



## Legislation Details (With Text)

|                        |  |                     |   |                    |   |
|------------------------|--|---------------------|---|--------------------|---|
| <b>File #:</b>         | Res 0950-2011  | <b>Version:</b>     | * | <b>Name:</b>       | LU 395 - Sidewalk cafes within the Special 125th Street District, Manhattan (N100373 ZRM) |
| <b>Type:</b>           | Resolution   | <b>Status:</b>      |   | <b>In control:</b> | Adopted<br>Committee on Land Use  |
| <b>On agenda:</b>      | 6/29/2011  |                     |   |                    |   |
| <b>Enactment date:</b> |  | <b>Enactment #:</b> |   |                    |   |
| <b>Title:</b>          | Resolution approving with modification the decision of the City Planning Commission on Application No. N 100373 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations) and Article IX, Chapter 7 (Special 125th Street District), to modify the regulations pertaining to the location of sidewalk cafes within the Special 125th Street District in Community Districts 9, 10 and 11, Borough of Manhattan (L.U. No. 395). |                     |   |                    |   |
| <b>Sponsors:</b>       | Leroy G. Comrie, Jr., Mark S. Weprin   |                     |   |                    |   |
| <b>Indexes:</b>        |  |                     |   |                    |   |
| <b>Attachments:</b>    | 1. Committee Report, 2. Hearing Transcript - Stated Meeting 6-28-11, 3. Hearing Transcript - Stated Meeting 6-29-11  |                     |   |                    |   |

| Date      | Ver. | Action By             | Action                | Result |
|-----------|------|-----------------------|-----------------------|--------|
| 6/7/2011  | *    | Committee on Land Use | Approved by Committee |        |
| 6/29/2011 | *    | City Council          | Approved, by Council  | Pass   |

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 950

Resolution approving with modification the decision of the City Planning Commission on Application No. N 100373 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations) and Article IX, Chapter 7 (Special 125th Street District), to modify the regulations pertaining to the location of sidewalk cafes within the Special 125th Street District in Community Districts 9, 10 and 11, Borough of Manhattan (L.U. No. 395).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on May 16, 2011 its decision dated May 11, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment of the Zoning Resolution of the City of New York to modify regulations that govern the location of sidewalk cafés within the Special 125<sup>th</sup> Street District (Application No. N 100373 ZRM), Borough of Manhattan (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2011;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the

Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on May 24, 2010 (CEQR No. 10DCP042M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100373 ZRM, incorporated by reference herein, the Council approves the Decision with the following modification:

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution;

Matter in double underline is new, to be added by the Council

## Article 1 - General Provisions

\* \* \*

### Chapter 4

#### Sidewalk Cafe Regulations

\* \* \*

#### 14-43

##### Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk café locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

Manhattan:

\* \* \*

63rd Street - from Second Avenue to Fifth Avenue

86th Street - from First Avenue to a line 125 feet east of Second Avenue, south side only

116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard

Special 125<sup>th</sup> Street District - only as set forth in Section 97-13 (Permitted Small Sidewalk Cafe Locations)

First Avenue - from 48th Street to 56th Street

Third Avenue - from 38th Street to 62nd Street

Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street

\* \* \*

**14-44****Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

| Manhattan                           | #Enclosed<br>Sidewalk Cafe# | #Unenclosed<br>Sidewalk Cafe# |
|-------------------------------------|-----------------------------|-------------------------------|
| 125 <sup>th</sup> Street District   | <del>Yes</del> <u>No</u>    | <del>Yes</del> <u>No****</u>  |
| Battery Park City District          | Yes                         | Yes                           |
| Clinton District                    | Yes                         | Yes                           |
| Limited Commercial District         | No                          | No*                           |
| Lincoln Square District             | No                          | Yes                           |
| Little Italy District               | No                          | Yes                           |
| Lower Manhattan District            | No                          | Yes**                         |
| Manhattanville Mixed Use District   | No***                       | Yes                           |
| Transit Land Use District           | Yes                         | Yes                           |
| Tribeca Mixed Use District          | Yes                         | Yes                           |
| United Nations Development District | No                          | Yes                           |

\* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

\*\* #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway

\*\*\* Enclosed sidewalk cafes are allowed in Subdistrict B

\*\*\*\* #Unenclosed sidewalk cafés# are allowed on east side of Malcolm X Boulevard between West 125<sup>th</sup> and West 126<sup>th</sup> streets, on west side of Malcolm X Boulevard between West 124<sup>th</sup> and West 125<sup>th</sup> streets and on east side of Fifth Avenue between East 125<sup>th</sup> and East 126<sup>th</sup> streets.

\* \* \*

**Article IX - Special Purpose Districts****Chapter 7****Special 125<sup>th</sup> Street District**

\* \* \*

**97-03****District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including ~~the m~~Map 1 of the (#Special 125th Street District#) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter

apply.

\* \* \*

## **97-10**

### **SPECIAL USE AND LOCATION REGULATIONS**

\* \* \*

## **97-13**

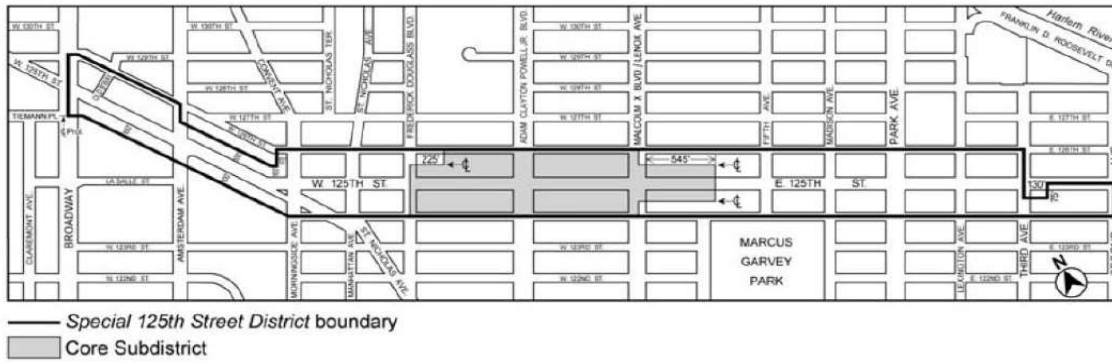
### **Permitted Small Sidewalk Cafe Locations**

#Small sidewalk cafes# shall be permitted in the #Special 125<sup>th</sup> Street District# as indicated in Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A to this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).

\* \* \*

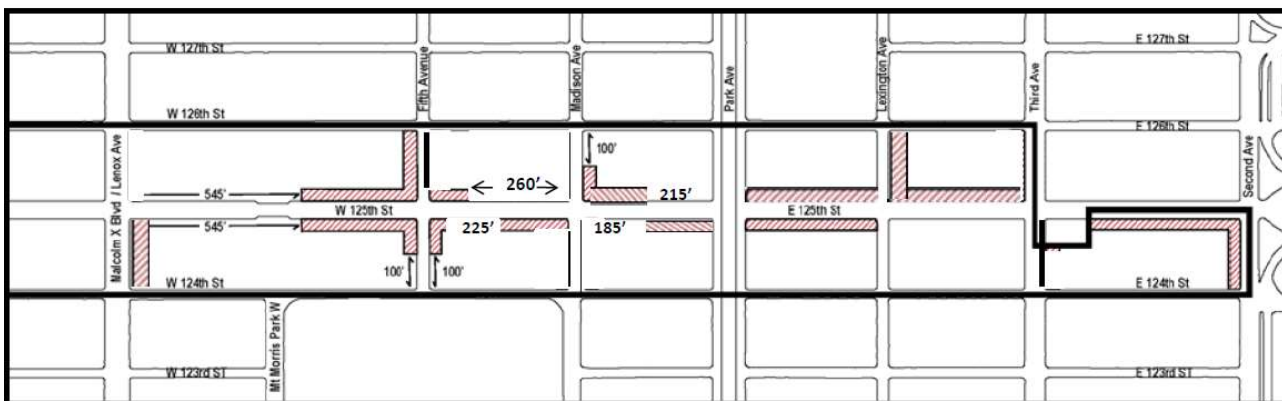
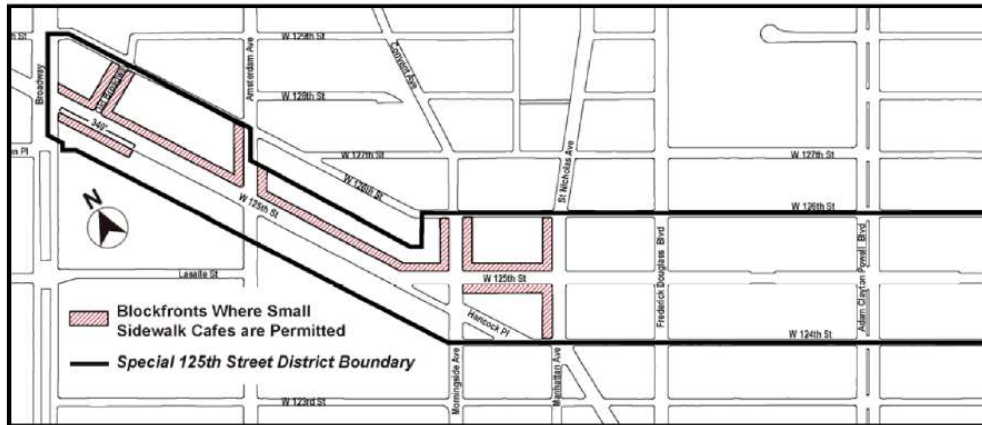
## Appendix A Special 125th Street District Plan

### Map 1 – Special 125<sup>th</sup> Street District





**Map 2 – Permitted Small Sidewalk Cafe Locations**



Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on June 29, 2011, on file in this office.

.....  
City Clerk, Clerk of The Council