



Legislation Text

File #: Res 0950-2011, Version: *

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 125th 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 125th 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 Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
125 th Street District	Yes <u>No</u>	Yes <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 125th and West 126th streets, on west side of Malcolm X Boulevard between West 124th and West 125th streets and on east side of Fifth Avenue between East 125th and East 126th streets.

* * *

Article IX - Special Purpose Districts

Chapter 7

Special 125th 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

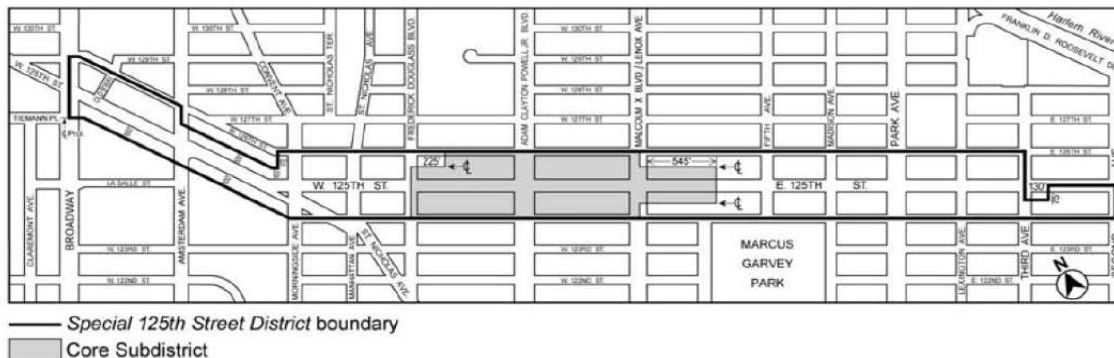
#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated in Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A to this Chapter, subject to all applicable regulations

of Article I, Chapter 4 (Sidewalk Cafe Regulations).

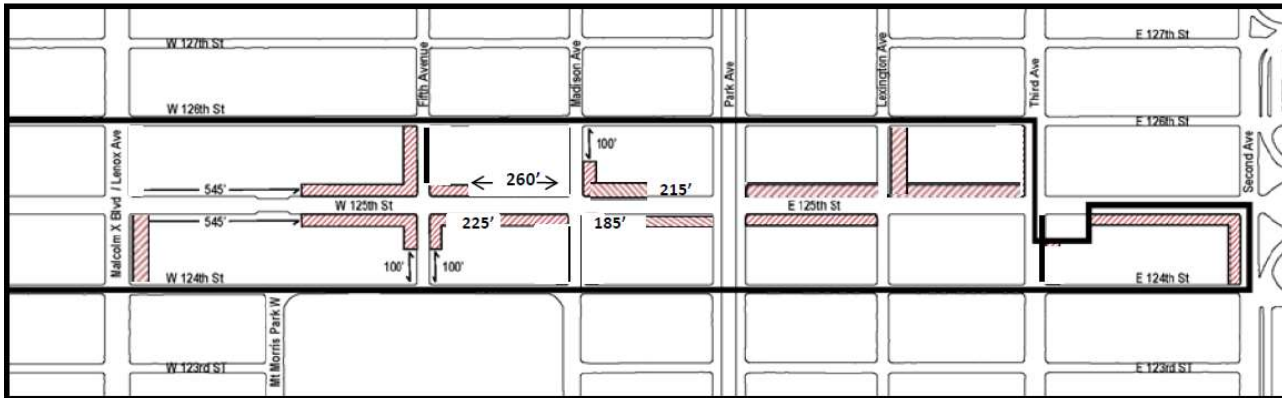
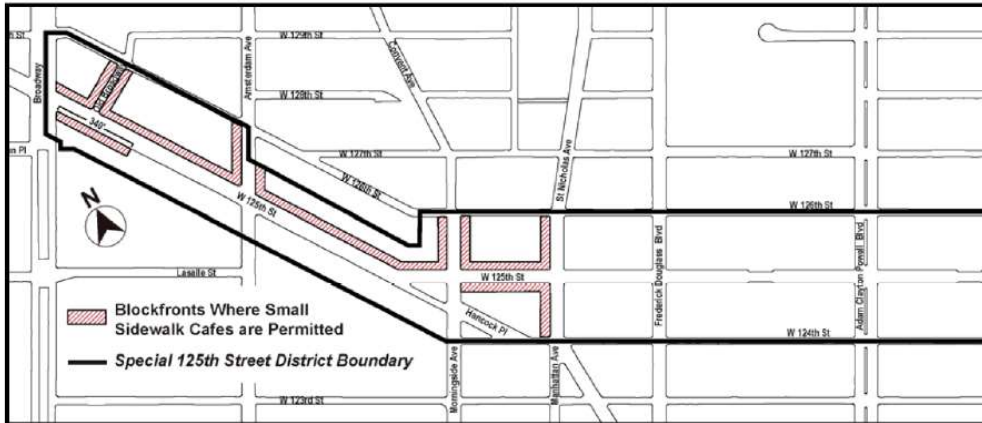
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Appendix A Special 125th Street District Plan

Map 1 – Special 125th 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.

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City Clerk, Clerk of The Council