



Legislation Details (With Text)

File #: Res 0560-2015 **Version:** * **Name:** LU 164 - Zoning, Unenclosed sidewalk cafes in areas of the Special District, Manhattan (N 150102 ZRM)

Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 1/22/2015

Enactment date: **Enactment #:**

Title: Resolution approving with modifications the decision of the City Planning Commission on Application No. N 150102 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District) to expand the Special District and Article I, Chapter 4 (Sidewalk Café Regulations) to allow unenclosed sidewalk cafes in areas of the Special District within Community District 4, Borough of Manhattan (L.U. No. 164).

Sponsors: David G. Greenfield, Mark S. Weprin

Indexes:

Attachments: 1. City Planning Commission Approval Letter, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 1-22-15, 4. Minutes of the Stated Meeting - January 22, 2015

Date	Ver.	Action By	Action	Result
1/15/2015	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
1/22/2015	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 560**

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 150102 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District) to expand the Special District and Article I, Chapter 4 (Sidewalk Café Regulations) to allow unenclosed sidewalk cafes in areas of the Special District within Community District 4, Borough of Manhattan (L.U. No. 164).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on January 2, 2015 its decision dated December 17, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District), and Article I, Chapter 4 (Sidewalk Café Regulations). This proposed text amendment, along with the related zoning map amendment, would expand the Special West Chelsea District, modify bulk regulations in the rezoning area, amend street wall regulations for some corner lots, clarify rear yard provisions, correct maximum building heights permitted in Subarea C and allow unenclosed sidewalk cafés on wide streets in the Special West Chelsea District (Application No. N 150102 ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application C 150101 ZMM (L.U. No. 165), an amendment of

the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 15th Street, Ninth Avenue, a line midway between West 15th Street and West Fourteenth Street, a line 325 feet easterly of Tenth Avenue, West Fourteenth Street, and Tenth Avenue, Borough of Manhattan, Community District 4;

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 January 13, 2015;

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, including the revised negative declaration (CEQR No. 15DCP037M) issued on December 17, 2014 (the “Revised Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

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 the report, N 150102 ZRM, incorporated by reference herein, the Council approves the Decision with modifications.

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 in **bold double underlined** is new, added by the Council.

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

* * * indicates where unchanged text appears in the Zoning Resolution.

Article I
GENERAL PROVISIONS

* * *

Chapter 4
Sidewalk Cafe Regulations

* * *

14-40

AREA ELIGIBILITY FOR SIDEWALK CAFES

* * *

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).

Table with 3 columns: Manhattan, #Enclosed Sidewalk Cafe#, #Unenclosed Sidewalk Cafe#

* * *

United Nations Development District West Chelsea District No No Yes Yes5

- 1 #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue
2 #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway
3 #Enclosed sidewalk cafes# are allowed in Subdistrict B
4 #Unenclosed sidewalk cafes# are allowed on the east side of Malcolm X Boulevard between West 125th and West 126th Streets, on the west side of Malcolm X Boulevard between West 124th and West 125th Streets and on the east side of Fifth Avenue between East 125th and East 126th Streets
5 #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 8
Special West Chelsea District

* * *

98-40
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

98-41 Special Rear Yard Regulations

The #yard# regulations of the underlying district shall apply, except as modified in this Section, 98-41. ~~that In all districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#. Where a #rear yard equivalent# is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either of such Sections, as applicable. However, in M1-5 Districts, a #building# existing prior to [effective date of text amendment] may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the High Line.~~

98-42 Special Height and Setback Regulations

* * *

98-423 Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

(a) On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section. ~~On #corner lots# with both #wide# and #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the a #street wall# with a minimum height of 15 feet shall be located on the #narrow street line# between 50 and 100 feet from its intersection with a #wide street#. On #zoning lots# with only #narrow street# frontages, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.~~

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

* * *

MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

District or Subarea	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
C6-2A	60	85	120
C6-3A	60	102	145
M1-5	50	95	135
Subarea A	within 50 street#	60	85
	between 515 of a #wide	85	85
	for #zonin only #nar frontage	40	60
Subarea B		60	95
Subarea C	for #zonin only #nar frontage	60	110
	for #zonin Tenth Av	105 ²	125 ²
	for #zonin Eleventh	125 ²	145 ²
Subarea D		60	90
Subarea E		60	105 ³
Subarea F		60 ²	80 ²
Subarea G	for #zonin only #nar frontage	60	95
	for #zonin #wide stre	105 ²	120 ²
Subarea H		60 ⁴	85 ⁴
Subarea I	within 30 Ave. betw & W. 17t	60	85

	all other a	60	105	135
Subarea J	Midblock	NA	110 ⁶	130 ⁶
	Ninth Av	NA	130 ⁶	135 ⁶
	Tenth Av	NA	185 ⁶	230 ⁶

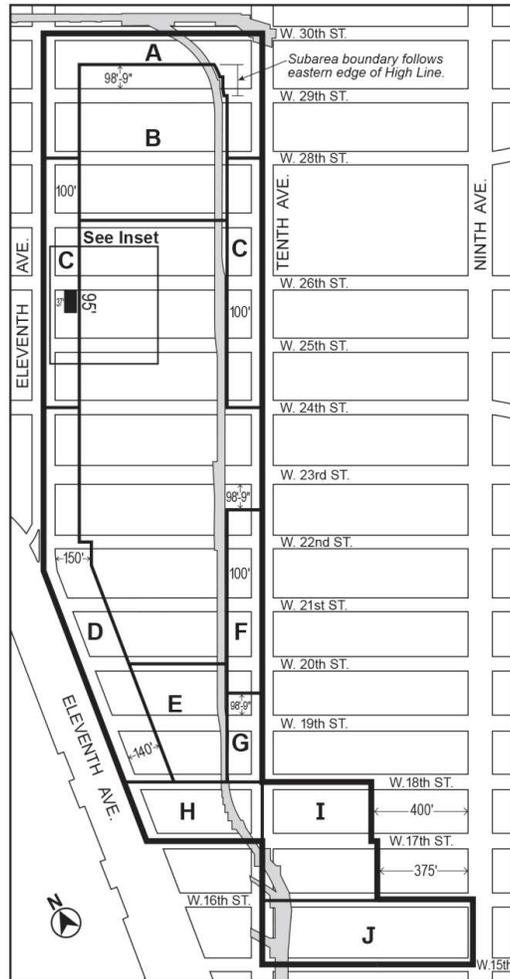
- 1 see Section 98-423, paragraph (b)
- 2 see Section 98-423, paragraph (c)
- 3 see Section 98-423, paragraph (d)
- 4 see Section 98-423, paragraph (e)
- 5 see Section 98-423, paragraph (f)
- 6 see Section 98-423, paragraph (g)

* * *

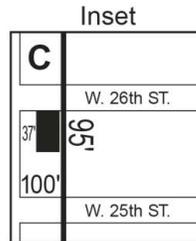
[Text map to be deleted]

Appendix A

Special West Chelsea District and Subareas (98A)

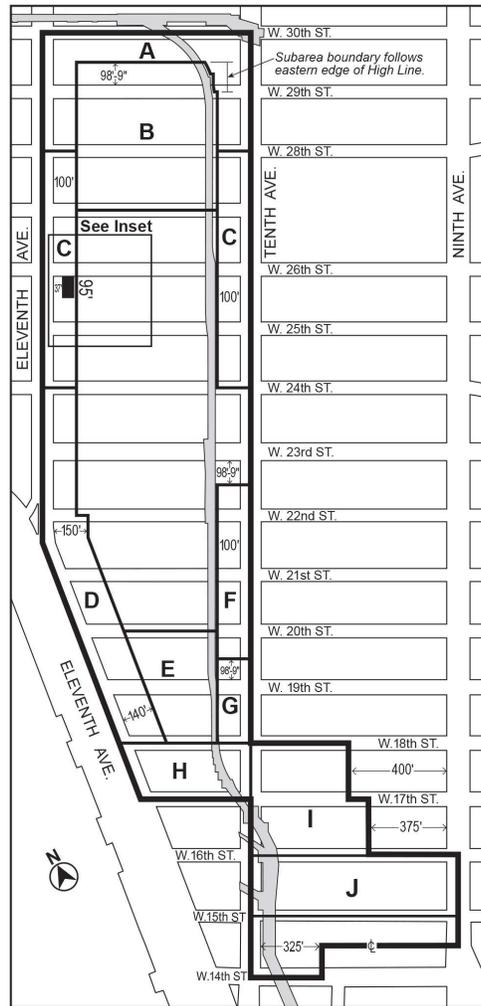


-  Special West Chelsea District boundary
-  Subarea boundary
-  High Line
-  Transit Facility



[Text map to be added]

Appendix A
Special West Chelsea District and Subareas (98A)



[Text map to be deleted]

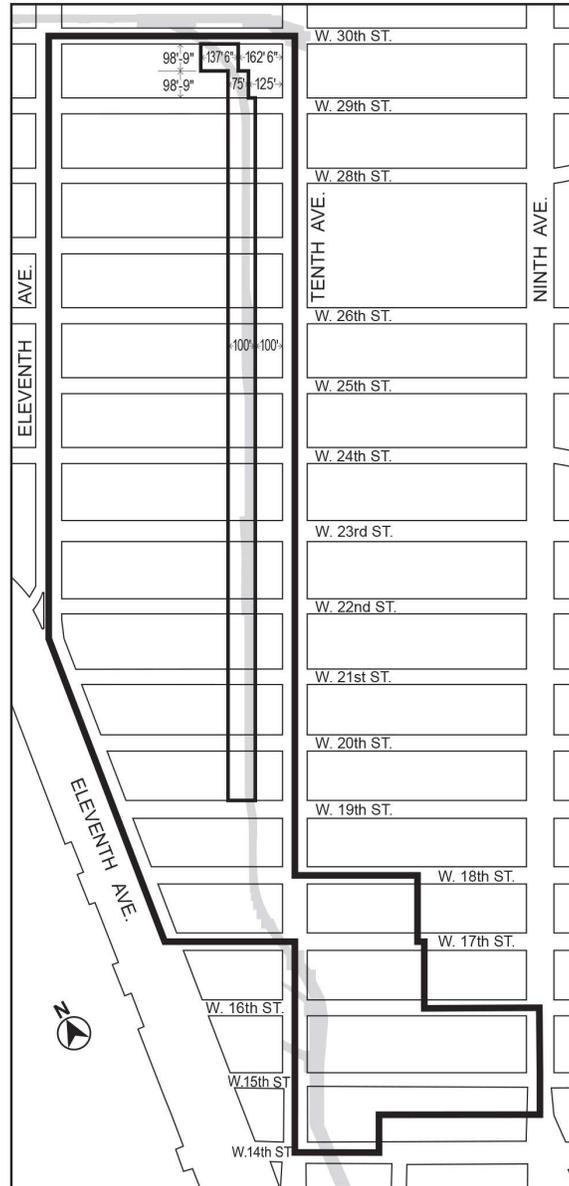
Appendix B
High Line Transfer Corridor Location (98B)



-  Special West Chelsea District
-  High Line Transfer Corridor
-  High Line

[Text map to be added]

Appendix B
High Line Transfer Corridor Location (98B)



-  *Special West Chelsea District*
-  *High Line Transfer Corridor*
-  *High Line*

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 January 22, 2015, on file in this office.

City Clerk, Clerk of The Council