



Legislation Details (With Text)

File #: Res 0351-2004 **Version:** * **Name:** LU 80 - Zoning Reso., Sidewalk Cafe Text Amendment, CityWide (N040197ZRY)

Type: Resolution **Status:** Adopted

In control: Committee on Land Use

On agenda: 4/21/2004

Enactment date: **Enactment #:**

Title: Resolution approving with a modification the decision of the City Planning Commission on Application No. N 040197 ZRY, an amendment to the text of the Zoning Resolution relating to Sections 12-10 (Definitions) and 14-00 (Sidewalk Café Regulations) establishing a new category of unenclosed sidewalk cafes, Small Sidewalk cafes, and permitting such cafes on selected streets in Manhattan where sidewalk cafes are prohibited (L.U. No. 80).

Sponsors: Melinda R. Katz, Tony Avella

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 5/5

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|--|--------|
| 4/21/2004 | * | Committee on Land Use | Approved by Committee with Modifications and Referred to CPC | |
| 5/5/2004 | * | City Council | Approved, by Council | Pass |

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 351**

Resolution approving with a modification the decision of the City Planning Commission on Application No. N 040197 ZRY, an amendment to the text of the Zoning Resolution relating to Sections 12-10 (Definitions) and 14-00 (Sidewalk Café Regulations) establishing a new category of unenclosed sidewalk cafes, Small Sidewalk cafes, and permitting such cafes on selected streets in Manhattan where sidewalk cafes are prohibited (L.U. No. 80).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on March 31, 2004 its decision dated March 24, 2004 (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, Community Districts 2, 3, 4, 5, 6, 8, 10 and 11 (Application No. N 040197 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 April 19, 2004;

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 December 1, 2003 (CEQR No. 04DCP020Y);

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 with modification; 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 Graytone/Underlined 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;

Matter in **Graytone, bold and doubled Underline** is to be added by the Council;
Matter in [] brackets is to be deleted by the Council.

ARTICLE I

General Provisions

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Sidewalk cafe

A "sidewalk cafe" is a portion of an eating or drinking place that is located on a public sidewalk, as defined in Section 20-223, subdivision (a), of the Administrative Code, and is either an #enclosed#, ~~or #unenclosed#~~ or small #sidewalk cafe#, as defined herein.

Sidewalk cafe, enclosed

An "enclosed sidewalk cafe" is a #sidewalk cafe# that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic, or lightweight metal.

Sidewalk cafe, small

A "small sidewalk cafe" is an #unenclosed sidewalk café# containing no more than a single row of tables and chairs adjacent to the #street line# where such tables and chairs occupy a space on the sidewalk no greater than 4½ feet from the #street line#.

Sidewalk cafe, unenclosed

An "unenclosed sidewalk cafe" is a space on the sidewalk that contains readily removable tables, chairs or railings- with no overhead coverage other than umbrellas or a retractable awning that is affixed to the building wall and does not extend further than the width of the #unenclosed sidewalk cafe#.

* * *

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, 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~~ that better relate to the streetscape.
- (c) To preserve and enhance the character of neighborhoods throughout the City.
 - (d) To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements 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.

14-01

General Provisions

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sidewalk cafe# regulations, certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and specifically for #enclosed sidewalk cafes#, are herein established.

The three types of #sidewalk cafes# that are permitted by the regulations of this Chapter and defined in Section 12-10 (DEFINITIONS) are #enclosed sidewalk cafes#, #unenclosed sidewalk cafes# and #small sidewalk cafes#.

~~The amendments to Article I, Chapter 4, adopted by the City Council on January 29, 2003, shall become effective upon the effective date of legislation March 27, 2003, amending the Administrative Code of the City of New York respecting the approval process for #unenclosed sidewalk cafes#.~~

Physical criteria, including structural and operational requirements for #sidewalk cafes#, and #unenclosed sidewalk cafes# in particular, shall be regulated by the Department of Consumer Affairs and found in Title 6, Chapter 2, Subchapter F., of the Rules of the City of New York. Licenses for all #sidewalk cafes# must be obtained from the Department of Consumer Affairs, or its successor.

14-011

Sidewalk cafe locations

#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 south of Houston Street, except in those areas where #sidewalk cafes# are specifically prohibited or permitted, as provided in Section 14-40 (AREA ELIGIBILITY FOR SIDEWALK CAFES).

The following sSections identify ~~specific~~ #streets#, ~~malls~~, areas, special districts and malls and or portions of #streets# for which special area eligibility regulations apply:

Section 14-41 - (Area Restrictions for All Sidewalk Cafes Locations Where Certain Sidewalk Cafes Are Not Permitted)

Section 14-42 - (Area Restrictions for All Enclosed Sidewalk Cafes Locations Where Enclosed Sidewalk Cafes Are Not Permitted)

Section 14-43 - (Locations Where Only Small Sidewalk Cafes Are Permitted)

Section ~~14-43~~ 14-44 - (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted)

Section ~~14-44~~ 14-45 - (Street Malls Where Certain Sidewalk Cafes Are Permitted)

#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

ENCLOSED SIDEWALK CAFES

14-11

~~LOCATIONAL CRITERIA FOR ENCLOSED SIDEWALK CAFES~~ Locational Criteria for Enclosed Sidewalk Cafes

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

(a) Clear path

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 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 #enclosed sidewalk cafes#, parking meters, traffic signs, and trees that 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.

(b) Clearance at intersections of street line

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 curbside 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.

(c) Clearance from large obstructions All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purposes 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 cafe#.

(d) 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.

14-20 14-12

~~PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES~~ Physical Criteria for Enclosed Sidewalk Cafes

14-21 14-121

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) Ceiling

The 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 Department of Buildings.

At no point shall the height of the ceiling of an #enclosed sidewalk cafe# be lower than 7 feet, 0 inches above the floor of the #sidewalk cafe#.

(b) Transparency - exterior 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, 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.

(c) Elevation

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

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.

(d) 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 that are used exclusively as emergency fire exit doors shall be exempt from this provision.

(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#. 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#.

(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 #enclosed sidewalk cafe# on the public right-of-way.

14-22 14-122

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 are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

14-23 14-123

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.

14-24 14-124

Music and Noise Amplification

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

14-30 14-13

SPECIAL PERMIT MODIFICATIONS OF LOCATIONAL OR PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes

In all #Commercial# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Sections 14-41 (~~Area Restrictions for All Locations Where Certain Sidewalk Cafes Are Not Permitted~~), 14-42 (~~Area Restrictions for All Locations Where Enclosed Sidewalk Cafes Are Not Permitted~~), 14-43 14-44 (~~Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted~~) and 14-44 14-45 (~~Street Malls Where Certain Sidewalk Cafes Are Permitted~~), 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) of Section ~~14-10~~ 14-11 (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.

14-20

UNENCLOSED SIDEWALK CAFES

Physical criteria for #unenclosed sidewalk cafes#, including structural and operational requirements, shall be regulated by the Department of Consumer Affairs pursuant to the Rules of the City of New York as described in Section 14-01 (General Provisions). #Small sidewalk cafes#, however, shall also conform to the requirements of Section 14-30.

14-30

SMALL SIDEWALK CAFES

#Small sidewalk cafes# shall be subject to the regulations of Section 14-01 (General Provisions), and, in addition, shall comply with the requirements for the definition of #small sidewalk cafes# in Section 12-10 as well as the following physical criteria:

- (a) no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe#;
- (a) there shall be no railing, structure or other form of barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and
- (a) there shall be no overhead coverage other than a retractable awning that is affixed to the building wall and does not extend further than 4½ feet.

#Small sidewalk cafes# are permitted wherever #sidewalk cafes# may be located pursuant to the requirements of 14-011. Section 14-43 (Streets Where Only Small Sidewalk Cafes Are Permitted) lists specific #streets# and areas where no #sidewalk cafes# other than

#small sidewalk cafes# may be located.

14-40

AREA ELIGIBILITY FOR SIDEWALK CAFES

In addition to the general eligibility criteria for #sidewalk cafes# in Section 14-011 (Sidewalk cafe locations), this Section identifies those locations where specific area eligibility regulations apply, subject to the underlying zoning.

#Enclosed# and #unenclosed sidewalk cafes# are not permitted on the streets and areas listed in Sections 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted) and #enclosed sidewalk cafes# are not permitted on the streets listed in 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted).

In all special zoning districts, #enclosed# and #unenclosed sidewalk cafes#, other than #small sidewalk cafes# pursuant to Section 14-43 (Locations Where Only Small Cafes Are Permitted), shall not be permitted, except as indicated in Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted).

In addition to the #streets# where all #sidewalk cafes# may be located as listed in Section 14-011, #small sidewalk cafes# shall be permitted on the #streets#, portions of #streets, areas and special zoning districts listed in Section 14-43.

For the purposes of this Chapter, the length of a #street# shall run the full #block# to the nearest intersections with cross #streets#, unless otherwise stated.

Areas bounded by #streets# shall include both sides of such #streets# and shall be subject to the regulations of this Chapter pertaining to such areas, subject to the underlying zoning. When a #street# forms the boundary of a special district, however, only that side of the street located within the special district shall be subject to the regulations pertaining to the special district.

14-41

Area Restrictions for All Locations Where Certain Sidewalk Cafes Are Not Permitted

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted):

City Wide

1. All #streets# with elevated rail transit lines, unless specifically permitted in Section 14-43.

Manhattan

1. 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. 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
- 6.2. Bowery - from East Broadway to Canal Street
- 7.3. Elizabeth Street - from Bayard Street to Canal Street
- 8.4. Pell Street - the entire length
- 9.5. Mott Street - from Park Row to Canal Street
- 10.6. Mulberry Street - from Worth Street to Canal Street
- 11.7. Bayard Street - the entire length
- 12.8. Doyers Street - the entire length
- 13.9. All streets facing Chatham Square
- 3.10. Canal Street - the entire length
- 4.11. Orchard Street - from Canal Street to Houston Street
- 5.12. Delancey Street - from Norfolk Street to Bowery
- 14.13. Eighth Street - from Avenue A to Sixth Avenue ~~of the Americas~~
- 15.14. 14th Street - from Second Avenue to Eighth Avenue
- 16.15. 23rd Street - from the East River to Eighth Avenue
- 17.16. 31st Street - from Fifth Avenue to Eighth Avenue

- 18.17. 32nd Street - from Fifth Avenue to Eighth Avenue
19.18. 33rd Street - from Fifth Avenue to Eighth Avenue
20.19. 34th Street - from the East River to Eighth Avenue
21.20. 42nd Street - from the East River to Eighth Avenue
21. All #streets# or portions of #streets# bounded by 43rd Street on the south, 45th Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue
22.22. 57th Street - from the East River to Eighth Avenue
23.23. 58th Street - from the East River to Eighth Avenue
24.24. 59th Street - from the East River to 5th Avenue
25. 59th Street - from Sixth Avenue to Columbus Circle
26. 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
25.27. 60th Street - from Third Avenue to Fifth Avenue
26.28. 61nd Street - from Third Avenue to Fifth Avenue
27.29. 62rd Street - from Second Avenue to Fifth Avenue
28.30. 63th Street - from Second Avenue to Fifth Avenue
29.31. 68nd Street - from First Avenue to Fifth Avenue
30.32. 72th Street - from the East River to Fifth Avenue
31.33. 77th Street - from First Avenue to Fifth Avenue
32.34. 79th Street - from the East River to Fifth Avenue
33.35. 86th Street - from the East River to Fifth Avenue
34.36. 116th Street - from Lenox Avenue Malcolm X Boulevard to Eighth Avenue Frederick Douglass Boulevard
45.37. First Avenue - from 48th Street to 59th Street.
35.38. Third Avenue - from 59th Street to 62nd Street
36.39. Lexington Avenue - the entire length
37.40. Park Avenue - the entire length from 38th Street, northward
38.41. Madison Avenue - the entire length
39.42. Fifth Avenue - from Washington Square North to 61st Street
40.43. Sixth Avenue - from 31st Street to 38th Street
43.44. Broadway - from 31st Street to 38th Street
41.45. Seventh Avenue - from 31st Street to 38th Street
42.46. Eighth Avenue - from 31st Street to 38th Street
44.47. Herald Square
45. ~~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.

14-42

Area Restrictions for Enclosed Sidewalk Cafes

Locations Where Enclosed Sidewalk Cafes Are Not Permitted

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 ~~Sixth Avenue~~
3. ~~Coenties Slip~~
- 4.3. Park Avenue ~~South~~ and Park Avenue ~~South~~ - from 31st Street to 38th Street.

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 cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning:

Manhattan

1. Orchard Street - from Canal Street to Houston Street
2. Delancey Street - from Norfolk Street to the Bowery
3. Centre Street - from Canal Street to Spring Street
4. Lafayette Street - from Canal Street to Houston Street
5. Sixth Avenue - from Canal Street to a line 100 feet south of Spring Street
6. Special Union Square Special District*
7. 14th Street - from Second Avenue to Irving Place
8. 14th Street - from a line 100 feet west of University Place to Eighth Avenue
9. 23rd Street - from the East River to Eighth Avenue
10. 31st Street - from Fifth Avenue to a line 200 feet east of Broadway
11. Special Jacob K. Javits Convention Center District
12. 34th Street - from the East River to Fifth Avenue
13. 35th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue
14. 36th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
15. 37th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
16. 37th Street - from a line 150 feet east of Sixth Avenue to Broadway
17. 38th Street - from Third Avenue to Seventh Avenue
18. 39th Street - from Exit Street to Seventh Avenue
19. 40th Street - from a line 100 feet east of Exit Street to Broadway
20. 41st Street - from a line 100 feet east of Exit Street to Third Avenue
21. 42nd Street - from First Avenue to Third Avenue
- 22. 42nd Street - from Fifth Avenue to a line 275 feet east of Sixth Avenue**
- [22] **23. All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west**
- [23. All #streets# bounded by 42nd Street on the south, 46th Street on the north, Fifth Avenue on the east and Sixth Avenue on the west]
- 24. 43rd Street - from Fifth Avenue to Sixth Avenue**
- 25. 44th Street - from Fifth Avenue to Sixth Avenue**
- 26. 45th Street - from Fifth Avenue to Sixth Avenue**
- 27. 46th Street - from Fifth Avenue to Sixth Avenue**
- [24] **28. 47th Street - from a line 200 feet east of Third Avenue to Third Avenue**
- [25] **29. All #streets# bounded by 48th Street on the south, 50th Street on the north, a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west**
- [26] **30. 51st Street - from a line 150 feet east of Third Avenue to Eighth Avenue**
- [27] **31. 52nd Street - from a line 160 feet east of Third Avenue to Eighth Avenue**
- [28] **32. 53rd Street - from a line 160 feet east of Third Avenue to Eighth Avenue**
- [29] **33. 54th Street - from a line 150 feet east of Third Avenue to Eighth Avenue**
- [30] **34. 55th Street - from a line 100 feet west of Second Avenue to Eighth Avenue**
- [31] **35. 56th Street - from a line 100 feet west of Second Avenue to Eighth Avenue**
- [32] **36. 57th Street - from the East River to Eighth Avenue**
- [33] **37. 58th Street - from the East River to Eighth Avenue**
- [34] **38. 59th Street - from the East River to Second Avenue**
- [35] **39. 59th Street (Central Park South) - from Sixth Avenue to Columbus Circle**
- [36] **40. 60th Street - from Lexington Avenue to Fifth Avenue**
- [37] **41. 61st Street - from Third Avenue to Fifth Avenue**
- [38] **42. 62nd Street - from Second Avenue to Fifth Avenue**
- [39] **43. 63rd Street - from Second Avenue to Fifth Avenue**

- [40] ~~44.~~ 116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
- [41] ~~45.~~ First Avenue - from 48th Street to 56th Street
- [42] ~~46.~~ Third Avenue - from 38th Street to 62nd Street
- [43] ~~47.~~ Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street
- [44] ~~48.~~ Lexington Avenue - the entire length from a line 100 feet north of 96th Street, northward
- [45] ~~49.~~ Park Avenue - from 38th Street to 40th Street
- [46] ~~50.~~ Park Avenue - from 48th Street to 60th Street
- [47] ~~51.~~ Park Avenue - the entire length from a line 100 feet north of 96th Street, northward
- [48] ~~52.~~ Madison Avenue - from 23rd Street to 38th Street
- [49] ~~53.~~ Madison Avenue - from 59th Street to 61st Street
- [50] ~~54.~~ Special Madison Avenue Preservation District **
- [51] ~~55.~~ Madison Avenue - the entire length from a line 100 feet north of 96th Street, northward
- [52] ~~56.~~ Fifth Avenue - from 12th Street to 33rd Street
- [53] ~~57.~~ Fifth Avenue - from 59th Street to 61st Street
- [54] ~~58.~~ Sixth Avenue - from 36th Street to [48th]42nd Street
- 59.** Sixth Avenue - from 150 feet north of 42nd Street to 48th Street
- [55] ~~60.~~ Sixth Avenue - from 50th Street to Central Park South
- [56] ~~61.~~ Seventh Avenue - from 50th Street to Central Park South
- [57] ~~62.~~ Broadway - from 36th Street to 40th Street
- [58] ~~63.~~ Broadway - from 50th Street to Columbus Circle
- [59] ~~64.~~ Columbus Circle - from Eighth Avenue, westward, to Broadway.

* #Small sidewalk cafes# are not allowed on 14th Street

** #Small sidewalk cafes# are not allowed on 86th Street

14-43 14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed# #Sidewalk cafes# are shall be permitted, as indicated, in the following special zoning districts, where permitted 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 | <u>Enclosed Sidewalk Cafe</u> | <u>Unenclosed Sidewalk Cafe</u> |
|--|-------------------------------|---------------------------------|
| 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. Transit Land Use District | | Yes Yes |
| 8. Tribeca Mixed Use District | | Yes Yes |
| 9. 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 | <u>Enclosed Sidewalk Cafe</u> | <u>Unenclosed Sidewalk Cafe</u> |
|---------------------------------------|-------------------------------|---------------------------------|
| 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 |

* #Sidewalk cafes are not allowed on Ocean Parkway

| | | |
|-------------------------|-------------------------------|---------------------------------|
| Bronx | Enclosed <u>Sidewalk Cafe</u> | Unenclosed <u>Sidewalk Cafe</u> |
| 1. City Island District | | No Yes |

| | | |
|--|-------------------------------|---------------------------------|
| Staten Island | Enclosed <u>Sidewalk Cafe</u> | Unenclosed <u>Sidewalk Cafe</u> |
| 1. South Richmond Development District Yes | Yes | |

14-45 (1/29/03)

Street Malls Where Certain Sidewalk Cafes Are Permitted

#Sidewalk cafes# are permitted as indicated in the following malls where permitted allowed by the underlying zoning:

| | | |
|-------------------------|------------------------|--------------------------|
| Manhattan | Enclosed Sidewalk Cafe | Unenclosed Sidewalk Cafe |
| 1. Mulberry Street Mall | No | Yes |
| 2. Nassau Street Mall | No | Yes |

| | | |
|---|------------------------|--------------------------|
| Brooklyn | Enclosed Sidewalk Cafe | Unenclosed Sidewalk Cafe |
| 1. Fulton Street Mall* except DeKalb Avenue No | Yes | |
| 2. DeKalb Avenue | Yes | Yes |

* #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

| | | |
|-----------------------------------|------------------------|--------------------------|
| Queens | Enclosed Sidewalk Cafe | Unenclosed Sidewalk Cafe |
| 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 May 5, 2004, on file in this office.

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