



CITY PLANNING COMMISSION

April 10, 2013/Calendar No. 17

N 130134 ZRQ

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafes and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District, in Community Districts 1 and 2, Borough of Queens.

The application for an amendment to the New York City Zoning Resolution was filed by the New York City Department of City Planning on December 11, 2012 to allow sidewalk cafes on certain streets within the Special Long Island City Mixed Use District (LIC District) and the Special Planned Community Preservation District [PC District (Sunnyside Gardens)] and to establish a minimum base height in Section 117-532 of the LIC District for two blocks of Area C in the Queens Plaza Subdistrict. The affected blocks are located within Community Districts 1 and 2, Borough of Queens.

BACKGROUND

The New York City Department of City Planning is proposing zoning text amendments to Article I, Chapter 4 (SIDEWALK CAFE REGULATIONS) and Article XI, Chapter 7 (SPECIAL LONG ISLAND CITY MIXED USE DISTRICT) to allow unenclosed and small sidewalk cafes along 20 streets within the LIC District and small sidewalk cafes along one and one-half blocks of Skillman Avenue within the PC District (Sunnyside Gardens); and to establish a minimum building base height for new developments located on two blocks adjacent to the elevated #7 subway structure in Area C of the Queens Plaza Subdistrict (QP Subdistrict) of the LIC District.

An unenclosed sidewalk cafe is a sidewalk café of any size, consisting of readily removable tables, chairs, or railings with no overhead coverage other than umbrellas or a retractable awning affixed to the building wall. Adjacent to the cafe, a sidewalk width of eight feet or 50 percent of the sidewalk width, whichever is greater, from the curb to the building line, must be kept free of all obstructions and reserved for pedestrians. A small sidewalk café is defined as a single row of tables and chairs located adjacent to and extending no more than four feet, six inches from the street line. Small sidewalk cafés are limited to tables and chair only; serving stations or other

pieces of furniture are not allowed, nor are railings, structures, or other barriers allowed between the café and the remaining area of the sidewalk. Overhead coverings are limited to retractable awnings affixed to the building wall and not extending more than four feet six inches over the sidewalk.

Sidewalk cafes are allowed within special zoning districts only if the Special Zoning District is listed in Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) of the Zoning Resolution. The proposed zoning text amendments would list the LIC District and the PC District (Sunnyside Gardens) in Section 14-44 to allow sidewalk cafes within the two special districts and also modify Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted), Section 117-00 (Appendix A), Section 117-03 (District Plan and Maps), and Section 117-05 (Permitted Sidewalk Cafe Locations) to specify the streets where sidewalk cafes would be allowed and the types of cafes that would be allowed along them.

Special Long Island City Mixed Use District

The proposed zoning text amendments would allow sidewalk cafes along all or portions of 196 block fronts within the LIC District. The table below lists the street locations, applicable zoning districts, and existing sidewalk widths where sidewalk cafes would be within the LIC District:

Street Name	Zoning District	Sidewalk Width
Vernon Boulevard	R6A/C1-5	approximately 15 feet
21 st Street	R6A/C1-5	approximately 15 feet
Jackson Avenue	R7-X/C2-5, M1-5/R7-3, M1-6/R10, M1-5/R9	approximately 20 feet*
Second Street	M1-4/R6B, M1-5/R8A	approximately 15 feet
Borden Avenue	M1-4/R6B, M1-5/R7X	approximately 15 feet
44 th Drive	M1-4/R7A, C5-3	approximately 20 feet
48 th Avenue	M1-4/R7A, R6A/C1-5, M1-4/R6B, M1-4/R7A	approximately 15 feet
Court Square (north)	M1-5/R7-3	approximately 15 feet
Court Square (south)	M1-5/R7-3	approximately 17 feet
Crescent Street	M1-5/R9, M1-5/R7-3, M1-6/R10	approximately 17 feet
43 rd Avenue	M1-6/R10, M1-5/R7-3, M105/R9	approximately 18 feet
Queens Plaza South	M1-5/R9, M1-6/R10	approximately 15 feet
Queens Plaza North	M1-5/R9, M1-6/R10	approximately 15 feet
41 st Avenue	M1-5/R7-3, M1-2/R6A	approximately 13 feet
40 th Road	M1-5/R7-3, M1-2/R5D, M1-3/R7X	approximately 15 feet
40 th Avenue	M1-2/R5D, M1-3/R7X	approximately 15 feet
39 th Avenue	M1-2/R5D, M1-2/R6A, M1-3/R7X	approximately 15 feet

Street Name	Zoning District	Sidewalk Width
38 th Avenue	M1-2/R6A, M1-3/R7X	approximately 18.5 feet
37 th Avenue	M1-2/R6A, M1-3/R7X	approximately 18.5 feet
36 th Avenue	M1-2/R5B	approximately 18.5 feet

* The sidewalk width for the portion of Jackson Avenue between 44th Drive and the prolongation of Dutch Kills Street is 10 feet. Only small sidewalk cafes would be allowed on this portion as noted below.

The zoning districts listed above allow retail uses, including restaurants, cafes, and bars, on the ground floors of buildings, but sidewalk cafes are not allowed because these streets are within the LIC District, a special zoning district. Allowing unenclosed sidewalk cafes along Vernon Boulevard and Jackson Avenue, two established retail corridors, would allow new unenclosed cafes along these prime shopping streets and also allow the legalization of several existing unenclosed sidewalk cafes. The remaining streets where unenclosed sidewalk cafes would be allowed within the LIC District are either characterized by existing ground floor non-residential uses or are proximate to new apartment or office buildings. The minimum sidewalk width along the streets where unenclosed sidewalk cafes would be allowed is generally 15 feet and all of the sidewalk widths are wide enough to accommodate a cafe while still ensuring at least eight feet of clear pedestrian space within the sidewalk.

Small sidewalk cafes would be allowed along Queens Plaza North, Queens Plaza South, and the west side of Jackson Avenue between 44th Drive and the prolongation of Dutch Kills Street to reflect a 10-foot sidewalk width along that portion of Jackson Avenue and the high pedestrian volumes along Queens Plaza. The small sidewalk cafe provisions would ensure a five and one-half foot clear sidewalk along Jackson Avenue and a 10 and one-half foot clear sidewalk along Queens Plaza North and Queens Plaza South.

Special Planned Community Preservation District (Sunnyside Gardens)

Skillman Avenue, a two-way street running east-west through Sunnyside Gardens, a planned community development constructed in the 1920s, is the neighborhood’s convenience shopping street. This thoroughfare and the surrounding blocks in Sunnyside were the subject of the Department of City Planning's application for zoning map amendments (C 110207 ZMQ) that were adopted by the City Council on July 28, 2011. Several medium- and lower-density

residence districts and a C1-3 District are mapped on several full or partial block fronts of Skillman Avenue between 45th Street on the west and 51st Street on the east. Zoning text changes (N 110209 ZRQ), also adopted by the City Council on July 28, 2011, allow small sidewalk cafes on the avenue's blocks zoned C1-3, except for one full block front on the north side of Skillman Avenue between 46th and 47th streets and the eastern-most 72 feet of frontage on the south side of Skillman Avenue between 46th and 47th streets. Sidewalk cafes are not allowed on these two block portions because they are within the Special Planned Community Preservation District (Sunnyside Gardens). The PC District (Sunnyside Gardens) is now proposed to be listed within Section 14-44, and Section 14-43 is proposed to be modified to allow small sidewalk cafes on the portion of Skillman Avenue within the PC District (Sunnyside Gardens). The sidewalk width along the affected stretch of Skillman Avenue is approximately 15 feet. The block front on the north side of Skillman Avenue is characterized by a continuous row of four-story buildings with ground floor shops and restaurants and upper story residences. A single-family residence and accessory one-story parking garage occupy the easternmost 72 feet of frontage on the south side of Skillman Avenue. The remaining Skillman Avenue frontage of this block is occupied by a row of two-story buildings with ground floor local retail uses and upper story residences.

Queens Plaza Subdistrict Minimum Base Height Modification

The Queens Plaza Subdistrict forms the 'central mixed-use district' core within the Special LIC District, and it encompasses 34 blocks in a triangular-shaped area generally bounded by 23rd Street, 41st Avenue, the Sunnyside Yards, and Crane Street. The subdistrict is divided into three areas, A, B, and C, for the purpose of establishing different FAR and height and setback provisions, including minimum and maximum base heights, so that new buildings will more closely reflect each area's distinct built context. However, a minimum base height is not currently required for developments on two blocks in Area C bounded by Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street because portions of these blocks face Davis Street, a narrow street with an elevated subway structure running along it. A minimum base height for these two blocks was not established to allow for design flexibility in response to the approximately 30-foot high elevated subway structure. Consequently, buildings with base

heights as low as 10 to 15 feet, depending on the type of ground floor use, could be developed on these two blocks.

The proposed zoning text change would amend Section 117-532 to establish a minimum base height of 40 feet for buildings or portions of buildings fronting on Davis Street between the Sunnyside Yards and a point 75 feet from Jackson Avenue and establish a minimum base height of 60 feet for the remaining frontages of the two blocks. The proposed 40- and 60- foot minimum base heights are currently allowed but not required. This zoning text change would also amend Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403) in order to allow an application for this special permit that has already been filed to proceed into the public review process as currently designed even if it does not meet the proposed minimum base heights. An application for a special permit pursuant to Section 117-56 to increase the allowable floor area ratio (FAR) from 5.0 to 8.0 was filed on February 8, 2013 (130191ZSQ) for a proposed development on Block 86/72, one of the two blocks affected by the proposed QP Subdistrict zoning text change.

ENVIRONMENTAL REVIEW

This application (N 130134 ZRQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 13DCP054Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 17, 2012.

PUBLIC REVIEW

On December 18, 2012, this text change application (N 130134 ZRQ) was duly referred to Queens Community Board 1, Queens Community Board 2, and the Queens Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (N 130134 ZRQ) on January 15, 2013 and, on that date, by a vote of 34 in favor, zero opposed and none abstaining, adopted a recommendation in favor of the application with the following conditions:

- That the unenclosed sidewalk cafes are permitted on the avenues only, and not be permitted to wrap around onto the side street.
- That no Cafes are to be permitted under the train "El" structure.

Community Board 2 held a public hearing on this application (N 130134 ZRQ) on January 16, 2013 and on February 7, 2013, took two votes on the application. The first vote, on the sidewalk cafe portion of this application, was 34 in favor and zero opposed and none abstaining, to a recommendation in favor of the proposed changes to the sidewalk cafe provisions for the Special Long Island City Mixed Use District and the Special Planning Community Preservation District (Sunnyside Gardens). The second vote, on the proposed changes to the height and setback provisions in Section 117-532 and the grandfathering provision in Section 117-56, was 32 in favor, one opposed, and one abstention, to a recommendation in favor of the proposed changes.

Borough President Recommendation

This application (N 130134 ZRQ) was considered by the Borough President who issued a recommendation approving the application on March 1, 2013.

City Planning Commission Public Hearing

On February 20, 2013 (Cal. No. 7), the City Planning Commission scheduled March 6, 2013 for a public hearing on this application (N 130134 ZRQ). The hearing was duly held on March 6, 2013 (Calendar No. 19). There were no speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this text amendment to the Zoning Resolution (N 130134 ZRQ) is appropriate.

The Commission believes that sidewalk cafes are a very important component of active and

vibrant retail streets. Allowing sidewalk cafes on the existing and emerging retail streets in the LIC District would enliven these streets and support the growing residential, employee, student, and tourist populations that use them. The Commission notes that, where unenclosed sidewalk cafes will be allowed, the minimum sidewalk width is generally 15 feet and all of the sidewalk widths are wide enough to accommodate a cafe while still ensuring at least eight feet of clear pedestrian space within the sidewalk. The Commission believes that allowing small sidewalk cafes along Queens Plaza North, Queens Plaza South, and the west side of Jackson Avenue between 43rd Avenue and the prolongation of Dutch Kills Street will ensure adequate pedestrian circulation space while still adding character to the streetscape. The Commission also believes that the proposed zoning text amendment would allow the legalization of several existing cafes along Vernon Boulevard and Jackson Avenue that have been operating without causing any pedestrian conflicts.

The Commission further believes that allowing small sidewalk cafes along the portion of Skillman Avenue within the PC District (Sunnyside Gardens) is appropriate and essential to ensuring a consistent sidewalk cafe policy for Skillman Avenue within the Sunnyside Gardens neighborhood. Since July 2011, small sidewalk cafes have been allowed on blocks zoned C1-3 to the east and west of the affected blocks in the PC District (Sunnyside Gardens), and the Commission notes that the changes that are the subject of this report are consistent with this land use policy.

The Commission supports the changes to Section 117-532 that would establish a minimum base height for two blocks between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street within Area C of the Queens Plaza Subdistrict of the LIC District. The Commission believes that the required 40-foot minimum base height along Davis Street to a point within 75 feet of the corner of Jackson Avenue and the required 60-foot base height for the remaining frontages of these two blocks will ensure a predictable, pedestrian-scaled building base for new buildings on the affected two blocks of the Queens Plaza Subdistrict.

The Commission notes Community Board 1's recommendation to prohibit sidewalk cafes from

locating under the elevated train structure on 31st Streets and notes that the zoning text that is the subject of this report is consistent with this recommendation. Section 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted) does not allow sidewalk cafes on streets with elevated rail transit lines unless specifically permitted; this text amendment does not propose to allow them on 31st Street. The Commission also notes Community Board 1's recommendation to prohibit sidewalk cafes from the side streets when a cafe is proposed for a corner lot but believes that sidewalk cafe locations are best decided during the community's review of an application for a sidewalk cafe.

The Commission also acknowledges a recommendation from the Council Member representing the 26th District, outlined in a letter dated February 1, 2013 to the Chair of the Commission, to exclude the partial block front on the south side of Skillman Avenue from the area of the PC District (Sunnyside Gardens) where sidewalk cafes would be allowed. The affected block front consists of the eastern-most 72 feet of frontage on Skillman Avenue, between 46th and 47th streets, which is currently occupied by a single-story garage and a residence. The affected area is zoned C1-3, a zoning district that allows commercial uses such as restaurants and cafes, and it adjoins a continuous retail frontage extending westerly along Skillman Avenue where small sidewalk cafes are already allowed. The south side of Skillman Avenue is also located within the New York City Sunnyside Gardens Historic District. The Commission recognizes that any exterior alterations of the existing residence or the garage, including for commercial uses such as restaurants would require review by the New York City Landmark Preservation Commission (LPC), while an application for a sidewalk cafe license would also require review by the LPC and Community Board 2. The Commission believes that these public review processes provide sufficient oversight for ensuring that any land use changes in the affected area on the south side of Skillman Avenue will be consistent with the character of Skillman Avenue and the Sunnyside Gardens Historic District.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the proposed action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

* * *

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.

* * *

Queens:

Queens Boulevard - from a line 100 feet west of 39th Place to 48th Street
~~Skillman Avenue - from 45th Street to a line 100 feet east of 46th Street, south side only~~
~~Skillman Avenue - from 48th Street to 52nd Street.~~
Skillman Avenue from 45th Street to a line 100 feet east of 51st Street, including that portion within the Special Planned Community Preservation District (Sunnyside Gardens).
North side of Jackson Avenue from 44th Drive to the prolongation of Dutch Kills Street
Queens Plaza North from 23rd Street to Northern Boulevard
Queens Plaza South from 23rd Street to Jackson Avenue

* * *

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).

* * *

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Forest Hills District ¹	No	Yes
Downtown Jamaica District	No	Yes
<u>Long Island City Mixed Use District²</u>	<u>No</u>	<u>Yes</u>
Southern Hunters Point District	No	Yes
Willets Point District	No	Yes

¹ #Sidewalk cafes# are not allowed on Austin Street

² See Appendix A in Article XI, Chapter 7

* * *

Article XI - Special Purpose Districts

Chapter 7

Special Long Island City Mixed Use District

* * *

117-03

District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

Appendix A ~~Map of the #Special Long Island City Mixed Use District#~~ and Subdistricts Plan Map, Including Permitted #Sidewalk Cafe# Locations

Appendix B Court Square Subdistrict Plan Map and Description of Improvements

Appendix C Queens Plaza Subdistrict Plan Maps:

Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening, Street Wall Location and Ground Floor Use.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter

apply.

* * *

117-05
Permitted Sidewalk Cafe Locations

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, subject to all other applicable regulations of Article I, Chapter 4.

* * *

117-532
Setback regulations for buildings that exceed the maximum base height

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

- (a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

<u>Area</u>	<u>Minimum Base Height*</u>	<u>Maximum Base Height</u>
A-1	60	---
A-2	60	150
B	100	150
C*	60	100

~~* except that there shall be no minimum base height for #buildings or other structures# on those #blocks# in Area C adjacent to a #narrow street# along which there is an elevated structure.~~

- * for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet.

* * *

117-56
Special Permit for Bulk Modifications on Blocks 86/72 and 403

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet

of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531 (Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

- (a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided the Commission finds that:
 - (1) the public open area is designed so that it provides recreational opportunities for the community;
 - (2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;
 - (3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;
 - (4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and
 - (5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Section 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.

- (b) The #public parking garage# shall be subject to the following conditions:
 - (1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);
 - (2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and
 - (3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any

spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to (effective date of this amendment), may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

* * *

The above resolution (N 130134 ZRQ), duly adopted by the City Planning Commission on April 10, 2013 (Cal. No. 17), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,

MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,

ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners



City of New York Community Board #1, Queens

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Barry Grodenchik,
Deputy Borough President
Vinicio Donato,
Chairperson
Lucille T. Hartmann,
District Manager

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January 22, 2013

Ms Amanda Burden
Commissioner
Department of City Planning
22 Reade Street
New York, NY 10007

Dear Commissioner Burden:

RE: #N 130134 ZRQ -- Text Amendment
to permit Sidewalk Cafes in the Dutch
Kills and Hunter's Point area in Long
Island City

Community Board 1 held a Public Hearing on the above referenced
Test Amendment at our full Board meeting held on January 15, 2013.

Following our hearing a motion was made to approve the application
with stipulations, by a unanimous vote of 34 in favor, 0 against and 0
abstentions. Our stipulations are as follows:

- That the Unenclosed sidewalk cafes are permitted on the
avenues, only, and not be permitted to wrap around onto the
side street
- That no Cafes are to be permitted under the train "E1"
structure

Sincerely,

Vinicio Donato

cc: Hon. Helen Marshall
Hon. Michael Gianaris
Hon. Jimmy Van Bramer
Mr. John Young, DCP
Ms Penny Lee, DCP

BOARD MEMBERS (cont.)

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Marie Torniali
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Mannie Wilson
Ben Wood
John P. Ziedonis

Queens Borough President Recommendation

APPLICATION: ULURP #N130134 ZRQ

COMMUNITY BOARD: Q01 & Q02

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning for a zoning text amendment to allow sidewalk cafes in certain locations within the Special Long Island City Mixed Use District (LIC District) and the Special Planned Community Preservation (Sunnyside Gardens) and to establish minimum base heights for two blocks in Area C of the QP Subdistrict of the LIC District, Borough of Queens.

PUBLIC HEARING

A Public Hearing was not held on this item.

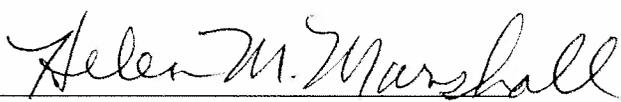
CONSIDERATION

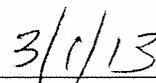
Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The proposed amendments would: allow unenclosed and unenclosed small sidewalk cafes along twenty (20) streets within the Special Long Island City Mixed Use District and small side cafes along 1.5 blocks of Skillman Avenue within the Sunnyside Gardens Special Planned Community Preservation District; and establish a minimum base height in Section 117-532 (setback regulations for buildings that exceed the minimum base height) for two blocks fronting along the elevated #7 tracks in Area C of the Queens Plaza Subdistrict (QP) district of the LIC District;
- The sidewalk cafe amendments are being proposed to allow sidewalk cafes in the LIC District in certain appropriate locations to support lively, pedestrian oriented street life. These goals are consistent with the ongoing efforts to remake Long Island City into a daytime and evening community with a full range of activity for residents and workers in the area.;
- The amendment to establish a minimum base wall height for two blocks between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street within Area C of the Queens Plaza Subdistrict of the LIC District would assure that the streetwall development in this area would be consistent with other properties in the area;
- Community Board 1 approved this application with conditions at a public hearing held on January 15, 2013 by a vote of thirty-four (34) in favor with none (0) against or abstaining. The conditions of approval were as follows: that the unenclosed cafes are permitted on the avenues only and not be permitted to wrap around onto the side street; and that no cafes are to be permitted under the "el" structure;
- Community Board 2 approved this application at a public hearing held on February 7, 2013;
- The Queens Borough Board approved this application at the February 11, 2013 meeting.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS


DATE

Queens Borough Board Recommendation

APPLICATION: ULURP #N130134 ZRQ

COMMUNITY BOARD: Q01 & Q02

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning for a zoning text amendment to allow sidewalk cafes in certain locations within the Special Long Island City Mixed Use District (LIC District) and the Special Planned Community Preservation (Sunnyside Gardens) and to establish minimum base heights for two blocks in Area C of the QP Subdistrict of the LIC District, Borough of Queens.

PUBLIC HEARING

A Public Hearing was not held on this item.

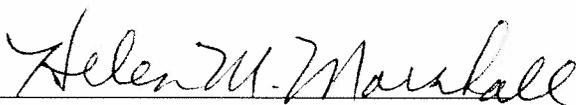
CONSIDERATION

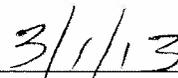
Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The proposed amendments would: allow unenclosed and unenclosed small sidewalk cafes along twenty (20) streets within the Special Long Island City Mixed Use District and small side cafes along 1.5 blocks of Skillman Avenue within the Sunnyside Gardens Special Planned Community Preservation District; and establish a minimum base height in Section 117-532 (setback regulations for buildings that exceed the minimum base height) for two blocks fronting along the elevated #7 tracks in Area C of the Queens Plaza Subdistrict (QP) district of the LIC District;
- The sidewalk cafe amendments are being proposed to allow sidewalk cafes in the LIC District in certain appropriate locations to support lively, pedestrian oriented street life. These goals are consistent with the ongoing efforts to remake Long Island City into a daytime and evening community with a full range of activity for residents and workers in the area.;
- The amendment to establish a minimum base wall height for two blocks between Jackson Avenue, Pearson Street, the Sunnyside Yards, and Crane Street within Area C of the Queens Plaza Subdistrict of the LIC District would assure that the streetwall development in this area would be consistent with other properties in the area;
- Community Board 1 approved this application with conditions at a public hearing held on January 15, 2013 by a vote of thirty-four (34) in favor with none (0) against or abstaining. The conditions of approval were as follows: that the unenclosed cafes are permitted on the avenues only and not be permitted to wrap around onto the side street; and that no cafes are to be permitted under the "el" structure;
- Community Board 2 approved this application at a public hearing held on February 7, 2013;
- The Queens Borough Board approved this application at the February 11, 2013 meeting.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS


DATE