



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

JEAN-DANIEL NOLAND

Chair

ROBERT J. BENFATTO, JR., ESQ.

District Manager

April 14, 2008

Beverly Gotay
Assistant Director of Licensing
Department of Consumer Affairs
42 Broadway, 8th floor
New York, NY 10004

Re: SIDEWALK CAFÉ APPLICATION (NEW)
Applicant: La Scala Restaurant. LLC d/b/a Five Napkins Burger
Location: 630 Ninth Avenue
DCA License No.: 1277876
Type: New Application – Unenclosed Sidewalk Café
Tables/Chairs: 22 tables/44 chairs (applied for by applicant)
11 tables/33 chairs (recommended by CB4)

Dear Ms. Gotay:

At its March 19, 2008 meeting, Manhattan Community Board 4's Transportation Planning Committee heard from the above applicant and reviewed the application for a new permit for an unenclosed sidewalk café.

In response to a request made by the committee, the applicant has agreed to reduce the number of table and seats, from 22 tables and 44 seats to eleven tables and 33 seats.

The modified plan would create one row of tables along the building line – with seven tables along Ninth Avenue (five tables seating two people and two tables seating four people) and four tables along West 45th Street (three tables seating four people and one table seating three people). In addition the owner agreed to the following stipulation:

- Café tables and chairs will be removed before 11p.m. on Sunday through Thursday evenings;
- The café will not use any barriers or planters;
- The owner will paint the boundaries of the sidewalk café space, in compliance with DCA regulations (attached);
- The applicant may move, but not remove, the existing bicycle rack currently located toward the southern boundary of the sidewalk café no more than 10 feet from its current location.

We appreciate that this application reflects changes agreed to by the applicant. Specifically, the applicant's willingness to remove one row of table and chairs, which also enabled the café to provide over 8' clearance to the tree located on the Ninth Avenue sidewalk to the west of the café.

A written statement of the applicant agreeing to the above is attached. The applicant will submit a modified plan to the Department of Consumer Affairs (DCA).

On April 2, 2008 the Full Board voted to recommend approval of the modified application.

Sincerely,



Jean-Daniel Noland
Chair
Manhattan
Community Board 4



Christine Berthet
Co-Chair
Transportation Planning
Committee



Jay Marcus
Co-Chair
Transportation Planning Committee

cc:

Manhattan Borough President Scott M. Stringer
City Council Speaker Christine Quinn
Applicant