



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 May 7, 2025 Full Board Meeting with 39 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: Five Napkin Burger

Cafe Address: 630 9 AVENUE, NEW YORK, NY, 10036

Application Number: 20240722010006

CB Review Deadline (on date or next business day): 4/26/2025

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 does not reflect a standpipe on the south end of the cafe (Ninth Avenue side) and therefore does not provide the required 5 foot clearance. (See annotated proposed Site Plan and photos of the standpipe.) In addition, the proposed Site Plan does not provide for the required 10 foot clear path, which, on the 9th Avenue side of the cafe, is reduced to only 8 feet around the tree bed/pit and the street sign.

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

This cafe is located on a heavily-trafficked block of 9th Avenue and preserving the entirety of the 10 foot clear path is essential to allow for reasonable pedestrian flow.

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 recommends **Denial**, unless the cafe Site Plan were reconfigured to provide the required 5 clearance from the standpipe and the required 10 foot clear path for the entire length of the cafe. With respect to the standpipe on the south end of the cafe, this would require removing two tables with two chairs each from the southern end of the cafe (Ninth Avenue side). With respect to the 10 foot clear path, this would require removing an additional two tables with two chairs each from the 9th Avenue side of the cafe. (See annotated proposed Site Plan and photos of the standpipe.)

☐ 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

4/28/25

Date

On 4/8/25 the Business Licenses & Permits Committee voted to recommend **DENIAL**. This application is subject to ratification by MCB4 Full Board on Wednesday, May 7, 2025.





STANDPIPE
F.D. CONNECTION

RESTAURANT

SNAPKIN
COCKTAILS

SPICY
MASH

RESTAURANT DETAILS

Food Service Establishment Permit (FSEP)

FSEP#: 41313395

Expiration Date: 02/28/2026

DOHMH Status: CURRENT

Business Legal Name: LA SCALA RESTAURANT LLC

Assumed Name: FIVE NAPKIN BURGER

Business Address: 630 9 AVENUE, NEW YORK, NY 10036

Venue Type: Restaurant (with bar)

Last updated from DOHMH: 03/17/2025

Restaurant Information

Entity Type: Limited Liability Corporation (LLC)

Phone: (212) 513-1988

Email Address: hello@pb.law

DOS Information

DOS ID#: 3482009

Process Name: LA SCALA RESTAURANT, LLC

DOS Address: 630 NINTH AVENUE, SUITE 803, New York, New York 10036

NYS Liquor Authority Information

NYSLA Serial No: 04022103488

License Type: On-Premises

Name of License: La Scala Restaurant LLC

Title of Representative: Attorney of record

Name of Certificate Holder: La Scala Restaurant LLC

Business hours

Sun: 10:00 AM- 12:00 AM

Mon: 8:00 AM- 12:00 AM

Tues: 8:00 AM- 12:00 AM

Wed: 8:00 AM- 12:00 AM

Thurs: 8:00 AM- 12:00 AM

Fri: 8:00 AM- 12:00 AM

Sat: 8:00 AM- 12:00 AM



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.

W 45th Street Frontage

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](#).

- ☐ C1- Global Corridor (12 feet Clear Path)
- ☐ C2- Regional Corridor (10 feet Clear Path)
- ☒ C3- Neighborhood Corridor, Community Connector, or Baseline Street (8 feet Clear Path)

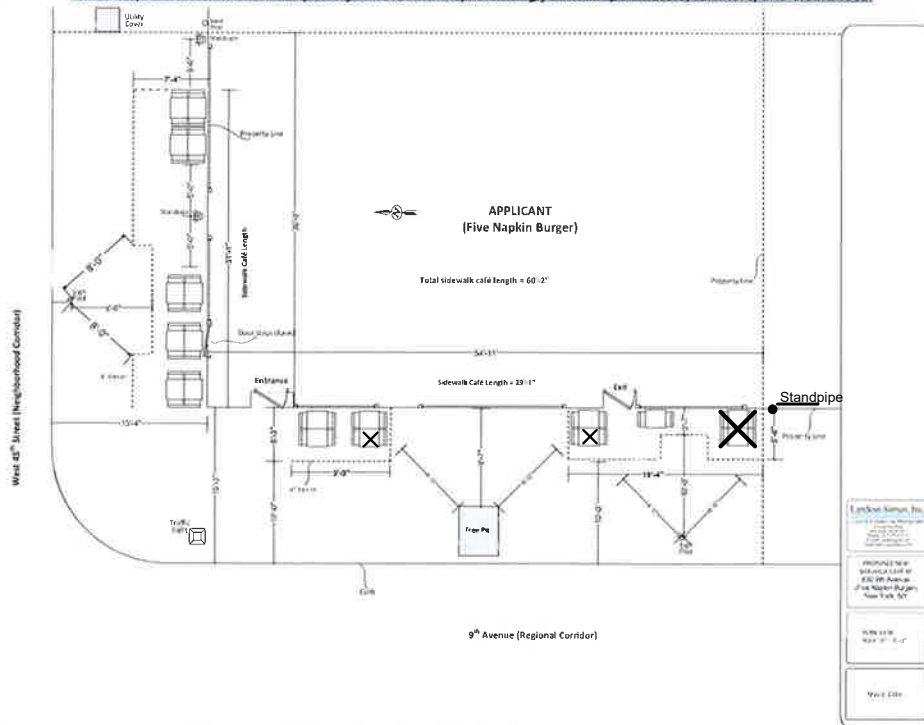
Setup Area Identification :

- ☐ Please check this box if you plan to have outdoor dining located partially within private property. If you are uncertain, please request records from your property owner/manager.
- ☐ 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: La Scala Restaurant LLC
Restaurant Name: Five Napkin Burger
FSEP Number: 41313395

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



* Length of sidewalk cafe: 31'-1" feet * Width of sidewalk cafe: 7'-4" feet

Drawing Requirements

- Food service establishment frontage shown by:**
 - Line representing the establishment's space facing the sidewalk
 - Length
 - Labels
- Private Property shown as:**
 - Dashed line
- Street names:**
 - Labels on each street
- Sidewalk shown as:**
 - Line representing street curb
 - Width measured from building line to curb line
- Building entrances shown as:**
 - Label
- Cafe perimeter shown as:**
 - Lines indicating perimeter
 - Length and width
- Set-up furniture (tables, chairs, etc.) shown as:**
 - Lines or symbols at approximate location within setup
- Elements (in Section 2 of this form) within 15 feet of cafe perimeter, shown as:**
 - Lines or symbols
 - Distance from cafe perimeter
 - Labels
- Utility coverings (water/gas valves, and pull boxes) shown as:**
 - Symbols representing the location within the setup
- North arrow**

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.
- 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- SBS 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: utility vent poles, vent grates, subway grates _____ inches ☐ S31- Manholes _____ inches

☐ Check this box if none of the objects listed above are within 15 feet of the proposed setup.



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 (All of the following must be met)

- ☒ 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 (if using, the first two below must be met)

- ☒ Lightweight and easily movable.
- ☐ Not affixed to the sidewalk.
- ☐ Check here if you plan to place tables/chairs on top of a cellar or basement door. If so, please complete the [Cellar or Basement Door Certification](#).

☐ Awnings Physically Attached to the Building (if using, all of the following must be met)

- ☐ 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. Please note that this may require additional permits from DOB, and/or approval from the Landmarks Preservation Commission (LPC) as applicable.

☐ Overhead Coverings/ Umbrellas (if using, all of the following must be met)

- ☐ 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 (if using, all of the following must be met)

- ☐ 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 DOT's rules and the New York City Electrical Code. Please note that this may require additional permits from DOB or FDNY, and/or approval from the Landmarks Preservation Commission (LPC) as applicable.

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9th Avenue Frontage

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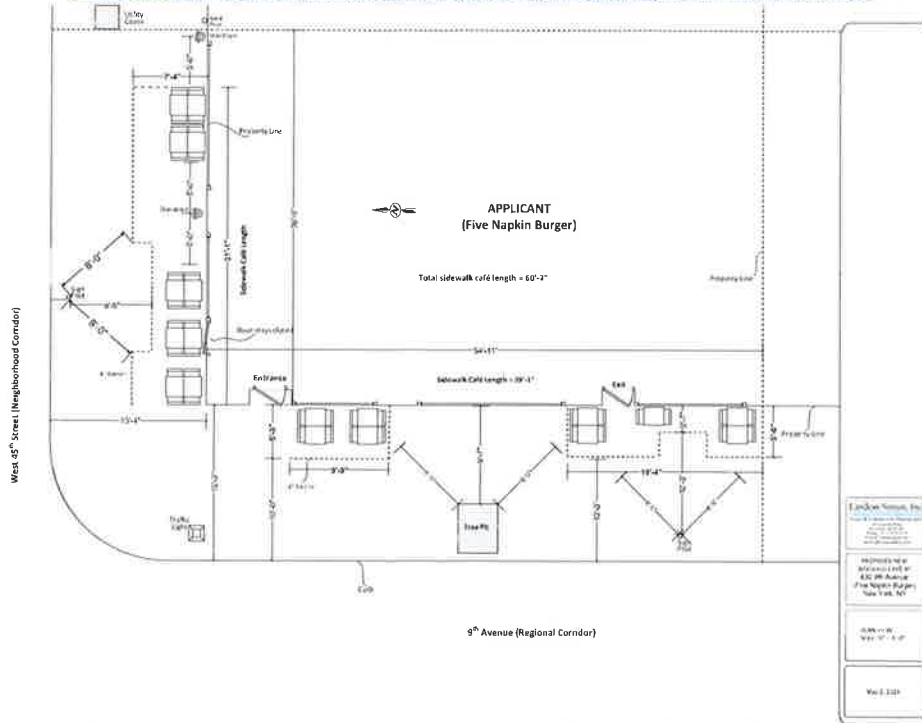
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North arrow

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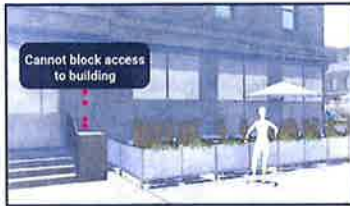
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