



Legislation Details (With Text)

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**On agenda:** 1/29/2003

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**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 030119 ZRY, an amendment to the text of the Zoning Resolution relating to Section 12-10 and Article 1, Chapter 4 (Sidewalk Café Regulations), in relation to physical and locational requirements for unenclosed sidewalk cafés (L.U. No. 307).

**Sponsors:** Melinda R. Katz

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting - 1/29/03

Date	Ver.	Action By	Action	Result
1/16/2003	*	Committee on Land Use	Approved by Committee	
1/29/2003	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 678

Resolution approving the decision of the City Planning Commission on Application No. N 030119 ZRY, an amendment to the text of the Zoning Resolution relating to Section 12-10 and Article 1, Chapter 4 (Sidewalk Café Regulations), in relation to physical and locational requirements for unenclosed sidewalk cafés (L.U. No. 307).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on January 9, 2003 its decision dated January 8, 2003 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 030119 ZRY) (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 January 14, 2003;

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 August 19, 1996 and subsequently revised on September 30, 2002 (CEQR No. 97DCP003Y);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

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 Graytone is new, to be added;  
Matter in Strikeout is old, to be deleted;  
Matter in italics or within # # is defined in Section 12-10;  
\*\*\* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

12-10  
DEFINITIONS

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

Sidewalk café<sub>z</sub>

A "sidewalk café<sub>z</sub>" is a portion of an eating or drinking place, that is located on a public sidewalk, that provides waiter or waitress service as defined in Section 20-223, subdivision (a), of the Administrative Code, and is either an #enclosed# or #unenclosed sidewalk café#<sub>z</sub> as defined herein. No portion of a #sidewalk café<sub>z</sub># shall be used for any purpose other than dining and circulation therein.

The provisions of Section 12-10 of the Zoning Regulations relating to the definition of #sidewalk cafes# shall not become effective until the City Planning Commission certifies that amendments by the New York City Council to the following sections of the New York City Charter and the New York City Administrative Code carry out the objectives of the subject zoning amendments.

New York City Charter  
Section 366-a

New York City Administrative Code  
Section B32-53.0  
Section B32-54.0 b, c, d

Section B32-55.0  
Section B32-56.0  
Section B32-57.0

Sidewalk café<sub>z</sub> enclosed

An "enclosed sidewalk café" is a #sidewalk café# which that is contained within a one #story# structure constructed predominantly of light materials such as glass, slow-burning plastic, or lightweight metal. All materials shall be approved by the Department of Buildings. #Sidewalk cafes# are permitted only upon the granting of revocable consent by the City Council, or its successor, and as such only non-permanent structures are permitted.

Sidewalk café, unenclosed

An "unenclosed sidewalk café" is a space on the sidewalk which that contains readily removable tables, chairs, or railings. An #unenclosed sidewalk café# shall be open to the sky except that it may have a retractable awning or umbrellas. For the purposes of this Section "readily removable" shall mean that no object which is part of the #unenclosed sidewalk café#, such as a table, chair, planter, or any other fixture, shall be leaded, cemented, nailed, bolted, power riveted, screwed in or affixed, even in a temporary manner, to either the sidewalk in which it is placed, to the #building# or to any other structure which it abuts.

All objects other than planters in accordance with the provisions of Section 14-42 shall be removed during that period of the year when the #unenclosed sidewalk café# ceases operation, or at least between December 1 and February 28.

\* \* \*

Chapter 4  
Sidewalk Cafe Regulations

14-00  
GENERAL PURPOSES

The sidewalk cafe regulations as established in this Resolution are city-wide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, and discourage them in locations where they are inappropriate, and to promote and protect public health, safety, general welfare and amenity. These general goals include among others the following specific purposes:

- (a) To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.
- (b) To promote sidewalk cafes as visual amenities which better relate to the streetscape.
- (c) To preserve and enhance the character of neighborhoods throughout the City.
- (d) To simplify administrative and strengthen enforcement procedures for sidewalk cafes that are effective, efficient and enforceable.
- (e) To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

Sidewalk cafes may be established only at the discretion of the City of New York, pursuant to Section 14-02 (General Provisions).

#### 14-01 Definitions

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

#### 14-02 14-01 General Provisions

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sSidewalk cCafe# rRegulations, and in accordance with the provisions of this Chapter certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and for #enclosed sidewalk cafes#, and #unenclosed sidewalk cafes#, are herein established. and shall apply to all #sidewalk cafes# except as otherwise provided herein.

All #sidewalk cafes# shall comply with the regulations established herein except as modified in accordance with the provisions of Section 14-50 (SPECIAL PERMIT MODIFICATIONS).

The granting of a revocable consent is a discretionary act of the Board of Estimate, or its successor, and mere compliance with these regulations shall not necessarily result in its issuance. Applications for revocable consent shall be reviewed in accordance with Sections 197-c (the Uniform Land Use Review Procedure), 200 and 366-a of the New York City Charter. These provisions mandate review of all petitions for revocable consent by the Community Boards and the City Planning Commission (where special permit modifications are required, pursuant to Section 14-50) before final consideration of the Board of Estimate, or its successor.

The zoning regulations are intended to establish the necessary criteria with which #sidewalk cafes# must first comply in order to be eligible for consideration for such revocable consent. These may not be the sole criteria by which the Community Boards and the Board of Estimate, or its successor, shall judge the petition for a revocable consent. Therefore, mere conformance to these regulations shall not necessarily ensure the granting of a revocable consent.

The amendments to Article I, Chapter 4, adopted by the City Council on (date of Council adoption), shall become effective upon the effective date of legislation amending the Administrative Code of the City of New York respecting the approval process for #unenclosed sidewalk cafes#.

Licenses for all #sidewalk cafes# must be obtained from the Department of Consumer Affairs, or its successor.

#### 14-03 14-011 Sidewalk Cafe Appendices Locations

The Appendices for the Sidewalk Cafe Guidelines (APPENDIX A through APPENDIX D) #Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts, and in all #Manufacturing Districts# other than M1-5A or M1-5B Districts, except in those areas where #sidewalk cafes# are prohibited, as provided in Section 14-40 (AREA ELIGIBILITY).

The following sections identify specific #streets#, malls, areas or portions of #streets# for which special area eligibility regulations apply.:

The Appendices are as follows:

APPENDIX A Section 14-41 - (Areas where #sidewalk cafes# are not permitted Limitations for All Sidewalk Cafes)

APPENDIX B Section 14-52 - (Areas where #enclosed sidewalk cafes# are not permitted Limitations for All Enclosed Sidewalk Cafes)

APPENDIX C Section 14-53 - (Special Zoning Districts)

APPENDIX D Section 14-54 - (Street Malls).

#Sidewalk cafes# may be permitted in R10H Districts, #Commercial Districts#, except C3 Districts, #Manufacturing Districts#, except M1-5A and M1-5B Districts, and as otherwise provided herein.

These Appendices are hereby incorporated as an integral part of the Sidewalk Cafe Regulations.

14-04  
Area Eligibility

- (a) No #sidewalk cafe# shall be permitted in any #Residence District#, except in R10H Districts, nor on any #street# listed in Appendix A.
- (b) No #enclosed sidewalk cafe# shall be permitted on any #street# listed in Appendix B.
- (c) #Sidewalk cafes# shall be permitted within Special Zoning Districts set forth in this Resolution only in accordance with the provisions of Appendix C.
- (d) #Sidewalk cafes# shall be permitted in street malls in accordance with the provisions of Appendix D.
- (e) #Sidewalk cafes# shall be permitted in Historic Districts or in designated Landmark Buildings only if such #sidewalk cafe# is approved by the Landmarks Preservation Commission.

14-10  
SIDEWALK LOCATIONAL CRITERIA FOR ENCLOSED SIDEWALK CAFES

The regulations of this Section, governing clear path, clearance at intersection of #streets#, and clearance from large obstructions and minimum distance between two cafes shall apply to all #enclosed sidewalk cafes#, either #enclosed# or #unenclosed#.

14-11  
(a) Clear Ppath

There shall be a minimum of 8 feet, 0 inches clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement.

The minimum distance shall be measured from the portion of the #enclosed sidewalk cafe# frontage which that is nearest either the curb line or the nearest obstruction. In no event may recesses in the #enclosed sidewalk cafe# frontage be used to satisfy this unobstructed width requirement, except that the corners of the #enclosed sidewalk cafe# may be rounded or mitered. A clearance of 8 feet, 0 inches shall be maintained around the corners of #enclosed sidewalk cafes#, measured in radius.

For the purpose of the minimum clear path, but not the clearance from corners of the #enclosed sidewalk cafes#, parking meters, traffic signs, and trees which have gratings flush to grade, without fences or guards, shall not count as obstructions.

In the case of a #street# for which a mall plan or other special plan has been adopted, the clear path requirements pursuant to this Section shall be deemed satisfied if there is not less than an 8 feet, 0 inches clear path.

14-12  
(b) Clearance at lintersections of Sstreet Lline

There shall be a minimum of 9 feet, 0 inches clearance, free of all obstructions with no exception, measured from the outer edge of the #enclosed sidewalk cafe# to the curb side obstacle. The corner of the #enclosed sidewalk cafe# wall may be rounded or mitered. Such distance shall be measured from the outer edge of the #enclosed sidewalk cafe# to either the curb line or the nearest obstruction.

14-13  
(c) Clearance from Llarge Oobstructions

All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purpose of this Section, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object greater than 15 square feet in area. The closed end of a subway entrance located along the #front lot line# may abut an #enclosed sidewalk café#.

14-34  
(d) Minimum Ddistance Bbetween Eenclosed Ssidewalk Ccafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor non #commercial use#, or a #use# located above or below the ground floor, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

14-20  
PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES

The regulations of this Section, shall apply to all #sidewalk cafes#, either #enclosed# or #unenclosed#.

14-21 Renumbered as paragraph (d) of Section 14-21  
Cafe Boundary

No portion of #sidewalk cafes#, such as doors, windows, walls, or any objects placed within an #sidewalk cafe#, shall swing or project beyond the designated exterior perimeter of the #sidewalk cafe#. However, fire exit doors, which are used exclusively as emergency fire exit doors, shall be exempt from this provision.

14-22 Relocated  
Access for Persons with Physical Disabilities

A #sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

- (a) at least one door leading into the #sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and
- (b) a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for cafes are six feet wide or less, except if such cafe is at least 180 square feet in area.

14-23 Renumbered as paragraph (e) of Section 14-21  
Fixtures

The furnishings of the interior of a #sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the # sidewalk cafe# wall. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the # sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

14-24 Renumbered as Section 14-23  
Signage

No #signs# are permitted on a #sidewalk cafe# except that only the name and type of establishment may appear on the umbrella or the valance of the awning. In the event the roof is of glass or material other than fabric, the signage may be placed upon the glass wall, but shall not obscure the required transparency.

14-25 Renumbered as paragraph (f) of Section 14-21  
Refuse Storage Area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the # sidewalk cafe# on the public right of way.

14-26 Renumbered as Section 14-24  
Unnecessary Noise

Musical instruments or sound reproduction devices shall not be operated or used within a #sidewalk cafe# for any purpose.

14-30  
PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES

14-31 14-21  
Structural Requirements for Enclosed Sidewalk Cafes

The regulations of this Section governing certain structural and operational requirements shall apply to all #enclosed sidewalk cafes#.

(a) Awning or Ceiling

The awning ceiling of an #enclosed sidewalk cafe# shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by the Buildings Department of Buildings.

At no point shall the height of the ceiling or awning of an #enclosed sidewalk cafe# be lower than 7 feet, 0 inches above the floor of the #sidewalk café#. The valance of the awning shall not exceed 12 inches in height.

14-32  
(b) Transparency - E exterior W walls

An #enclosed sidewalk cafe# may provide a base wall of opaque material up to a maximum height of 12 inches from the finished floor level. The base wall shall include any horizontal structural members that support transparent materials above.

All enclosing walls, doors and windows, except for the structural members, above finished floor level or base wall as provided in this Section above, up to a height of 7 feet, 0 inches above finished floor level, must be of colorless, untinted, non-reflective transparent material, as approved by the Department of Buildings. In order to maximize transparency, the horizontal, as well as vertical structural members shall not be sized more than 10 inches wide.

At least 50 percent of the walls, up to a height of 7 feet, 0 inches above finished floor level, shall consist of operable transparent windows.

14-33  
(c) Elevation

The #enclosed sidewalk cafe# floor shall not be more than seven inches above the level of the adjoining sidewalk.

However, in the event of a major grade change, however, the City Planning Commission may, by certification, permit the floor level to be more than seven inches above the level of the adjoining sidewalk.

14-34 (Moved and renumbered as paragraph (d) of Section 14-10)  
Minimum Distance Between Enclosed Sidewalk Cafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them. There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor non-#commercial use#, or a #use# located above or below the ground floor, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

14-21  
(d) Cafe Boundary Designated boundaries

No portion of #enclosed sidewalk cafes#, such as doors, windows, walls, or any objects placed within an #enclosed sidewalk cafe#, shall swing or project beyond the designated exterior perimeter of the #enclosed sidewalk cafe#. However, fire exit doors, which that are used exclusively as emergency fire exit doors, shall be exempt from this provision.

14-23  
(e) Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe# wall. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

14-25  
(f) Refuse Sstorage Aarea

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #enclosed sidewalk cafe# on the public right of way.

14-22  
Access for Persons with Physical Disabilities

An #enclosed sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #enclosed sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

(a) at least one door leading into the #enclosed sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and

(b) a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for #enclosed sidewalk cafes# that which are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

14-23 Section 14-23 (Fixtures) has been incorporated into Section 14-21 as paragraph (e).  
Signage

No #signs# are permitted on an #enclosed sidewalk cafe#, except that the name and type of establishment may be placed upon the glass wall but shall not obscure the required transparency.

14-25 (Incorporated into Section 14-21 as paragraph (f))  
Refuse Storage Area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #sidewalk cafe# on the public right of way.

14-26 14-24  
Unnecessary Music and Noise Amplification

Musical instruments or sound reproduction devices shall not be operated or used within an #enclosed sidewalk cafe# for any purpose.

\* \* \*

14-40  
PHYSICAL CRITERIA FOR UNENCLOSED SIDEWALK CAFES

14-41  
Awnings or Umbrellas

The awning shall be adequately secured, retractable and made of a non-combustible frame covered with flame-proofed canvas or cloth, slow-burning plastic or other equivalent material, but not including glass, as approved by the Department of Buildings. At no point shall the height of the awning of an #unenclosed sidewalk cafe# be lower than 7 feet 0 inches from the floor of the #sidewalk cafe#. The valance of the awning shall not exceed 12 inches in height.

14-42  
Planters or Railings

All planters, railings and fences placed within an #unenclosed sidewalk cafe# shall be self-supporting. In order to maximize visual access, the height of the railing or planter including the vegetation therein, shall not be higher than 30 inches. All obstructions shall be removed from the sidewalk during those periods when the #unenclosed sidewalk cafe# ceases operation, except for the planter which shall be removed or, alternatively, placed with its longest side against the wall of the restaurant, provided that such planter does not obstruct any egress from the #building#.

14-43  
Elevation

The #sidewalk cafe# shall be at the same elevation as the adjoining sidewalk. Paint, grass or artificial turf, carpet, platforms, or any other surface cover or treatment of any kind, shall not be permitted to be placed upon the area designated for an #unenclosed sidewalk cafe#, at any time.

However, in the event of a major grade change, the City Planning Commission may, by certification, permit the floor level of an #unenclosed sidewalk cafe# to be elevated.

14-50 14-30  
SPECIAL PERMIT MODIFICATIONS OF LOCATIONAL OR PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES  
Modifications of Physical or Locational Criteria

In all #Commercial# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of Article I, Chapter 4 (Sidewalk Cafe Regulations), the City Planning Commission may permit, upon application, modifications to the locational or physical or locational criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Appendices A, B, C and D Sections 14-41 (Area Restrictions for All Sidewalk Cafes), 14-42 (Area Restrictions for All Enclosed Sidewalk Cafes), 14-43 (Special Zoning Districts) and 14-44 (Street Malls), provided the Commission finds that:

- (1) the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;
- (2) any proposed modification to the requirements of this Chapter will result in good overall design, and enhance the general character of the #street# and the neighborhood;
- (3) any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (4) the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;

(5) where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops; and

(6) modifications to the provisions of paragraph (a) Section 14-11 (Clear Ppath) of Section 14-10 shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# to that would be located on a #street# with a special pedestrian plan.

14-60  
ADMINISTRATION AND ENFORCEMENT

14-61  
Requirements for Applications

All applications for #sidewalk cafes#, either new or renewal, shall include 13 assembled sets of the standard application form and all the material required therein, together with all supporting documents and correspondence.

In addition, the applicant shall be required to notify by certified or registered mail, all persons who occupy ground floor frontage whether #residential#, #commercial# or other #use#, within 50 feet of either side and the owners of such properties along the same block front as the proposed #sidewalk cafe#. Such notification shall state that an application for a #sidewalk cafe# has been filed for the location and shall invite all interested parties to forward their comments to the affected Community Board.

14-62  
Term of Sidewalk Cafe Consent

All new #sidewalk cafe# consents shall be limited to one year. The renewal of the consent may be granted for a maximum of five years or for the period remaining on the applicant's lease, whichever is shorter. In no event may a consent be transferred without the approval of the Board of Estimate, or its successor.

14-70 14-40  
EFFECTIVE DATE AREA ELIGIBILITY

The provisions of Article I, Chapter 4 (Sidewalk Cafe Regulations) shall be applicable to any new #sidewalk cafe#, #enclosed# or #unenclosed#, for which an application is filed with the Department of Consumer Affairs and the Department of City Planning subsequent to the effective date of this Chapter.

The provisions of Article I, Chapter 4 (Sidewalk Cafe Regulations) shall not be applicable to renewals of existing #sidewalk cafes#, #enclosed# or #unenclosed#, for which an application for renewal is filed with the Department of City Planning prior to the effective date of this Chapter.

However, renewals of existing #sidewalk cafes#, #enclosed# or #unenclosed#, for which an application for renewal is filed with the Department of Consumer Affairs and the Department of City Planning subsequent to the effective date of this Chapter, shall comply with the provisions of Section 14-32 to the extent that any curtains, blinds, or drapes or any other opaque coverings are removed from any transparent portion of the #sidewalk cafe# walls. The provisions of Article I, Chapter 4 (Sidewalk Cafe Regulations) shall not become effective until the City Planning Commission certifies that amendments by the New York City Council to the following sections of the New York City Charter and the New York City Administrative Code carry out the administrative objectives of the subject zoning amendments:

New York City Charter:

Section 366-a

New York City Administrative Code:

Section B32-53.0

Section B32-54.0 b,c,d

Section B32-55.0

Section B32-56.0

Section B32-57.0

APPENDIX A 14-41  
Areas where no #sidewalk cafes# shall be Allowed. Restrictions for All Sidewalk Cafes

No #sidewalk cafe# shall be permitted on any of the following #streets#:

City Wide



1. All #streets# with elevated rail transit lines.

Manhattan

1. All streets south of Chambers Street and Frankfort Street, except a street to which a mall plan or other special pedestrian plan has been adopted
1. 2. All streets bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west, except Central Park South between Fifth Avenue and Avenue of the Americas
2. 3. All streets bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and a line 125 feet east of Fifth Avenue on the east
3. 4. Canal Street - the entire length
4. 5. Orchard Street - from Canal Street to Houston Street
5. 6. Delancey Street - from Norfolk Street to Bowery
6. 7. Bowery - from East Broadway to Canal Street
7. 8. Elizabeth Street - from Bayard Street to Canal Street
8. 9. Pell Street - the entire length
9. 10. Mott Street - from Park Row to Canal Street
10. 11. Mulberry Street - from Worth Street to Canal Street
11. 12. Bayard Street - the entire length
12. 13. Doyers Street - the entire length
13. 14. All streets facing Chatham Square
14. 15. Eighth Street - from Avenue A to Avenue of the Americas
15. 16. 14th Street - from Second Avenue to Eighth Avenue
16. 17. 23rd Street - from the East River to Eighth Avenue
17. 18. 31st Street - from Fifth Avenue to Eighth Avenue
18. 19. 32nd Street - from Fifth Avenue to Eighth Avenue
19. 20. 33rd Street - from Fifth Avenue to Eighth Avenue
20. 21. 34th Street - from the East River to Eighth Avenue
21. 22. 42nd Street - from the East River to Eighth Avenue
22. 23. 57th Street - from the East River to Eighth Avenue
23. 24. 58th Street - from the East River to Eighth Avenue
24. 25. 59th Street - from the East River to 5th Avenue
25. 26. 60th Street - from Third Avenue to Fifth Avenue.
26. 27. 61st Street - from Third Avenue to Fifth Avenue
27. 28. 62nd Street - from Second Avenue to Fifth Avenue
28. 29. 63rd Street - from Second Avenue to Fifth Avenue
29. 30. 68th Street - from First Avenue to Fifth Avenue
30. 31. 72nd Street - from the East River to Fifth Avenue

31. 32. 77th Street - from First Avenue to Fifth Avenue
32. 33. 79th Street - from the East River to Fifth Avenue
33. 34. 86th Street - from the East River to Fifth Avenue
34. 35. 116th Street - from Lenox Avenue to Eighth Avenue
35. 36. Third Avenue - from 59th Street to 62nd Street
36. 37. Lexington Avenue - the entire length
37. 38. Park Avenue - the entire length from 38th Street, northward
38. 39. Madison Avenue - the entire length
39. 40. Fifth Avenue - from Washington Square North to 61st Street
40. 41. Sixth Avenue - from 31st Street to 38th Street
41. 42. Seventh Avenue - from 31st Street to 38th Street
42. 43. Eighth Avenue - from 31st Street to 38th Street
43. 44. Broadway - from 31st Street to 38th Street
44. 45. Herald Square
45. 46. First Avenue - from 48th Street to 59th Street.

#### Brooklyn

1. 13th Avenue - from 39th Street to New Utrecht Avenue
2. 86th Street - from 3rd Avenue to Gowanus Expressway
3. Court Street - from Schermerhorn Street to Montague Street
4. Ocean Parkway - the entire length.

#### Queens

1. Roosevelt Avenue - from Union Street to Prince Street
2. Austin Street - from Yellowstone Boulevard to Ascan Avenue
3. 82nd Street - from 34th Avenue to 41st Avenue
4. Junction Boulevard - from Northern Boulevard to 41st Avenue.

#### APPENDIX B 14-42

Areas where no #enclosed sidewalk cafes# shall be allowed. Restrictions for Enclosed Sidewalk Cafes

No enclosed #sidewalk cafe# shall be permitted on any of the following #streets#:

#### Manhattan

1. Bleecker Street - from Bank Street to Mercer Street
2. Central Park South - from Fifth Avenue to Avenue of the Americas
3. Coenties Slip
4. Park Avenue and Park Avenue South - from 31st Street to 38th Street.

APPENDIX C 14-43  
Special Zoning Districts

where #Sidewalk cafes# are permitted as indicated in the following districts shall or shall not be allowed where permitted by the underlying zoning:

Manhattan	Enclosed	Unenclosed	
1. Battery Park City District	Yes	Yes	
2. Clinton District	Yes	Yes	
3. Limited Commercial District	No	No*	
4. Lincoln Square District	No	Yes	
5. Little Italy District	No	Yes	
6. Lower Manhattan District	No	Yes**	
7. Madison Avenue Preservation District	No	No	
8. Midtown District	No	No	
9. Park Improvement District	No	No	
107. Transit Land Use District	Yes	Yes	
118. Tribeca Mixed Use District	Yes	Yes	
129. 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.

Brooklyn Enclosed Unenclosed

1. Bay Ridge District	Yes	Yes	
2. Coney Island Mixed Use District	Yes	Yes	
3. Downtown Brooklyn District	Yes	Yes	
4. Franklin Street Mixed Use District	Yes	Yes	
5. Northside Mixed Use District	Yes	Yes	
6. Ocean Parkway District, except along Ocean Parkway	Yes	Yes	
7. Sheepshead Bay District	No	Yes	

Bronx Enclosed Unenclosed

1. City Island District	No	Yes	
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Staten Island Enclosed Unenclosed

1. South Richmond Development District      Yes      Yes

APPENDIX D 14-44  
Street Malls

where #Sidewalk cafes# shall or shall not be allowed are permitted as indicated in the following malls where permitted by the underlying zoning:

Manhattan      Enclosed Unenclosed

1. Mulberry Street Mall      No      Yes

2. Nassau Street Mall      No      Yes

Brooklyn Enclosed Unenclosed

1. Fulton Street Mall except DeKalb Avenue      No      Yes

2. DeKalb Avenue Yes      Yes

Queens Enclosed Unenclosed

1. Far Rockaway Beach 20th Street      No      Yes

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 29, 2003, on file in this office.

.....  
City Clerk, Clerk of the Council