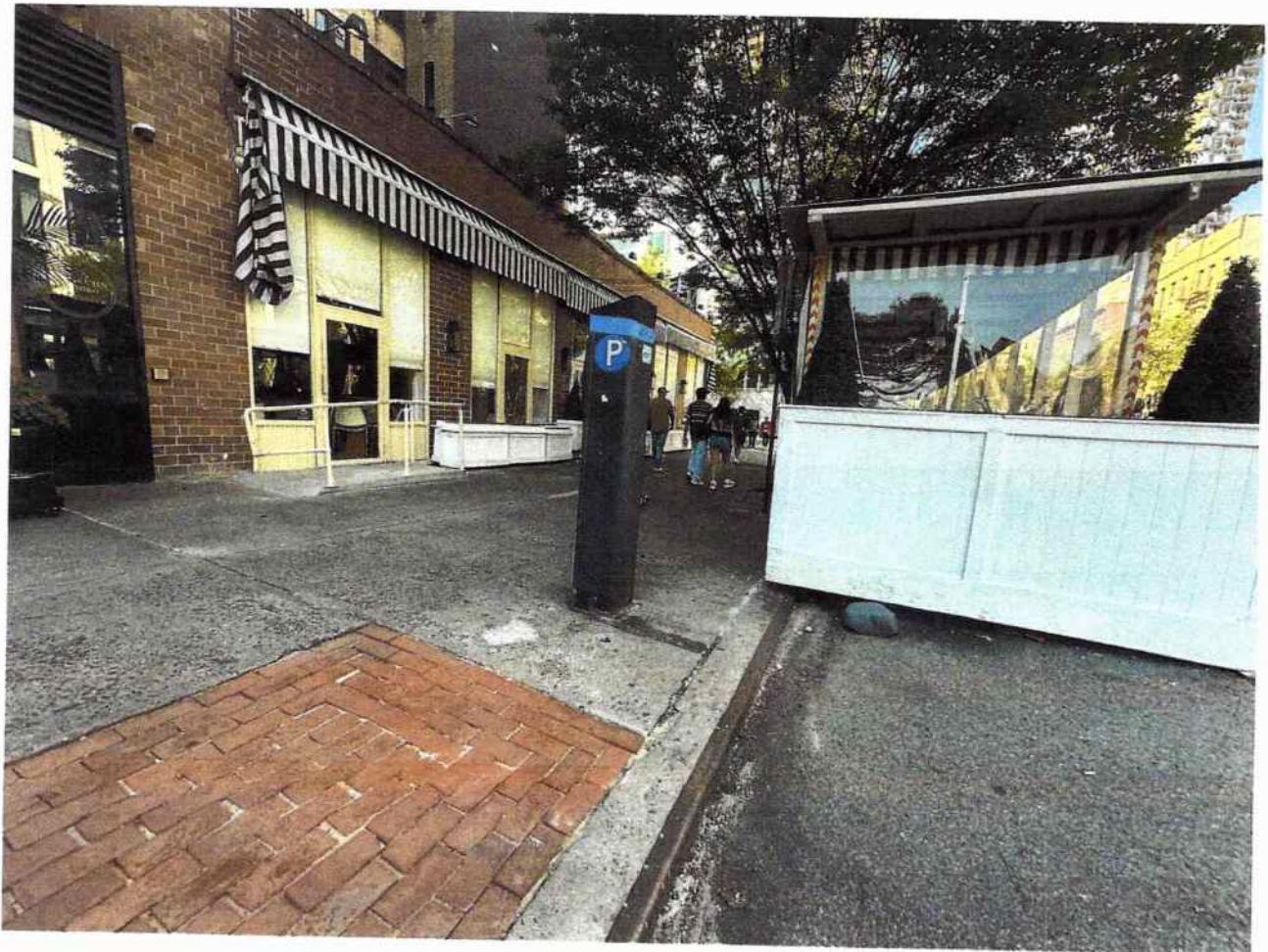
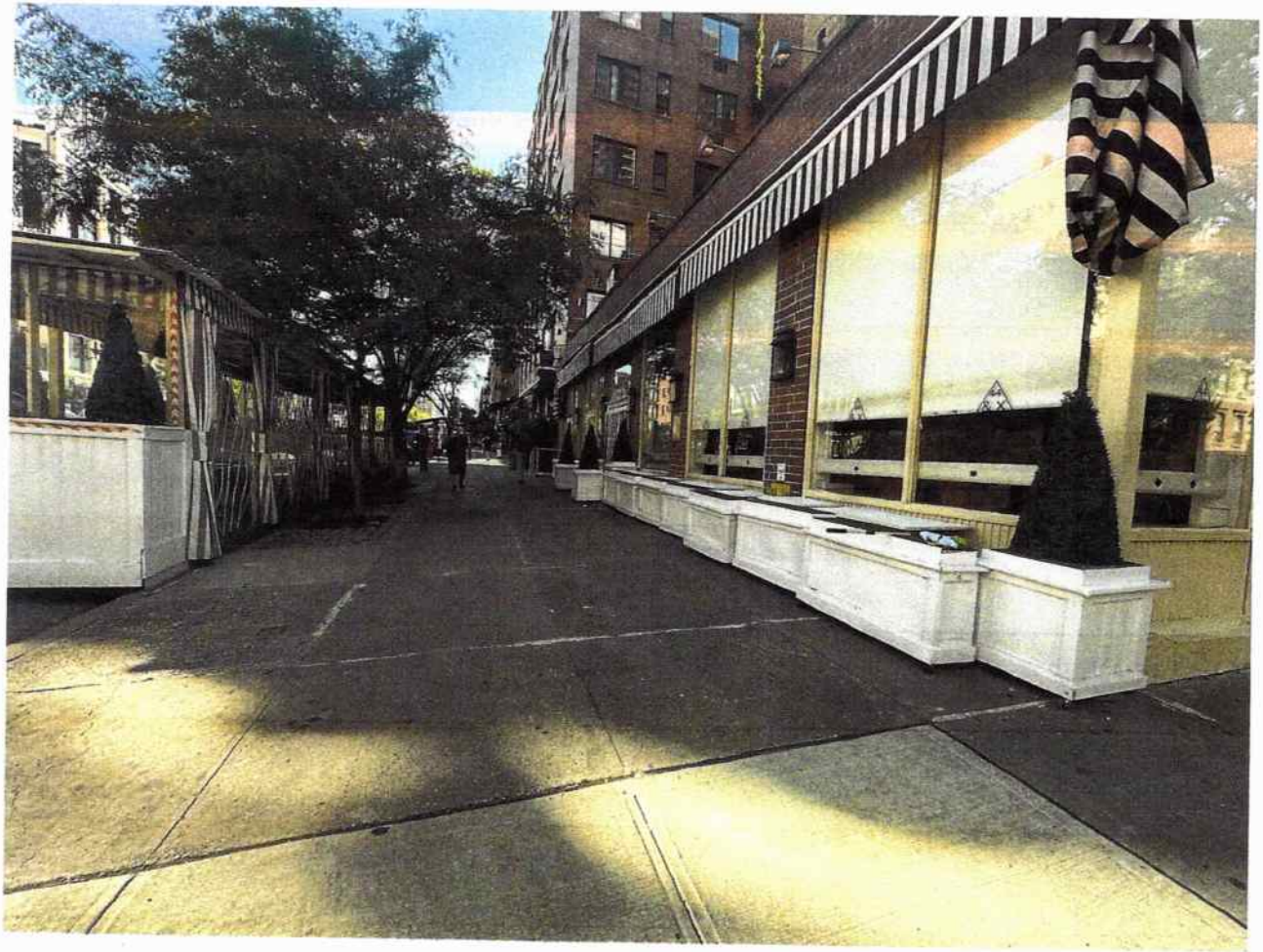
☐ Electrical work complies with the applicable requirements set forth in the DOT's rules and the New York City Electrical Code.

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









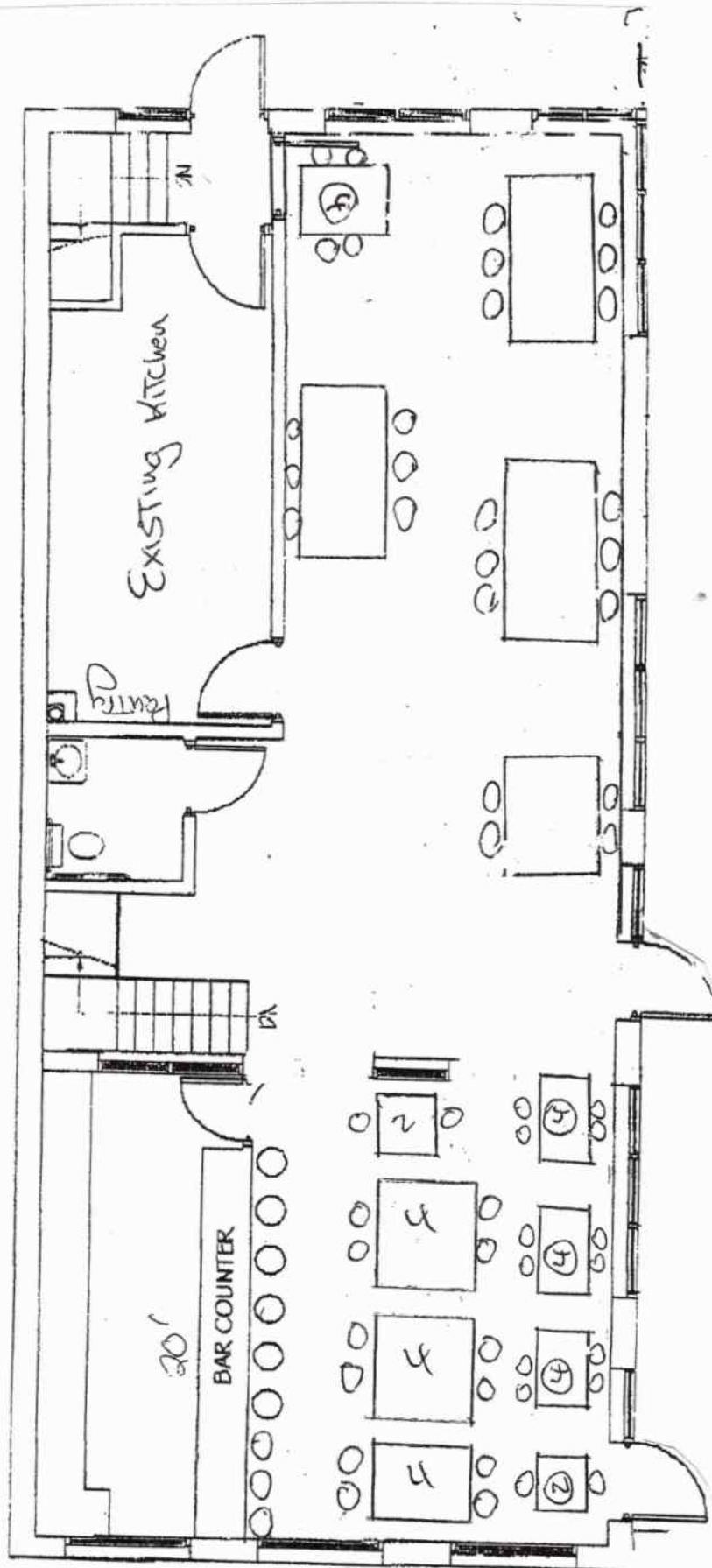




10<sup>TH</sup> Avenue Group INC

626 16<sup>TH</sup> AVENUE

95001







# DEPARTMENT OF BUILDINGS CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN

DATE DEC 28 1998

NO.

110150

This certificate supersedes C.O. NO.

ZONING DISTRICT C2-5 MAPPED

THIS CERTIFIES that the ~~new~~ altered ~~new~~ building—premises located at  
614 -626 10TH AVENUE

IN R-8

Block 1054 Lot 1

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

## PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	O.G.	25			6		STORAGES ACCESSORY USE OF FLOOR ABOVE RESIDENTIAL STORAGE REFUSE ROOM LAUNDRY METER ROOM BOILER ROOM
1ST FLOOR	100	125			6	COMM	COMMERCIAL STORES MECHANICAL ROOMS
2ND FLOOR	40		5	12	2	J-2	FIVE APARTMENTS
3RD FLOOR	40		5	12	2	J-2	FIVE APARTMENTS
4TH FLOOR	40		5	12	2	J-2	FIVE APARTMENTS
5TH FLOOR	40		5	12	2	J-2	FIVE APARTMENTS
6TH FLOOR	40		5	12	2	J-2	FIVE APARTMENTS
7TH FLOOR	40		1+ 4 (1/2)	10	2	J-2	ONE APARTMENT AND FOUR DUPLEX APARTMENTS LOWER LEVEL
PENTHOUSE	40		4 (1/2)	4	2	J-2	FOUR DUPLEX APARTMENTS UPPER LEVEL

THIS CERTIFICATE IS VALID FOR THE PERIOD OF ONE YEAR FROM THE DATE OF ISSUANCE. IT MAY BE RENEWED FOR AN ADDITIONAL YEAR BY THE DEPARTMENT OF BUILDINGS. THE RULES AND REGULATIONS OF THE DEPARTMENT OF BUILDINGS, 1957.

OPEN SPACE USES

(SPECIFY—PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

M.G.

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS

A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE

*[Signature]*  
BOROUGH SUPERINTENDENT

*[Signature]*  
COMMISSIONER

☐ ORIGINAL

☐ OFFICE COPY - DEPARTMENT OF BUILDINGS

☐ COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING at a point on the NORTH side of WEST 44TH STREET  
 distant 0'-0" WEST feet from the corner formed by the intersection of  
 WEST 44TH STREET and 10TH AVENUE  
 running thence EAST 25'-0" feet; thence NORTH 75'-3" feet;  
 thence EAST 75'-0" feet; thence NORTH 50'-3" feet;  
 thence WEST 100'-0" feet; thence SOUTH 125'-6" feet;  
 to the point or place of beginning.

101559617

N.B. or Alter. No. DATE OF COMPLETION 10/13/98 CONSTRUCTION CLASSIFICATION 1-C  
 BUILDING OCCUPANCY GROUP CLASSIFICATION J-2 HEIGHT 7 + PH STORIES 70'-9" FEET

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM			AUTOMATIC SPRINKLER SYSTEM		
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM					
SMOKE DETECTOR					
FIRE ALARM AND SIGNAL SYSTEM					

## STORM DRAINAGE DISCHARGES INTO:

A) STORM SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

## SANITARY DRAINAGE DISCHARGES INTO:

A) SANITARY SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

## LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO. \_\_\_\_\_

CITY PLANNING COMMISSION CAL. NO. \_\_\_\_\_

OTHERS: \_\_\_\_\_



JESSICA CHAIT  
Chair

JESSE BODINE  
District Manager

CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD No. 4  
424 W 33<sup>rd</sup> Street, Suite 580 New York, NY 10001  
tel: 212-736-4536  
<https://cbmanhattan.cityofnewyork.us/cb4/>

## PUBLIC NOTICE

Business Licenses and Permits Committee  
will discuss an application submitted by

### **44 & X Hell's Kitchen 622 10<sup>th</sup> Avenue**

A Dept. Transportation Dining Out  
Sidewalk Application:  
Tables: 22/Seats: 44

**DATE:** Tuesday, February 11, 2025

**TIME:** 6:30 PM

**PLACE:** Hybrid Meeting:



**Video/Phone Conference Registration:**  
<https://tinyurl.com/mcb4-blp-committee>

**In-Person:**  
**MCB4 Office**  
**424 W 33<sup>rd</sup> Street, Suite 580**

**To follow public health best practices,  
building protocols and due to limited  
space, we encourage all members of the  
public to participate remotely via Zoom. If  
you would like to attend in person, please  
email Assistant District Manager Nelly  
Gonzalez at [negonzalez@cb.nyc.gov](mailto:negonzalez@cb.nyc.gov) by  
10am, Monday, February 10th.**

We invite you to attend this meeting and learn more about this application.  
Alternately, you should email your comments by 12 p.m. Monday, February 10th  
or for more information, to Assistant District Manager Nelly Gonzalez  
[negonzalez@cb.nyc.gov](mailto:negonzalez@cb.nyc.gov).

*Posted according to the Administrative Code of the City of New York section 10-119. Please do not remove until after the above meeting date.*





## PUBLIC NOTICE

4.4.8. N. Hall's Kitchen

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Journal of Internal Medicine 255: 103–110

© 2004 Blackwell Publishing Ltd

 Taylor & Francis

Urban, Thomas. *Landscapes of Neglect*. Chicago: U of Chicago P, 2003.



MCBA Office  
222 W. 22<sup>nd</sup> Street, Suite 200

To follow public health best practices, building programs and run a limited event, it's important to follow the guidelines of the public health experts, especially the CDC. If you would like to attend in person, please email Assistant District Manager Telly Lawrence at [te@centralvalleyfair.com](mailto:te@centralvalleyfair.com) or [530-833-2222](tel:530-833-2222).















Eric Adams  
Mayor  
Ydanis Rodriguez  
Commissioner

# COMMUNITY BOARD FEEDBACK PACKAGE

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



**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:** 44 & X HELL'S KITCHEN**Cafe Address:** 622 10 AVENUE, NEW YORK, NY, 10036**Application Number:** 20240715010010**CB Review Deadline (on date or next business day):** 03-15-2025

NYCDOT Internal Use Only

**Sidewalk Cafe Setup Feedback:**☐ Community Board chooses to **WAIVE** reviewComments related to the cafe's **physical footprint and dimensions**:

The proposed Site Plan does not provide for the required 8 foot pedestrian clear path. To provide for the required clear path, the applicant has agreed to reduce the width of the cafe to 6'5". The applicant has provided the attached Revised Site Plan.

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**):

To provide for the required 8 foot pedestrian clear path, MCB4 requests reduction of the width of the sidewalk cafe. Applicant has agreed to this modification, has reduced the width of the sidewalk cafe to 6'5", 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

3/14/25

Date

Manhattan Community Board 4's (MCB4) recommendation is based on a vote at its March 5, 2025 Full Board Meeting with 43 members in favor of the recommendation, 0 member opposed, 0 members abstaining and 0 present but not eligible.

## RESTAURANT DETAILS

Food Service Establishment Permit(FSEP)

FSEP#: 40809948

Expiration Date: 01/31/2026

DOHMH Status: CURRENT

Business Legal Name: 10TH AVENUE GROUP, INC

Assumed Name: 44 & X HELL'S KITCHEN

Business Address: 622 10 AVENUE, NEW YORK, NY 10036

Venue Type: Restaurant (with bar)

Last updated from DOHMH: 01/31/2025

### Restaurant Information

Entity Type: Corporation

Phone: (917) 697-4484

Email Address: kellymlk136@gmail.com

Secondary Email Address: BRUCEHNYC@AOL.COM

### DOS Information

DOS ID#: 2362686

Process Name: THE CORPORATION

DOS Address: 622 10TH AVE, NEW YORK, New York 10036

### NYS Liquor Authority Information

NYSLA Serial No: 034021116790

License Type: On-Premises

Name of License: BRUCE HOROWYTZ

Title of Representative: PRESIDENT

Name of Certificate Holder: 10TH AVENUE GROUP INC

### User Information

Created By: Michael Kelly

Created On: 7/15/2024 4:49:18 PM

Modified By: Michael Kelly

Modified On: 7/15/2024 4:49:18 PM

### Business hours

Sun:11:30 AM- 10:30 PM

Mon:11:30 AM- 10:30 PM

Tues:11:30 AM- 10:30 PM

Wed:11:30 AM- 10:30 PM

Thurs:11:30 AM- 10:30 PM

Fri:11:30 AM- 10:30 PM

Sat:11:30 AM- 10:30 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: 10th Avenue Group Inc.  
Restaurant Name: 44 & X  
FSEP Number: 40809948

### 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:

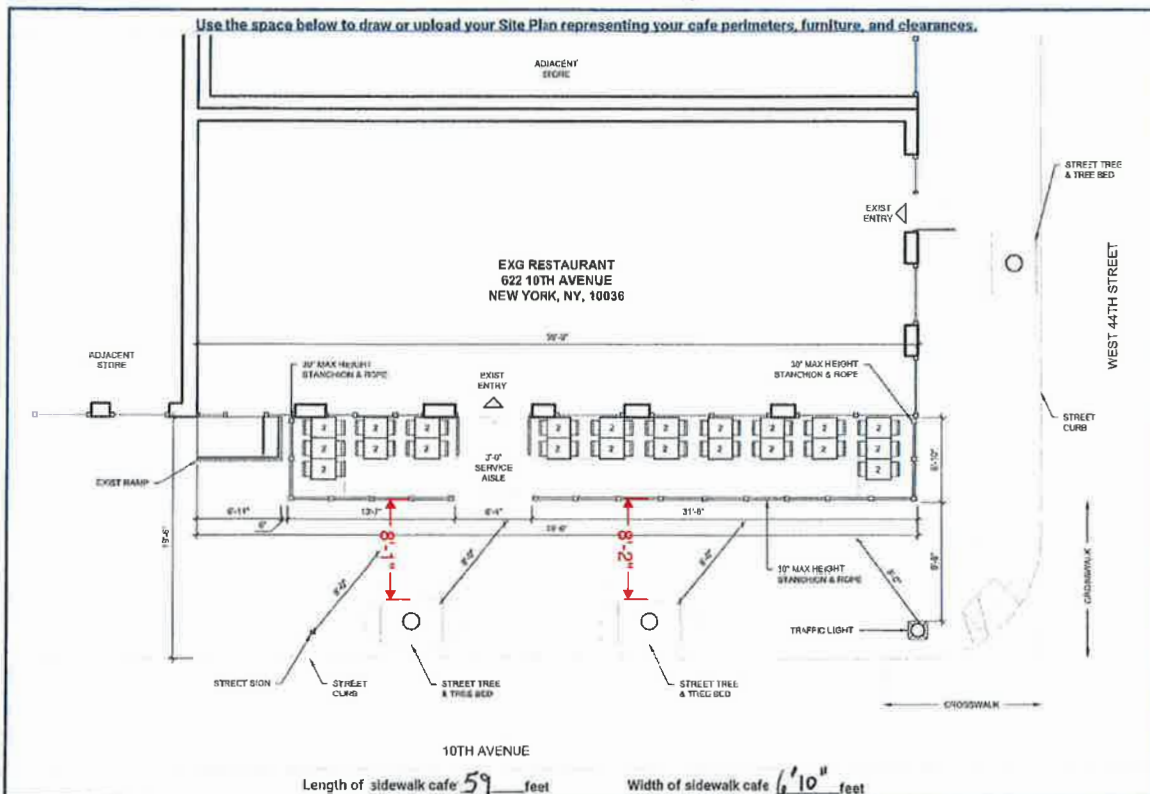
- Lines or symbols at approximate location within setup

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



Length of sidewalk cafe 59 feet

Width of sidewalk cafe 6'10" feet

## 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 8 \_\_\_\_\_ 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 8 \_\_\_\_\_ 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- Slamese 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.

# REVISED SITE PLAN

## SECTION 1: Site Plan

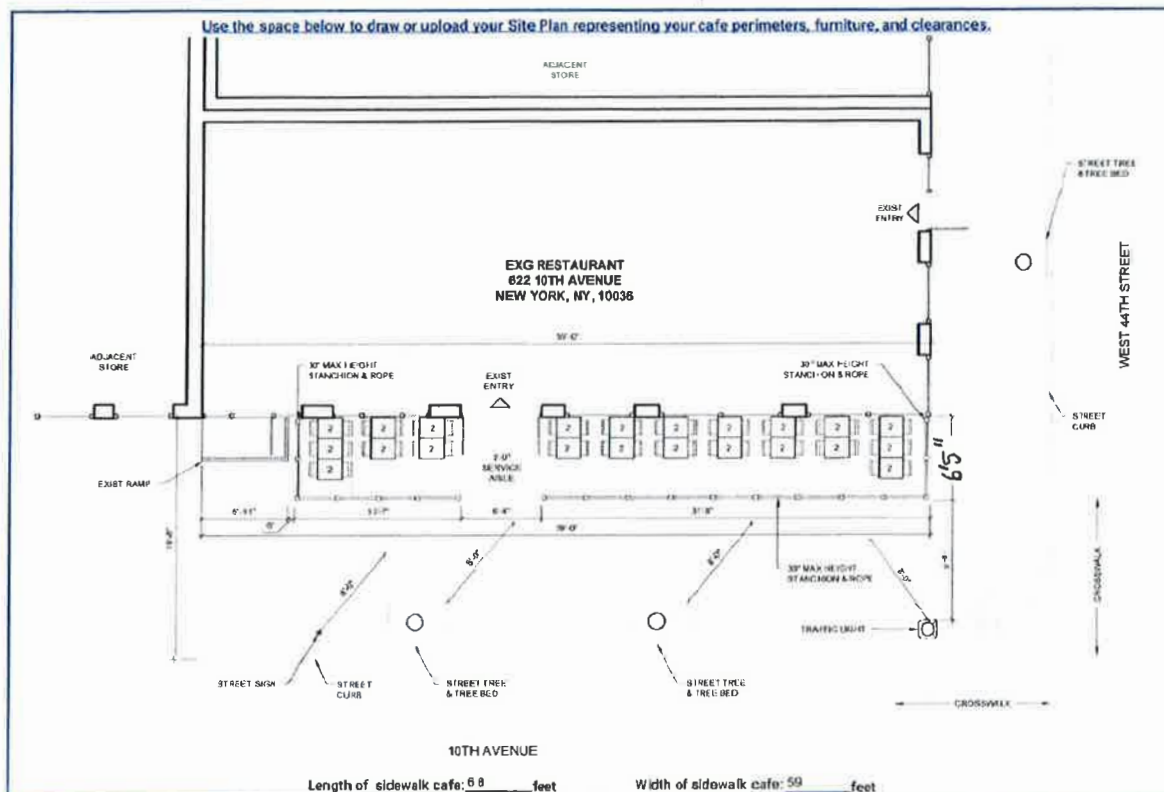
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**DIRTING OUT** NEW YORK CITY  
Eric Adams  
Mark  
Viggo Rindgren  
Commissioner

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Applicant Name: 10th Avenue Group Inc.

Restaurant Name: 44 & X

FSEP Number: **40809948**

### Drawing Requirements

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shown by:

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- Labels on each street

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