



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

**REVISED NEGATIVE DECLARATION**  
**Supersedes Negative Declaration Issued on December 17, 2012**

**Project Identification**

CEQR No. 13DCP054Q  
ULURP No. N130134ZRQ  
SEQRA Classification: Type 1

**Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

**Name, Description and Location of Proposal:**

**Sidewalk Cafe Listings for LIC and PC (Sunnyside Gardens) Special Districts and LIC District Area C Base Height Text Amendments**

The Negative Declaration originally issued on December 17, 2012, has been revised in order to take into account a modification to the proposed action by the City Council currently being considered by the City Planning Commission.

The applicant, New York City Department of City Planning (DCP), is proposing zoning text amendments to modify Article I, Chapter 4 (SIDEWALK CAFÉ REGULATIONS) and Article 11, Chapter 7 (SPECIAL LONG ISLAND CITY MIXED USE DISTRICT) to permit unenclosed and unenclosed small sidewalk cafes and to establish minimum base heights on two blocks. The proposed zoning text amendments would allow small sidewalk cafes along 19 streets within the Special Long Island City Mixed Use District (LIC District) and small sidewalk cafes along 1 block of Skillman Avenue within the Special Planned Community Preservation District (PC) (Sunnyside Gardens) and would modify Zoning Resolution (ZR) Section 117-532 to establish a minimum base height for two blocks in Area C of the Queens Plaza Subdistrict (QP Subdistrict) of the LIC District. The proposed text amendments do not modify the amount of allowable floor area or range of permitted uses. The proposed text amendments would affect portions of 195 blocks in the LIC District in Long Island City, Queens and one block front in the PC District in Sunnyside, Queens. The LIC District changes affect Community Districts 1 and 2 while the PC District changes affect

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only Community District 2.

The proposed sidewalk cafe amendments would affect all or portions of approximately 195 block fronts within the LIC District and all or portions of one block front within Sunnyside Gardens. The proposed zoning text amendments would allow unenclosed and small sidewalk cafes on five existing and 14 emerging retail corridors within the LIC District and allow small sidewalk cafes on one block front portion of Skillman Avenue within the PC District (Sunnyside Gardens). The sidewalk café amendments would also legalize several existing sidewalk cafes in the LIC District.

The proposed zoning text amendments would affect the following sections:

- Section 14-44 to list the LIC District and the PC District (Sunnyside Gardens);
- Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted) to allow small sidewalk cafes in the LIC District, along Jackson Avenue from 44th Drive to the prolongation of Dutch Kills Street, and along Queens Plaza North and Queens Plaza South; and to allow small sidewalk cafes along one block front of Skillman Avenue in Sunnyside Gardens on the north side of Skillman Avenue between 46th and 47th streets.; and
- Sections 117-03 (District Plan and Maps), 117-05 (Permitted Sidewalk Café Locations), and 117-00 (Appendix A) to specify streets where unenclosed and small sidewalk cafes would be allowed within the LIC District.

The proposed zoning text amendment to Section 117-532 would establish a minimum base height of 40 feet for buildings or portions of buildings facing Davis Street between the Sunnyside Yards and a point 75 feet from Jackson Avenue and 60 feet for the remaining street frontages of the two blocks, thereby ensuring predictable, pedestrian-scaled building bases for new buildings on these two blocks. Buildings with base heights as low as 10 to 15 feet, depending on the ground floor use, could be developed on two blocks within Area C of the QP Subdistrict. The proposed zoning text amendment is also proposed for Section 117-56 to allow projects associated with ULURP applications filed prior to the date of this amendment to proceed under the current provisions. An application for a special permit to increase the allowable floor area ratio (FAR) from 5.0 to 8.0 is expected to be filed for a proposed development on Block 86/72, which is currently developed with a loft building complex known as 5Pointz. The proposed text amendment to Section 117-56 would allow the special permit project to proceed under the current height and setback provisions.

The proposed text amendments are intended to enliven streets where the proposed text amendment would allow small sidewalk cafes and support the growing residential, employee, student, and tourist populations along them and encourage buildings to relate harmoniously to surrounding development through appropriate minimum base heights and establish a strong pedestrian scale along the streets on which they front.

These changes are intended to reinforce the character of existing retail corridors and help to enliven emerging retail corridors and ensure predictable and pedestrian scaled building forms. The sidewalk cafes would promote active uses along established and emerging retail corridors and the minimum base height modification would promote a consistent and predictable streetscape. The text amendment would not increase the allowable FAR or change the location or type of development allowed. The proposed action is intended to produce better urban design and predictability along the existing and emerging retail corridors. The proposed text amendments are not intended to induce new development.

Absent the proposed action, the existing LIC/M1-5/R7-3 zoning would remain in effect and the existing sidewalk cafes would be removed. The analysis year is 2022.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated December 14, 2012, prepared in connection with the ULURP Application (No. N130134ZRQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statement:**

The above determination is based on an environmental assessment which finds that:

1. The modification of the proposed action by the City Council would affect ZR Section 14-43 and would remove from those locations where unenclosed sidewalk cafes would be permitted on a portion of the south side of Skillman Avenue between 46th and 47th Streets. This modification would not alter the conclusions of the Environmental Assessment Statement, dated December 14, 2012.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Sidewalk Cafe Listings for LIC and PC (Sunnyside Gardens)  
Special Districts and LIC District Area C Base Height Text Amendments  
CEQR No. 13DCP054Q  
*Revised Negative Declaration*

Should you have any questions pertaining to this Revised Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.

*Robert Dobruskin*

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Robert Dobruskin, Director, AICP  
Environmental Assessment & Review Division  
Department of City Planning

Date: 5/17/2013

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Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: 5/22/2013