

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, JANUARY 8, 2003  
10:00 A.M. SPECTOR HALL  
22 READE STREET, NEW YORK 10007**

**Rosa R. Romero, Calendar Officer  
22 Reade Street, Room 2E  
New York, New York 10007-1216  
(212) 720-3370**

| CAL NO. | ULURP NO.    | CD NO | C.P.C. ACTION                 | CAL NO. | ULURP NO.         | CD NO | C.P.C. ACTION                 |
|---------|--------------|-------|-------------------------------|---------|-------------------|-------|-------------------------------|
| 1       | C 010667 PQK | 1     | Scheduled to be Heard 1/22/03 | 18      | C 030023 PPK      | 2     | Favorable Report Adopted      |
| 2       | C 030027 PPK | 8     | " "                           | 19      | C 030024 ZSK      | 2     | " "                           |
| 3       | C 030125 PQK | 1     | " "                           | 20      | C 030029 PCK      | 18    | " "                           |
| 4       | C 020213 ZMM | 1     | " "                           | 21      | N 030135 HAM      | 11    | " "                           |
| 5       | N 020214 ZRM | 1     | " "                           | 22      | N 030226 HKM      | 1     | Forward Rep't to City Council |
| 6       | C 030108 ZSM | 5     | " "                           | 23      | N 030061 ZAR      | 3     | Authorization Approved        |
| 7       | C 970422 MMQ | 3     | " "                           | 24      | N 030119 ZRY      | cw    | Favorable Report Adopted      |
| 8       | C 030138 PPQ | 10    | " "                           |         | Supplemental Cal. |       |                               |
| 9       | C 000201 ZSQ | 2     | " "                           | S1      | N 030240 HAX      | 5     | Scheduled to be Heard 1/22/03 |
| 10      | C 020562 PQX | 12    | Hearing Closed                | S2      | C 030054 HAM      | 3     | Favorable Report Adopted      |
| 11      | C 030116 HUK | 4     | " "                           |         |                   |       |                               |
| 12      | C 030117 HAK | 4     | " "                           |         |                   |       |                               |
| 13      | C 020447 ZSM | 5     | " "                           |         |                   |       |                               |
| 14      | C 020611 ZSQ | 1     | " "                           |         |                   |       |                               |
| 15      | C 020188 ZMR | 1     | " "                           |         |                   |       |                               |
| 16      | N 030078 HAX | 3     | Favorable Report Adopted      |         |                   |       |                               |
| 17      | C 020646 PPK | 3     | " "                           |         |                   |       |                               |

| COMMISSION ATTENDANCE:                   | Present (P)<br>Absent (A) | COMMISSION VOTING RECORD:                                |    |    |    |    |    |    |    |    |  |  |  |  |
|--|---------------------------|--|----|----|----|----|----|----|----|----|--|--|--|--|
|  |                           | In Favor - Y    Oppose - N    Abstain - AB    Recuse - R |    |    |    |    |    |    |    |    |  |  |  |  |
| Calendar Numbers:                        |                           | 17   | 18 | 19 | 20 | 21 | 22 | 23 | 24 | S2 |  |  |  |  |
| Amanda M. Burden, AICP, Chair            | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Kenneth J. Knuckles, Esq., Vice Chairman | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Angela M. Battaglia                      | A                         |  |    |    |    |    |    |    |    |    |  |  |  |  |
| Irwin Cantor, P.E.                       | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Angela R. Cavaluzzi, R.A.                | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Richard W. Eaddy                         | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Alexander Garvin                         | P                         | Y  | Y  | Y  | Y  | Y  | R  | Y  | Y  | Y  |  |  |  |  |
| Jane D. Gol                              | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| William J. Grinker                       | P                         |  |    |    |    |    |    |    |    |    |  |  |  |  |
| John Merolo                              | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Karen A. Phillips                        | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Joseph B. Rose                           | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |
| Dolly Williams, Commissioners            | P                         | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  | Y  |  |  |  |  |

MEETING ADJOURNED AT: 1:25 P.M.

Note: Commissioner Grinker was not present for the votes.

**COMPREHENSIVE**  
**CITY PLANNING CALENDAR**  
**of**  
**The City of New York**  
—  
**CITY PLANNING COMMISSION**  
—  
**WEDNESDAY, JANUARY 8, 2003**  
—  
**MEETING AT 10:00 A.M. AT SPECTOR HALL**  
**22 READE STREET**  
**NEW YORK, NEW YORK**



**Michael R. Bloomberg, Mayor**

**City of New York**

**[No. 1]**

**Prepared by Rosa R. Romero, Calendar Officer**

To view the Planning Commission Calendar and/or the Zoning Resolution  
on the World Wide Web, visit the Department of City Planning (DCP)  
home page at: [nyc.gov/planning](http://nyc.gov/planning)

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**CITY PLANNING COMMISSION**

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GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

**NOTE** - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

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**CALENDARS:** Any Community Board, civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Commission Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 22 Reade Street, Room 2E, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list may do so by sending a certified check, made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$100.00 for a one year subscription.

**For Calendar Information:** call (212) 720-3368, 3369, 3370.

**Note to Subscribers:** Notify us of change of address by writing to:

**City Planning Commission**  
Calendar Information Office  
22 Reade Street - Room 2E  
New York, New York 10007-1216

**B**  
**CITY PLANNING COMMISSION**

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22 Reade Street, New York, N.Y. 10007-1216

**AMANDA M. BURDEN**, *AICP, Chair*  
**KENNETH J. KNUCKLES**, *Esq., Vice Chairman*  
**ANGELA M. BATTAGLIA**  
**IRWIN G. CANTOR**, *P.E.*  
**ANGELA R. CAVALUZZI**, *R.A.*  
**RICHARD W. EADDY**  
**ALEXANDER GARVIN**  
**JANE D. GOL**  
**WILLIAM J. GRINKER**  
**JOHN MEROLO**  
**KAREN A. PHILLIPS**  
**JOSEPH B. ROSE**  
**DOLLY WILLIAMS**, *Commissioners*  
**ROSA R. ROMERO**, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a. m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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**ORDER OF BUSINESS AND INDEX**

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**WEDNESDAY, JANUARY 8, 2003**

|   |    |
|---|----|
| Roll Call; approval of minutes .....    | 1  |
| I. Scheduling of January 22, 2003 ..... | 1  |
| II. Public Hearings .....               | 16 |
| III. Reports .....                      | 21 |

**Community Board Public Hearing Notices are available in the  
Calendar Information Office, Room 2E, 22 Reade Street,  
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for January 22, 2003 at Spector Hall, 22 Reade Street, New York at 10:00 a.m.

C

**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on any of the items listed under "Public Hearing" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

**Length of Testimony:** In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

**Written Comments:** If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION  
Calendar Information Office - Room 2E  
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject \_\_\_\_\_

Date of Hearing \_\_\_\_\_ Calendar No. \_\_\_\_\_

Borough \_\_\_\_\_ Identification No.: \_\_\_\_\_ CB No.: \_\_\_\_\_

Position: Opposed \_\_\_\_\_

In Favor \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Organization (if any) \_\_\_\_\_

Address \_\_\_\_\_ Title: \_\_\_\_\_

JANUARY 8, 2003

APPROVAL OF MINUTES OF Regular Meeting of December 18, 2002

I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR WEDNESDAY, JANUARY 22, 2003 STARTING AT 10:00 A.M. IN SPECTOR HALL, 22 READE STREET NEW YORK, NEW YORK

BOROUGH OF BROOKLYN

No. 1

CD 1

C 010667 PQK

IN THE MATTER OF an application submitted by the Administration of Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 349 Keap Street (Block 2436, Lot 19), for continued use as a day care center.

Resolution for adoption scheduling January 22, 2003 for a public hearing.

No. 2

CD 8

C 030027 PPK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of four (4) city-owned properties pursuant to zoning.

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS/LOCATION</u> |
|--------------|------------|-------------------------|
| 1130         | 53         | 735 Dean Street         |
| 1336         | 63         | 1777 Pacific Street     |

|      |   |                   |
|------|---|-------------------|
| 1337 | 4 | 65 Utica Avenue   |
| 1337 | 5 | 63 A Utica Avenue |

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

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**No. 3**

**CD 1**

**C 030125 PQK**

**IN THE MATTER OF an application** submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for acquisition of property located at 77/83 Stagg Street** (Block 3023, Lot 32) **for continued use as a day care center.**

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

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**BOROUGH OF MANHATTAN**

**Nos. 4 and 5**

**(Proposed amendment to the text of the Zoning Resolution to reflect the proposed rezoning of a portion of the South Street Seaport Subdistrict from a C6-4 district to a C6-2A district, and to allow for certain bulk modifications relating to minimum streetwall height within the area of proposed rezoning.)**

**No. 4**

**CD 1**

**C 020213 ZMM**

**IN THE MATTER OF** an application submitted by Community Board 1 pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map. Section Nos. 12b and 12d**, changing from a C6-4 District to a C6-2A District property bounded by Dover Street, Water Street, Dover Street, South Street, a line 17 feet southeasterly of the northwesterly street line of South Street, the centerline of former Fulton Street, Water Street, Fulton Street, a line bisecting an angle formed by the northeasterly prolongation of the northwesterly and southeasterly street lines of Pearl Street, Pedestrian Street, and Pearl Street, within the Special Lower Manhattan District, as shown on a diagram (for illustrative purposes only) dated September 30, 2002.

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

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**No. 5**

**CD 1**

**N 020214 ZRM**

**IN THE MATTER OF** an application submitted by the Manhattan Community District 1, pursuant to Section 201 of the New York City Charter for amendment of the Zoning Resolution of the City of New York, to Article IX, Chapter 1 (Special Lower Manhattan District) relating to regulations for the South Street Seaport Subdistrict as follows:

Matter in **Graytone** is new, to be added;

Matter in **Strikeout** is old, to be deleted;

Matter within # # is defined in Sections 12-10 of the Zoning Resolution

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

\*\*\*

**91-20**

**FLOOR AREA AND DENSITY REGULATIONS**

**91-21**

**Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings**

**91-211**

**Maximum floor area ratio for residential uses**

Within the #Special Lower Manhattan District#, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be determined in accordance with the regulations of the underlying district and may not be increased except as provided in Sections 91-212 (Floor area increase in a C6-4 District) or 91-213 (Floor area increase for provision of recreation space). The maximum #floor area ratio# for the #residential# portion of a #mixed building# is specified in the table in Section 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings) showing maximum #floor area ratios# and #floor area# bonuses, by zoning district, for non-#residential# and #mixed buildings#.

In a C4-6 District, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be 3.4.

**91-212****Floor area increase in a C6-4 District**

In a C6-4 District, ~~except within the South Street Seaport Subdistrict;~~ the #residential floor area# of a #building# may exceed 10.0 in accordance with the provisions of Sections 23-90 (INCLUSIONARY HOUSING) or 91-241 (Floor area bonus for urban plazas), provided that the maximum #residential #floor area# ratio shall not exceed 12.0.

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**91-23****Floor Area Regulations for Non-Residential and Mixed Buildings**

For non-#residential buildings# or #mixed buildings# within the #Special Lower Manhattan District#, the basic maximum #floor area ratio# of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the following table.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in ~~the following~~ **this** table. Wherever there may be an inconsistency between any provision in Section 74-79 and ~~the following~~ table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES  
BY DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS  
BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

| Means for Achieving Permitted FAR Levels on a #Zoning Lot#   | #Special Lower Manhattan District# except within Core or Subdistrict |      |                      | Historic & Commercial Core | South Street Seaport Subdistrict & all waterfront #zoning lots# |                     |      |      |      |      |
|--|--|------|----------------------|----------------------------|---|---------------------|------|------|------|------|
|  | R8   | E6-4 | E5-3<br>E5-5<br>E6-9 |                            | E5-5  | M1-4                | E2-8 | E4-6 | E6-4 | E5-3 |
| Basic maximum FAR  | 6-0 $\frac{2}{7}$  | 10   | 15                   | 15                         | 2-0 $\frac{2}{6.5}$   | 2-0 $\frac{2}{3.4}$ | 3-4  | 10   | 15   | 15   |
| Maximum as-of-right #floor area# bonus for #urban plazas#  | N/A  | 2    | 3                    | NA                         | NA  | NA                  | NA   | N/A  | NA   | NA   |
| Maximum as-of-right #floor area# bonus for Inclusionary Housing  | N/A  | 2    | NA                   | NA                         | NA  | NA                  | NA   | N/A  | NA   | NA   |
| Maximum FAR with as-of-right #floor area# bonuses  | 6-0 $\frac{2}{7}$  | 12   | 18                   | 15                         | 2-0 $\frac{2}{6.5}$   | 2-0 $\frac{2}{3.4}$ | 3-4  | 10   | 15   | 15   |
| Maximum special permit #floor area# bonuses: subway station improvements & #covered pedestrian spaces# | N/A  | 2    | 3                    | 3                          | NA  | NA                  | NA   | N/A  | NA   | NA   |
| Maximum total FAR with as-of-right and special permit #floor area# bonuses                             | 6-0 $\frac{2}{7}$  | 12   | 18                   | 18                         | 2-0 $\frac{2}{6.5}$   | 2-0 $\frac{2}{3.4}$ | 3-4  | 10   | 15   | 15   |

|  |                                     |    |                                    |      |                                      |                                      |     |        |                       |                   |
|--|-------------------------------------|----|------------------------------------|------|--------------------------------------|--------------------------------------|-----|--------|-----------------------|-------------------|
| Development rights (FAR) of a landmark lot for transfer purposes (74-79)   | N<br>A                              | 10 | 15 <sup>a</sup><br>18 <sup>a</sup> | 15   | NA                                   | NA                                   | NA  | N<br>A | NA                    | NA                |
| Maximum total FAR with transferred development rights from landmark #zoning lot# and as-of-right and special permit #floor area# bonuses | 6:<br>0 <sup>2</sup> / <sub>7</sub> | 14 | 21.6                               | 21.6 | 2.4 <sup>2</sup><br>7.8 <sup>2</sup> | 2.0 <sup>2</sup><br>3.4 <sup>2</sup> | 3.4 | 12     | 21:<br>6 <sup>a</sup> | 21.6 <sup>a</sup> |
| Maximum total FAR of designated receiving sites in South St. Seaport Subdistrict (91-60)   | N<br>A                              | NA | NA                                 | NA   | NA                                   | 2.0 <sup>2</sup><br>3.4 <sup>2</sup> | 3.4 | 12     | 21:<br>6 <sup>a</sup> | 21.6 <sup>a</sup> |

1. \_\_\_\_\_ maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3
2. \_\_\_\_\_ for a #commercial# or, where permitted, #manufacturing use#
3. \_\_\_\_\_ for a #community facility use#
4. \_\_\_\_\_ if receiving lot is located in a zoning district with a basic maximum FAR of less than 15
5. \_\_\_\_\_ if receiving lot is located in a zoning district with a basic maximum FAR of 15
6. \_\_\_\_\_ for lots greater than 30,000 square feet, may be exceeded by special permit pursuant to Section 91-661.

**MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES  
BY ZONING DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS**

**Basic and Maximum Floor Area Ratios (FAR)**

| Means for Achieving Permitted FAR Levels on a #Zoning Lot#   | #Special Lower Manhattan District# except within Core or Subdistrict |                       |  |                                      | Historic & Commercial Core               | South Street Seaport Subdistrict & all waterfront #zoning lots# |                      |   |  |                   |
|--|--|-----------------------|--|--------------------------------------|--|---|----------------------|---|--|-------------------|
|  | R8   | C6-4                  | C5-3<br>C5-5<br>C6-9                       | M1-4                                 | C5-5                                     | C2-8  | C4-6                 | C6-2A   | C5-3                                     | C6-9              |
| Basic max. FAR   | 6.02 <sup>1</sup><br>6.5 <sup>3</sup>                                | 10.0 <sup>2,3,4</sup> | 10.0 <sup>1</sup><br>15.0 <sup>2,3</sup>   | 2.0 <sup>2</sup><br>6.5 <sup>3</sup> | 10.0 <sup>1</sup><br>15.0 <sup>2,3</sup> | 2.0 <sup>2</sup><br>3.4 <sup>3</sup><br>10.0 <sup>1</sup>       | 3.4 <sup>2,3,4</sup> | 6.00 <sup>2</sup><br>6.02 <sup>1</sup><br>6.50 <sup>3</sup> | 10.0 <sup>1</sup><br>15.0 <sup>2,3</sup> | 15.0              |
| Maximum as-of-right #floor area# bonus for #urban plazas#  | NA   | 2.0                   | 3.0  | NA                                   | NA                                       | NA  | NA                   | NA  | NA                                       | NA                |
| Maximum as-of-right #floor area# bonus for Inclusionary Housing  | NA   | 2.0                   | NA   | NA                                   | NA                                       | NA  | NA                   | NA  | NA                                       | NA                |
| Maximum FAR with as-of-right #floor area# bonuses  | 6.02 <sup>1</sup><br>6.5 <sup>3</sup>                                | 12.0                  | 18.0                                       | 2.0 <sup>2</sup><br>6.5 <sup>3</sup> | 15.0                                     | 2.0 <sup>2</sup><br>3.4 <sup>3</sup><br>10.0 <sup>1</sup>       | 3.4                  | 6.00 <sup>2</sup><br>6.02 <sup>1</sup><br>6.50 <sup>3</sup> | 15.0                                     | 15.0              |
| Maximum special permit #floor area# bonuses; subway station improvements & #covered pedestrian spaces# | NA   | 2.0                   | 3.0  | NA                                   | 3.0                                      | NA  | NA                   | NA  | NA                                       | NA                |
| Maximum FAR with as-of-right and special permit #floor area# bonuses                                   | 6.02 <sup>1</sup><br>6.5 <sup>3</sup>                                | 12.0                  | 18.0                                       | 2.0 <sup>2</sup><br>6.5 <sup>3</sup> | 18.0                                     | 2.0 <sup>2</sup><br>3.4 <sup>3</sup><br>10.0 <sup>1</sup>       | 3.4                  | 6.00 <sup>2</sup><br>6.02 <sup>1</sup><br>6.50 <sup>3</sup> | 15.0                                     | 15                |
| Development rights (FAR) of a landmark lot for transfer purposes (74-79)                               | NA   | 10.0                  | 15.0 <sup>4,5</sup><br>18.0 <sup>4,6</sup> | NA                                   | 15.0                                     | NA  | NA                   | NA  | NA                                       | NA                |
| Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)            | NA   | NA                    | NA   | NA                                   | NA                                       | NA  | 3.4                  | 8.02  | 21.6 <sup>2</sup>                        | 21.6 <sup>2</sup> |

Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and special permit #floor area# bonuses

|                   |      |      |                  |      |    |     |      |                   |                   |  |
|-------------------|------|------|------------------|------|----|-----|------|-------------------|-------------------|--|
| 6.02 <sup>1</sup> |      |      | 2.4 <sup>2</sup> |      |    |     |      |                   |                   |  |
| 6.50 <sup>3</sup> | 14.0 | 21.6 | 7.8 <sup>3</sup> | 21.6 | NA | 3.4 | 8.02 | 21.6 <sup>4</sup> | 21.6 <sup>5</sup> |  |

1. maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3
2. for a #commercial# or, where permitted, #manufacturing use#
3. for a #community facility use#
4. for the #residential# portion of a #mixed building#
5. if receiving lot is located in a zoning district with a basic maximum FAR of less than 15
6. if receiving lot is located in a zoning district with a basic maximum FAR of 15
7. for lots greater 30,000 s.f., may be exceeded by special permit (91-661).

\*\*\*

**91-30  
HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS**

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section, ~~except that in the C6-4 District within the South Street Seaport Subdistrict, the provisions of Section 33-432 (In other Commercial Districts) may be applied as an alternative to the height and setback and #lot coverage# regulations of this Section.~~ However, in C6-2A Districts, the underlying height and setback regulations shall apply, except that the depth of a required setback above the maximum base height along a #narrow street# shall be at least 10 feet.

The height of all #buildings or other structures# shall be measured from #curb level#.

\*\*\*

**91-32  
Setback Regulations**

Within the #Special Lower Manhattan District#, setbacks are required for any portion of a #building# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31 (Street Wall Regulations).

Required setbacks shall be provided at a height not lower than any minimum base height or 60 feet where none is specified and not higher than any maximum base height specified for the applicable #street# in Section 91-31. The depth of the setback shall be determined by the #lot area# of the #zoning lot# on which the #building# is located, as shown in the following table:

**REQUIRED DEPTH OF SETBACKS**

| #Lot area# of #zoning lot#      | Minimum setback depth |
|---------------------------------|-----------------------|
| Less than 15,000 square feet    | 10 feet               |
| 15,001 to 30,000 square feet    | 15 feet               |
| Greater than 30,000 square feet | 20 feet               |

~~However, for predominantly #residential buildings# within a C6-4 District within the South Street Seaport Subdistrict, the minimum setback depth may be ten feet.~~

For "Type 1" and "Type 2" #street walls#, the required setbacks shall be measured from the #street line#.

For "Type 3" #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such line and the #street line#.

For all other #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 50 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such drawn line and the #street line#. However, setbacks are not required for #street walls# fronting upon the major portion of a bonused #urban plaza#.

For #buildings# within the Historic and Commercial Core as shown on Map 1 in Appendix A, any #building# or portion of a #building# may be located within the required setback area beneath a #sky exposure plane# that rises from a height of 100 feet above the #street line# over the #zoning lot# at a vertical distance of six to a horizontal distance of one.

\*\*\*

**91-42  
Pedestrian Circulation Space**

Within the boundaries of the #Special Lower Manhattan District#, all new #developments# or #enlargements# on #zoning lots# of at least 5,000 square feet that contain more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

Pedestrian circulation space shall not be required if any of the following conditions exist:

\*\*\*

- (e) the #zoning lot# is located in a ~~C6-4~~ **C6-2A** or C6-9 District within the South Street Seaport Subdistrict.

\*\*\*

**91-60  
REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT**

**91-61  
General Provisions**

\*\*\*

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of paragraph (c) of Section 74-792 (Conditions and limitations) concerning the transfer of development rights from landmark sites in C5-3, C5-5, **C6-2A**, C6-6, C6-7 or C6-9 Districts shall not apply in the South Street Seaport Subdistrict.

\*\*\*

**91-65  
Addition of Development Rights to Receiving Lots**

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# on such #receiving lot# shall not exceed a #floor area ratio# of 21.6. **However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02.**

\*\*\*

#Development rights# transferred to a #receiving lot# may be applied to the #development# of a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #floor area ratio# of a #residential building#, or portion thereof, exceed 12.0.

**91-663  
Modification of building Height in C6-2A Districts**

**Within the South Street Seaport Subdistrict, for any #zoning lot# occupying a full #block# that is located in a C6-2A District and is also located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may be lower than 60 feet.**

\*\*\*\*

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

---

**No. 6**

**CD 5**

**C 030108 ZSM**

**IN THE MATTER OF** an application submitted by GGMC Parking LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562, 74-52 and 81-13 of the Zoning Resolution to allow an attended public parking lot with a maximum capacity of 76 spaces on a part of a zoning lot located at 14-20 West 40th Street (Block 841, Lots 30, 31, 45, 49, 57, 58, 59 and 60), in C5-3 and M1-6 Districts, partially within the Special Midtown District.

Plans for this proposed development are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

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**BOROUGH OF QUEENS**

**No. 7**

**CD 3**

**C 970422 MMQ**

**IN THE MATTER OF** an application submitted by LHE II, LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

1. the elimination, discontinuance and closing of 22<sup>nd</sup> Avenue from Ditmars Boulevard to Berrian Street;
2. the elimination, discontinuance and closing of Berrian Street from 22<sup>nd</sup> Avenue to 23<sup>rd</sup> Avenue;
3. the elimination, discontinuance and closing of a portion of the westerly side of 23<sup>rd</sup> Avenue from Ditmars Boulevard to Berrian Street;
4. the delineation of a sewer easement, and;
5. any modification of grades necessitated thereby and any acquisition or disposition of property related thereto,

in accordance with Map No. 4937, dated April 3, 1998, revised June 24, 2002 and signed by the Borough President.

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

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**No. 8**

**CD 10**

**C 030138 PPQ**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the **disposition of twenty-eight (28) city-owned properties, pursuant to zoning.**

A list and description of the properties can be seen in the Queens Office of the Department of City Planning, 120-55 Queens Boulevard, Room 201, Kew Gardens, NY 11424.

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

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**No. 9**

**CD 2**

**C 000201 ZSQ**

**IN THE MATTER OF** an application submitted by Moak Yang Presbyterian Church pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a church use (Use Group 4A) in an existing 2-story building on property located at 40-05 Skillman Avenue** (Block 183, Lot 292), in an M1-1 District.

Plans for this proposed development are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**Resolution for adoption scheduling January 22, 2003 for a public hearing.**

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**II. PUBLIC HEARINGS**

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**BOROUGH OF THE BRONX**

**No. 10**

**CD 12**

**C 020562 PQX**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services , pursuant to Section 197-c of the New York City Charter, **for acquisition of property located at 1151 East 224<sup>th</sup> Street** (Block 4903, Lot 20) **for continued use as a group home.**

(On December 18, 2002, Cal. No. 1, the Commission scheduled January 8, 2003 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**BOROUGH OF BROOKLYN**

**No. 11 and 12**

**(Applications for the 1st Amendment to the Bushwick I Urban Renewal Plan for the Bushwick I Urban Renewal Area and UDAAP Designation and disposition to facilitate disposition of a existing 2-story residential building)**

**No. 11**

**CD 4**

**C 030116 HUK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 1st amendment to the Bushwick I Urban Renewal Plan for the Bushwick I Urban Renewal Area.

The proposed plan includes the following changes:

1. The subdivision of the urban renewal area into three urban renewal sites, sites 1, 2 and 3
2. The land use designation for Sites 1 and 2 has been changed from Residential to Public Open Space to reflect the existing use of these sites as a Parks Department baseball field and playground. Site 3, which comprises an existing small residential building that is proposed for disposition, maintains the original Residential designation.
3. Controls that required all urban renewal sites to be cleared for redevelopment and that restricted

residential development to low income housing have been eliminated from the Plan.

- 4. Map 1, the Project Boundary Map, Map 2, the Land Use Map, and Exhibit A, Properties Acquired and to be Acquired, are revised.
- 5. The text is modified to reflect the current urban renewal language, terminology, methodology and legal requirements.
- 6. The time schedule for the effectuation of the project is revised.

(On December 18, 2002, Cal. No. 2, the Commission scheduled January 8, 2003 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 12**

**CD 4**

**C 030117 HAK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of 11 Aberdeen Street, Site 3 within the Bushwick I Urban Renewal Area (Block 3466, Lot 58), as an Urban Development Action Area;
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate disposition of an existing 2-story residential building.

(On December 18, 2002, Cal. No. 3, the Commission scheduled January 8, 2003 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF MANHATTAN**

**No. 13**

**CD 5**

**C 020447 ZSM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by 130 West 30<sup>th</sup> LLC pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution** to permit the modification of the use regulations to allow Use Group 2 use on the second through 19<sup>th</sup> floor at 130 West 30<sup>th</sup> Street (Block 805, Lot 81), a New York City landmark building, in an M1-6 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 18, 2002, Cal. No. 4, the Commission scheduled January 8, 2003 for a public hearing which has been duly advertised.)

**Close the hearing.**

---

**BOROUGH OF QUEENS**

**No. 14**

**CD 1**

**C 020611 ZSQ**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by 3500 48th Street Associates pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit** pursuant to Section 74-922 of the Zoning Resolution **to allow certain large retail establishments (Use Group 6 or 10A uses) with no limitation on floor area within an existing 72,254 square foot one-story building on a zoning lot at 34-60 48th Street** (Block 143, Lot 10), in an M1-1 District.

Plans for this proposed development are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On December 18, 2002, Cal. No. 5, the Commission scheduled January 8, 2003 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF STATEN ISLAND**

**No. 15**

**CD 1**

**C 020188 ZMR**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Natalie Lyn LLC pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 20c;**

- (f) changing from an M1-1 District to an R3-2 District property bounded by John Street and its southerly prolongation, a line 250 feet southeasterly of Richmond Terrace, a line 100 feet easterly of John Street and the southeasterly boundary line of the New York City right-of-way (Staten Island Railroad); and
- (g) changing from an M1-1 District to an R4 District property bounded by:
  - (1) Richmond Terrace,
  - (2) a line passing through a point on the southeasterly street line of Richmond Terrace distant 242.82 feet (as measured along the street line) northeasterly from the intersection of the easterly street line of John Street and the southeasterly street line of Richmond Terrace at an angle of 83 degrees, 44 minutes and 15 seconds,
  - (3) a line perpendicular to the second-named course distant 365 feet (as measured along the course line) southeasterly from the intersection of the second-named course and the southeasterly Street line of Richmond Terrace,
  - (4) a line perpendicular to the third-named course distant 165 feet southwesterly from the intersection of the second- named course and the third-named course,
  - (5) a line perpendicular to the fourth-named course distant 60 feet northwesterly from the intersection of the third-named course and the fourth-named course,
  - (6) a line perpendicular to the fifth-named course distant 190 feet southwesterly from the

- second-named course,
- (7) a line perpendicular to the easterly street line of John Street distant 58 feet (as measured along the street line) southerly from the intersection of the southeasterly street line of Richmond Terrace and the easterly street line of John Street,
  - (8) a line 100 feet easterly of John Street,
  - (9) the southeasterly boundary line of the New York City right-of-way (Staten Island Railroad), and
  - (10) Nicholas Avenue;

as shown on a diagram (for illustrative purposes only) dated September 30, 2002.

(On December 18, 2002, Cal. No. 6, the Commission scheduled January 8, 2003 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**III. REPORTS**

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**BOROUGH OF THE BRONX**

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**No. 16**

**CD 3**

**N 030078 HAX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

- 1) the designation of 1437 Prospect Avenue (Block 2937, Lot 60), as an Urban Development Action Area; and
- 2) an Urban Development Action Area Project for such area;

to facilitate rehabilitation of an existing building as a transitional living facility for youth under HPD's Community Works Program.

(On November 20, 2002, Cal. No. 1, the Commission scheduled December 4, 2002 for a public hearing. On December 4, 2002, Cal. No. 7, the hearing was closed.)

**For consideration.**

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**BOROUGH OF BROOKLYN**

**No. 17**

**CD 3**

**C 020646 PPK**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for **the disposition of two (2) city-owned properties** pursuant to zoning.

| <u>Block</u> | <u>Lot</u> | <u>Location</u>     |
|--------------|------------|---------------------|
| 1914         | 11         | 155 Skillman Street |
| 1860         | 16         | 1202 Fulton Street  |

(On November 20, 2002, Cal. No. 2, the Commission scheduled December 4, 2002 for a public hearing. On December 4, 2002, Cal. No. 8, the hearing was closed.)

**For consideration.**

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**Nos. 18 and 19**

**(Applications for the disposition of city-owned property and grant of a special permit to facilitate a mixed-use development and a public parking garage within the Special Downtown Brooklyn District)**

**No. 18**

**CD 2**

**C 030023 PPK**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for **disposition of one (1) city-owned property** located on the western portion of the block bounded by Atlantic Avenue, Boerum Street, State Street, and Court Street (Block 277, Lot 8), pursuant to zoning.

(On November 20, 2002, Cal. No. 3, the Commission scheduled December 4, 2002 for a public hearing. On December 4, 2002, Cal. No. 9, the hearing was closed.)

**For consideration.**

---

**No. 19**

**CD 2**

**C 030024 ZSK**

**IN THE MATTER OF** an application submitted by the Two Tree Management Company and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-52 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 700 spaces, including up to 134 accessory spaces** on portion of the ground floor and four cellars of a proposed mixed use building to be constructed at 121-135 Court Street/211-235 Atlantic Avenue/204-224 State Street (Block 277, Lot 8), in a C6-2A District, within the Special Downtown Brooklyn District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On November 20, 2002, Cal. No. 4, the Commission scheduled December 4, 2002 for a public hearing. On December 4, 2002, Cal. No. 10, the hearing was closed.)

**For consideration.**

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**No. 20**

**CD 18**

**C 030029 PCK**

**IN THE MATTER OF an application** submitted by the Department of Homeless Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for site selection and acquisition of property located at 10110 Foster Avenue** (Block 8149, part of lot 1) **for use as a warehouse and maintenance facility.**

(On November 20, 2002, Cal. No. 5, the Commission scheduled December 4, 2002 for a public hearing. On December 4, 2002, Cal. No. 11, the hearing was closed.)

**For consideration.**

---

**BOROUGH OF MANHATTAN**

**No. 21**

**CD 11**

**N 030135 HAM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

- 1) the designation of 109 E. 125<sup>th</sup> Street (Block 1774, Lot 6), as an Urban Development Action Area; and
- 2) an Urban Development Action Area Project for such area;

to facilitate rehabilitation of an existing building, tentatively to be known as the Positive Learning Center, for use as a community facility.

(On November 20, 2002, Cal. No. 6, the Commission scheduled December 4, 2002 for a public hearing. On December 4, 2002, Cal. No. 12, the hearing was closed.)

**For consideration.**

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*(Report pursuant to Section 3020.8(b)  
of the City Charter concerning the Designation of the  
Tribeca South Historic District Extension)*

**No. 22**

**CD 1**

**N 030226 HKM**

**IN THE MATTER OF** a communication dated November 22, 2002, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Tribeca South Historic District Extension bounded by a line beginning at a point in the northern curblineline of Murray Street, formed by its intersection with a line extending southerly from the eastern property line of 41 Murray Street, northerly along the eastern property lines of 41 Murray Street and 41-43 Warren Street to the southern curblineline of Warren Street, westerly along the southern curblineline of Warren Street to a point in said curblineline that is formed by its intersection with a line extending southerly from the eastern property line of 46 Warren Street, northerly across Warren Street, northerly along the eastern property line of 46 Warren Street, easterly along the southern property lines of 114 through 110 Chambers Street, northerly along the eastern property line of 110 Chambers Street to a point at the center of Chambers Street, westerly along a line at the center of Chambers Street to a point along said line formed by its intersection with a line extending northerly from the western property line of 126 Chambers Street, southerly along the western property lines of 126 Chambers Street and 56-58 Warren Street, westerly along the northern property line of 56-58 Warren Street, southerly along the western property line of 56-58 Warren Street to the northern curblineline of Warren Street, easterly along the northern curblineline of Warren Street to a point in said curblineline formed by its intersection with a line extending northerly from the western property line of 55 Warren Street (a.k.a. 55 Murray Street), southerly across Warren Street, southerly along the western property line of 55 Warren

Street (a.k.a. 55 Murray Street) to the northern curblineline of Murray Street, easterly along the northern curblineline of Murray Street to the point of beginning, by the Landmarks Preservation Commission on November 19, 2002 (List No. 341, LP -2122), Borough of Manhattan, Community Board 1.

(On December 5, 2002, the Commission duly advertised December 18, 2002 for a public hearing. On December 18, 2002, Cal. No. 9, the hearing was closed.)

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**No. 23**

**CD 3**

**N 030061 ZAR**

**IN THE MATTER OF** an application submitted by Ovas Building Corp. and Park Brooke Estates, Ltd. for **the grant of an authorization pursuant to Section 26-26(b)(3) of the Zoning Resolution to modify the requirements of Sections 26-21 (Requirements for Private Roads), 26-23 (Requirements for Planting Strips) and 26-24 (Requirements for Sidewalks) to facilitate the development of a large-scale residential development, on property located on the northwest corner of Maquire Avenue and Ramona Avenue** (Block 6977, Lots 200 and 501, Block 7014, Lots 66 and 105, and Block 7019, Lots 1 and 95), in an R3-2 District, within the Special South Richmond Development District.

Plans for this proposed development are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

**For consideration.**

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**CITYWIDE**

**No. 24**

*(Amendment of the Zoning Resolution to eliminate certain regulations for unenclosed sidewalk cafés.)*

**Citywide**

**N 030119 ZRY**

**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Section 12-10 and Article I, Chapter 4 (Sidewalk Café Regulations), in relation to physical and locational requirements for unenclosed sidewalk cafés.

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

A "sidewalk café" 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#, as defined herein. ~~No portion of a #sidewalk café# 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, 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 ~~#Sidewalk Cafe#~~ Regulations, 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 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 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 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 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 Large Obstructions**

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 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

**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 - 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 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 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****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 Path) 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 59<sup>th</sup> Street on the south, 61<sup>st</sup> 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**         |
| <del>7. Madison Avenue Preservation District</del>   | <del>No</del> | <del>No</del> |
| <del>8. Midtown District</del>                       | <del>No</del> | <del>No</del> |
| <del>9. Park Improvement District</del>              | <del>No</del> | <del>No</del> |
| <del>10</del> 7. Transit Land Use District           | Yes           | Yes           |
| <del>11</del> 8. Tribeca Mixed Use District          | Yes           | Yes           |
| <del>12</del> 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  | 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        |

| 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        |

(On November 20, 2002, Cal. No. 7, the Commission scheduled December 4, 2002 for a public hearing. On December 4, 2002, Cal. No. 14, the hearing was closed.)

**For consideration.**

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