



ZONING DIVISION

Marisa Lago, *Director*
Department of City Planning

June 30, 2021

Re: N 210434 ZRY- Proposed Open Restaurants Text Amendment

Dear New Yorker:

On June 21, 2021, the Department of City Planning referred out the Open Restaurants Text Amendment (N 210434 ZRY), beginning the public review process.

The New York City Department of City Planning (DCP) together with the New York City Department of Transportation (DOT) is proposing a zoning text amendment to facilitate a component of a permanent citywide Open Restaurants program. Specifically, the zoning text amendment would delete Article 1, Chapter 4 of the Zoning Resolution in its entirety, which would have the effect of removing geographic limitations to where restaurants can apply for sidewalk cafes.

The proposed zoning text amendment would affect every community district within the City. The proposed action would remove the definitions of sidewalk cafes from the Zoning Resolution and any mentions of them in special districts, as well as other clean-up text to fully remove any zoning prohibitions related to the operation of sidewalk cafes.

Please refer to the digital application in this transmission for a more detailed description of the proposed amendment. Additional information on the proposal is available on the Department of City Planning's website.

The application for the zoning text amendment (N 210434 ZRY) is subject to your review. Zoning text amendments are not subject to the Uniform Land Use Review Procedure. The Department of City Planning is referring this application to the affected Community Boards for 90 days. If you have any comments or recommendations on this application, please use the attached instructions to complete your submission by September 27th, 2021.

Sincerely,

Frank Ruchala Jr., *Director, Zoning Division*
Chris Hayner, *Deputy Director, Zoning Division*
Eva Merlo, *Zoning Information Desk Administrator*
120 Broadway – 31st Floor, New York, N.Y. 10271-0001
Tel (212) 720-3325 - Fax (212) 720-3244

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Director, Zoning Division

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ENCLOSURE

C: Ryan Singer, DCP
Borough Presidents of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island
Borough Boards of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island
Bronx Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Brooklyn Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18
Manhattan Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Queens Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
Staten Island Community Boards: 1, 2, 3
Department of Buildings
Board of Standards and Appeals
City Council, Land Use Division

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Department of City Planning
 120 Broadway, 31st Floor
 New York, NY 10271

Open Restaurants Text
 Amendment

PROJECT NAME
 2021Y0291
 PROJECT ID NUMBER

SUBMISSION DATE

Signature Form

Section 1. Package & Project Information

Filed Land Use Application 1

Package Type (e.g. PAS, Land Use, EAS, WRP, EIS)

Package Version

LAND USE APPLICATIONS ONLY

Action Code	Action Type
ZR	Zoning Text Amendment

Action Code	Action Type

Section 2. Signature

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE. A PERSON WHO IS A SIGNATORY FOR A DOCUMENT SHALL BE CONSIDERED TO HAVE SUBMITTED SUCH DOCUMENT.

Department of City Planning

Printed Name of Applicant

(name, company/agency or organization)

Frank Ruchala Jr.

Zoning Director

Printed Name of Authorized Applicant Representative*

(person authorized to sign the application, if different from 'Applicant' above)

Title

6/18/2021

Signature by or on behalf of* Applicant

Date

*Note that signatures on behalf of an applicant may require the submission of materials that demonstrate the authority of the signer to sign on behalf of the company/agency/organization. Please contact the Lead Planner to determine if this is necessary.



Department of City Planning
 120 Broadway, 31st Floor
 New York, NY 10271

Open Restaurants Citywide Text Amendment

PROJECT NAME
 2021Y0291
 PROJECT ID NUMBER
 June 18, 2021
 SUBMISSION DATE

Signature Form

Section 1. Package & Project Information

File Land Use Application

1

Package Type (e.g. PAS, Land Use, EAS, WRP, EIS)

Package Version

LAND USE APPLICATIONS ONLY

Action Code	Action Type
ZR	Text Amendment

Action Code	Action Type

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NYC Department of Transportation

Printed Name of Applicant
 (name, company/agency or organization)

Michelle Craven

A/C, Cityscape & Franchises

Printed Name of Authorized Applicant Representative*
 (person authorized to sign the application, if different from 'Applicant' above)

Title



Signature by or on behalf of* Applicant

Jun 15, 2021
 Date

*Note that signatures on behalf of an applicant may require the submission of materials that demonstrate the authority of the signer to sign on behalf of the company/agency/organization. Please contact the Lead Planner to determine if this is necessary.



Section 1. Project Summary

Project Name:	Open Restaurants Text Amendment
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Contact Person for this Application:		
Name	Phone	Email
Frank Ruchala Jr.		fruchal@planning.nyc.gov

Primary Applicant		
Organization	First Name	Last Name
NYC Department of City Planning		

Site Data	
Street Address: Citywide	City Council District(s): Citywide
Community District(s): All	Zoning Sectional Map Number(s): Citywide
Existing Zoning District(s): Citywide	Special District(s): Citywide

LIST ALL ACTIONS BY THEIR ACTION CODE

For applications seeking more than one type of action, each action must be listed separately.

Action code*	If Follow-up action, indicate previous approval Action code	Is applicant solely a public agency?	Application number	Data to differentiate multiple actions of same type
ZR		Yes	N 210434 ZRY	

*See instructions for list of all action types and their appropriate codes.

Does this project require a legal instrument to be recorded against the subject property? Yes No Unknown

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NOTICE: THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.



Land Use Application

Date: 6/18/21 _____

Section 2. Applicants

1	Applicant	Street Address	City	State	Zip Code
	Department of City Planning	120 Broadway, 31st Floor	New York	NY	10271
	Signature by or on behalf of** Applicant	Printed Name of Authorized Applicant Representative*	Title		Date
		Frank Ruchala Jr.	Zoning Director		6/18/2021

2	Applicant	Street Address	City	State	Zip Code
	NYC Department of Transportation	55 Water Street, 9th Floor	New York	NY	11201
	Signature by or on behalf of** Applicant	Printed Name of Authorized Applicant Representative*	Title		Date
		Michelle Craven	Asst. Commissioner Cityscapes & Franchises		6/18/2021

3	Applicant	Street Address	City	State	Zip Code
	Signature by or on behalf of** Applicant	Printed Name of Authorized Applicant Representative*	Title		Date

* Person authorized to sign the application, if different from 'Applicant'

** Note that signatures by or on behalf of an applicant may require the submission of materials that demonstrate the authority of the signer to sign on behalf of the company/agency/organization. Please contact the Lead Planner to determine if this is necessary.

APPLICANT REPRESENTATIVE(S)	
Name	Company/Agency or Organization

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Date: 6/18/21

Section 3. Environmental Review

Discuss with CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) lead agency before completing.

- 1. Who is the LEAD AGENCY (responsible for the CEQR)? NYC Department of Transportation
- 2. CEQR NUMBER 21DOT016Y
- 3. Indicate CEQR Process type: **Type I** **Unlisted** **Type II**
- Type II Category: _____ Date of Determination: 6/18/2021

Section 4. Project Area and Development Site Data & Geography

PROPOSED PROJECT AREA

The **proposed Project Area** is the entirety of all land parcels that are affected by all actions being sought.

Do **ALL** actions being sought apply to:

- the whole City? **Yes** **No**
- the entirety of one or more Borough(s)? **Yes** **No**
- Borough(s): _____
- the entirety of one or more Community District(s)? **Yes** **No**
- Community District(s) All
- Land or land underwater that is not associated with a tax bock or lot? **Yes** **No**

Description of the geographic boundaries (especially for non-tax lots or irregular sites) by cross streets, bounding streets, dimensions, etc.:

The proposed zoning amendment would affect streets and sidewalks near commercial businesses.



Date: 6/18/21 _____

Section 4. (continued)

Existing zoning districts/special district: _____

Select all that apply to any portion of the **proposed Project Area**:

Located within the State Designated Coastal Zone Management (CZM) Area **Yes** **No**

Located within a Historic District **Yes** **No**

Historic District Name: Citywide

DEVELOPMENT SITE

*The **Development Site** is the specific parcel(s) that the applicant is seeking to develop. The Project Area and Development Site can be the same parcels of land or different, depending on the actions being sought. For instance, a special district may be mapped over a portion of a neighborhood (project area), but only certain parcels within it may be proposed for immediate development by the applicant (development site).*

Does the application result in the development of 500,000+ zoning square feet of floor area? **Yes** **No**

If **yes**, development size: **500,000 to 999,999 zoning square feet**

1,000,000 to 2,499,999 zoning square feet

At least 2,500,000 zoning square feet

Is the **Development Site** a (New York City or Other) Landmark or within a Historic District? **Yes** **No**

Indicate Landmark or Historic District Name: _____



Date: 6/18/21 _____

Section 5. Related Actions

1. List all **prior** site-specific actions by the **City, State or Federal Government** within the project area and describe in more detail in the attached Project Description.

Reference/ Application Number*	Description	Disposition or Status	Calendar Number*	Date*
N 790484 ZRY	Sidewalk Cafre Text	Adopted		1/10/1980
N 030119 ZRY	Sidewalk Cafe Regulations	Adopted		1/29/2003
N 040197 ZRY	Small Sidewalk Cafe Text	Adopted		5/52004
N 110090A ZRY	Key Terms Clarification Text	Adopted		2/2/2011

**If applicable*

2. List all **future** site-specific actions by the City, State, or Federal Government within the project area, and describe in more detail in the attached Project Description:

Reference/ Application Number*	Description	Status	Calendar Number*	Date*

**If applicable*



Land Use Application

Date: 6/18/21 _____

Section 6.

HOUSING PLANS; URBAN RENEWAL AREAS; URBAN DEVELOPMENT ACTION AREAS PROGRAM (UDAAP)

Applies to: HA, HC, HD, HG, HN, HO, HP, HU

1. Select all that apply: DESIGNATION PROJECT | DISPOSITION *(If disposition is sought, fill in Section 7)*

2. Fill in the table below for all the subject sites (existing conditions):

Borough	Block	Lot	UR Site Number	Owner	Existing Number of Buildings	Existing Stories in each Building	Existing Uses	Existing Zoning	Community/Institutional facilities			Number of Dwelling units	
									Number Occupied	Number Vacant	Number of Workers	Occupied	Vacant



Land Use Application

Date: 6/18/21 _____

Section 6. (continued)

3. Fill in the table below for all the subject sites (proposed conditions)

Borough	Block	Lot	UR Site Number*	Address	Owner	PROPOSED	
						Uses	Is site to be disposed? (yes/no)

*Urban Renewal Site Number



Date: 6/18/21 _____

Section 7.

DISPOSITION RELATED TO URBAN DEVELOPMENT ACTION AREAS PROGRAM (UDAAP) OR URBAN RENEWAL

Applies to: HA,HD

1. Type of disposition:

HA (Urban Development Action Area – UDAAP) **Yes** **No**

HD (Disposition of Urban Renewal Site) **Yes** **No**

2. Manner of disposition: **General** **Direct**

If **Direct** Disposition, indicate:

From: *(Indicate city agency)* _____

To: _____

Indicate Sponsor/ Developer/ Purchaser/ Lessee or Local Public Development Corporation
If recipient has not been selected or disposition is not limited to a particular recipient, indicate "To be determined by agency"

3. Restrictions and conditions: **None** (Pursuant to Zoning)
 Restricted (Describe the restrictions in the attached project description, including any restrictions on disposition, term, or use of property)



Date: 6/18/21

Section 8.

OFFICE SPACE LEASE, PUBLIC FACILITY SITE SELECTION OR ACQUISITION

Applies to: PC, PQ, PS, PX

1. Action(s) requested:

OFFICE SPACE LEASE

Yes

No

ACQUISITION

Yes

No

SITE SELECTION

Yes

No

2. Type of facility:

Local/Neighborhood

Regional/Citywide

3. The Proposed facility is a(n):

EXISTING FACILITY PROPOSED TO REMAIN

Yes

No

How long has existing facility been at this location?

EXISTING FACILITY TO REMAIN AND EXPAND/ENLARGE

Yes

No

How long has existing facility been at this location?

EXISTING FACILITY REPLACEMENT IN NEW LOCATION

Yes

No

Where is the current facility located?

NEW FACILITY

Yes

No

4. Is project listed in Citywide Statement of Needs?

Yes

No

Indicate Fiscal Year(s)

Indicate Page Number(s)

5. Did the Borough President propose an alternate site pursuant to charter section 204(f) or (g)?

Yes

No

Identify Alternate Site

6. Capital budget line

For Fiscal Years:



Section 9. DISPOSITION

Applies to: PP

1. Type of disposition: **General** **Direct**

From which City Agency? _____

To Whom? _____

*Sponsor/ Developer/ Purchaser/ Lessee or Local Public Development Corporation.
If recipient has not been selected or disposition is not limited to a particular recipient, indicate:
"To be determined by agency"*

2. Restrictions and conditions: **None** (Pursuant to Zoning)
- Restricted** (Describe the restrictions in the attached project description, including any restrictions on disposition, term, or use of property)

Section 10. CHANGE IN CITY MAP

Applies to: MM, MY, ME

1. Please select all requested map changes that apply:

Establish/Delineate New:	Eliminate/Remove Existing:	Change Existing:
<input type="checkbox"/> STREET	<input type="checkbox"/> STREET	<input type="checkbox"/> STREET (Width)
<input type="checkbox"/> PARK	<input type="checkbox"/> PARK	<input type="checkbox"/> STREET (Alignment)
<input type="checkbox"/> PUBLIC PLACE	<input type="checkbox"/> PUBLIC PLACE	<input type="checkbox"/> STREET (Grade)
<input type="checkbox"/> GRADE	<input type="checkbox"/> GRADE	<input type="checkbox"/> EASEMENT
<input type="checkbox"/> EASEMENT	<input type="checkbox"/> EASEMENT	

2. Is there a related Acquisition of Property? **Yes** **No**
3. Is there a related Disposition of Property? **Yes** **No**
4. Is the only proposed City Map Change the elimination of a mapped but unimproved street? **Yes** **No**
If yes, is the mapped but unimproved street being eliminated from the property of an owner-occupied, one- or two- family residence? **Yes** **No**



Section 11.

ZONING SPECIAL PERMITS, AUTHORIZATIONS AND CERTIFICATIONS

Applies to: **ZS, ZA, ZC, CM, LD, RS, RA, RC**

Use the following action codes to indicate action types in this section:

- ZS** new or modified zoning special permit
- ZA** new or modified zoning authorization
- ZC** new or modified zoning certification
- CM** renewal of a zoning special permit or authorization
- LD** action pursuant to or modification of a legal document

South Richmond District

- RS** new or modified zoning special permit
- RA** new or modified zoning authorization
- RC** new or modified zoning certification

1. Is the Applicant:

- | | | |
|---|-------------------------------------|------------------------------------|
| Owner of the development site? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Lessee of the development site? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other? (explain in attached project description) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| In a contract to lease or buy the development site? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Are there other owners or long-term lessees of the subject property? **Yes** **No**



Date: 6/18/21 _____

Section 12. ZONING TEXT AMENDMENT

Applies to: ZR

1. Please Indicate the affected Zoning Resolution Sections by title and number, below:

Zoning Section Name	Zoning Section Number
See Attached	

Section 13. ZONING MAP AMENDMENT

Applies to: ZM

1. What is the total area of all zoning lots in the area to be rezoned?

- | | |
|---|---|
| <input type="checkbox"/> Less than 10,000 square feet | <input type="checkbox"/> 70,000 to 99,000 square feet |
| <input type="checkbox"/> 10,000 to 19,999 square feet | <input type="checkbox"/> 100,000 to 239,999 square feet |
| <input type="checkbox"/> 20,000 to 39,999 square feet | <input type="checkbox"/> 240,000 to 500,000 square feet |
| <input type="checkbox"/> 40,000 to 69,999 square feet | <input type="checkbox"/> Greater than 500,000 square feet |

2. Please indicate all existing and proposed zoning districts in the table below:

Zoning Section Map(s) to be modified	EXISTING Zoning Districts	PROPOSED Zoning Districts

-END OF FORM-

Open Restaurants Text Amendment

Citywide

6/18/2021

1. Introduction

The Open Restaurants Text Amendment will remove Article 1, Chapter 4 and all other text related to sidewalk café regulations from the Zoning Resolution. The proposed text amendment will no longer require restaurants to have appropriate zoning in order to apply for the sidewalk café program. If this text amendment is adopted, restaurants seeking to open a sidewalk café would be required to apply for approvals from the proposed DOT permanent Open Restaurants program.

2. Background

SIDEWALK CAFÉS & EMERGENCY OPEN RESTAURANTS PROGRAM

EXISTING SIDEWALK CAFÉ AND STREET SEATS PROGRAMS

There are approximately 27,000 restaurants across the City of New York. The existing permanent outdoor dining permitting program (the “existing program”) applicable to these restaurants consist of a sidewalk café program administered by DCWP and a Street Seats program administered by DOT. As of March 2020, there were 1,224 active permits for sidewalk cafés¹ and 25 active permits for Street Seats.

Locational criteria for sidewalk cafés are regulated by the ZR, Article I, Chapter 4: Sidewalk Regulations. There are three types of sidewalk cafés under the existing program: enclosed cafés, unenclosed cafés, and small unenclosed cafés. Unenclosed sidewalk cafés are permitted in commercial, manufacturing, and select high density residential (R10H) districts only, though there are exceptions to these regulations, including specific districts and streets with further prohibitions or restrictions applied to sidewalk cafés, as well as special purpose districts in which sidewalk cafés are permitted. Enclosed cafés are allowed in most locations, except for prohibitions in additional special districts such as Hudson Yards, Lower Manhattan, and East Harlem. Small unenclosed cafés only are allowed in additional areas of Manhattan, as part of a moderate expansion of eligibility in 2004.

Pursuant to the Administrative Code, all of these café types are subject to specific clear path regulations based on their location, while the minimum clear path² required for all

¹ Including 1,122 unenclosed and 102 enclosed cafés. While enclosed cafés would not be part of the proposed POR program, the existing enclosed cafés would be allowed to continue to operate as such.

² According to the DCWP Sidewalk Café Design and Regulations Guide, all sidewalk cafés must maintain a minimum clear path of eight (8) feet between the outer limit of the café and any object near the curb, including the curbstone. Traffic signs, parking meters, and trees with grating flush to grade will not be considered an obstruction to the 8-

sidewalk cafés is 8 feet or 50 percent of the sidewalk width, whichever is greater. Additional requirements dictate the offsets required from sidewalk cafés to sidewalk obstructions such as fixtures and furniture. These requirements are designed to allow sufficient passage for pedestrians and other sidewalk users. Participating cafés are also subject to DCWP regulations governing their sign display, set-up, table count, railings, fences, planters, valences, canopies, awnings, and heaters, in coordination with required approvals from the New York City Department of Buildings (DOB) and the Landmarks Preservation Commission (LPC), as applicable.

Street Seats is a citywide program in which businesses and institutions may apply to DOT for a permit to install facilities in the roadbed along the curb line to create a setting for outdoor dining or other activities. Any type of business or institution that owns or operates the frontage at the ground floor of a building may be eligible to install and maintain a Street Seat. Business Improvement Districts (BIDs) and non-profit organizations without frontage can also be eligible, if they work in partnership with a local business that has frontage. Siting and design requirements for Street Seat sites include specific provisions to ensure that the facilities do not obstruct sidewalk and roadway amenities and infrastructure, as well as providing protection for Street Seat users. Street Seats is a seasonal program spanning the months of March through December and any outdoor dining facilities included in the Street Seats program are subject to specific operating hour restrictions.

EMERGENCY OPEN RESTAURANTS PROGRAM

Following the onset of the COVID-19 pandemic in 2020, the permanent outdoor dining program was suspended and replaced by a temporary program per Local Law 77 of 2020 and Mayoral Emergency Executive Orders 126 and 128. The temporary Open Restaurants Program (the “temporary program”) is an emergency citywide program to expand outdoor seating options for food service establishments to maintain public health and safety, enhance social distancing, and help them rebound in difficult economic times. Under the temporary program, individual food service establishments may apply to DOT and self-certify to use the sidewalk or curb parking lane on the roadway adjacent to their business. As of March 2021, there were 10,131 self-certified emergency open restaurant applications recorded citywide. Of these, 1,042 were for roadway seating only, 4,151 were for sidewalk seating only, and 5,579 included both roadway and sidewalk seating.

PERMANENT OPEN RESTAURANTS

In accordance with Local Law 114 of 2020 enacted by City Council and Mayoral directives, the city seeks to establish a permanent Open Restaurants program to succeed the temporary program. The program is anticipated to allow for the Department of Transportation to administer a sidewalk and roadway outdoor dining program on a

foot clear path requirement. Sidewalk cafés must maintain a nine (9) foot clear path to an intersection, with no exceptions.

citywide basis, and to establish physical rules and operational criteria and administrative procedures that balance both the goal of ease of use and the multiple users and demands upon street space. The full program is anticipated to require additional legislative actions as well as DOT agency rulemaking for implementation.

As a component of this overall legislative package, DOT and DCP are jointly proposing to amend the Zoning Resolution to remove locational prohibitions from the Zoning rules, in order to allow citywide potential applicability based on DOT siting criteria.

3. Description of Proposed Project Area

The proposed POR program and proposed text amendment would be implemented citywide, with no geographic restrictions other than the underlying zoning regulations on where restaurant uses are generally allowed. However, existing non-conforming restaurants that operate in zoning districts that do not allow restaurants as-of-right, would also be eligible for the POR program.

4. Description of the Proposed Action

The Proposed Action would also remove any zoning geographic restrictions on sidewalk café eligibility in the program to allow any restaurant with an active DOHMH food service establishment license and ground floor frontage to apply for an Open Restaurant permit so long as they meet the siting criteria as established in the proposed DOT permanent Open Restaurants program.

5. Action(s) Necessary to Facilitate the Project

Revisions to provisions of the New York City Zoning Resolution (ZR) to the extent necessary to provide for the implementation, administration and operation of the Open Restaurants Program, including:

- ZR, Article 1, Chapter 2, relating to sidewalk café definitions;
- ZR, Article 1, Chapter 4, relating to sidewalk cafe regulations;
- ZR Section 22-00, to the extent that a sidewalk café may not be enlarged in R10H Districts;
- ZR Section 32-411, to the extent such section does not allow for operable windows;
- ZR Section 33-05 & 43-03, to clarify the compatibility of DOT café programs and sidewalk widening.

- ZR Section 52-34, to the extent such section requires certain eating and drinking establishment uses in Residence Districts to be located within completely enclosed buildings;
- ZR Section 73-243, to extent BSA special permit provisions allowing for eating and drinking establishments would preclude operable windows;
- ZR Section 83-05 to extent that it would preclude operable windows in a Limited Commercial District;
- ZR Section 97-03, 97-13, 97-14, 97-412 to the extent such section limits the locations of sidewalk cafes in the Special 125th Street District;
- ZR Section 109-02, to the extent such section imposes any condition on the use of public streets and sidewalks for the maintenance of sidewalk cafes or outdoor cafes by restaurants in the Special Little Italy District; and
- ZR Section 117-03, 117-05, to the extent such section limits the locations of sidewalk cafes in the Special Long Island City Mixed Use District.

The Zoning Amendment will make thousands of restaurants potentially eligible for a sidewalk café by removing outdated geographic prohibitions on where sidewalk cafes can be located. In so doing, it will facilitate in expanding the benefits of outdoor dining to all New York City Neighborhoods. This action will support small businesses and job creation in the restaurant industry, activate our streets, and simplify and streamline our rules for outdoor dining under a single agency.



Attachment

Section 4. Project Area and Development Site Data & Geography | Located within a Historic District

Historic District Name
All Historic Districts in New York City

Section 12. Zoning Text Amendments | Zoning Section

Zoning Section Number	Zoning Section Name
Definitions	12-10
Sidewalk Cafe Regulations	Article I, Chapter 4
General Provisions	22-00
Enclosure Within Buildings	32-41
In C1, C5, C6-5 or C6-7 Districts	32-411
Outdoor Table Service Areas	33-05
Outdoor Table Service Areas	43-03
Commercial Uses in Residence Districts	52-34
In C1-1, C1-2 and C1-3 Districts	73-243
Enclosure of Uses	83-05
District Plan and Maps	97-03
Permitted Small Sidewalk Cafe Locations	97-13
Transient Hotels Within the Park Avenue Hub Subdistrict	97-14
Maximum floor area ratio in the Park Avenue Hub Subdistrict	97-412
Map 2: Permitted Small Sidewalk Cafe Locations	Article IX, Chapter 7, Appendix A
General Provisions	109-02
District Plan and Maps	117-03
Permitted Sidewalk Cafe Locations	117-05
Permitted Sidewalk Café Locations	Article XI, Chapter 7, Appendix A

OPEN RESTAURANTS TEXT AMENDMENT

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

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

**ARTICLE I
GENERAL PROVISIONS**

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Dwelling unit

A “dwelling unit” contains at least one #room# in a #residential building#, #residential# portion of a #building#, or #non-profit hospital staff dwelling#, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which #dwelling unit# includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

~~Enclosed sidewalk cafe — see Sidewalk cafe, enclosed~~

Enlargement, or to enlarge

* * *

Side yard — see Yard, side

~~Sidewalk cafe~~

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

Sidewalk cafe, enclosed

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

Sidewalk cafe, small

A “small sidewalk cafe” is an ~~#unenclosed sidewalk cafe#~~ containing no more than a single row of tables and chairs adjacent to the ~~#street line#~~ where such tables and chairs occupy a space on the sidewalk no greater than 4 feet, 6 inches from the ~~#street line#~~.

Sidewalk cafe, unenclosed

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

Sign

* * *

Two-family residence

A “two-family residence” is a ~~#building#~~ containing not more than two ~~#dwelling units#~~, and occupied by only two ~~#families#~~.

~~Unenclosed sidewalk cafe~~ — see Sidewalk cafe, unenclosed

Urban plaza — see Plaza, urban

* * *

Chapter 4 Sidewalk Cafe Regulations

14-00 GENERAL PURPOSES

~~The sidewalk cafe regulations as established in this Resolution are citywide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and 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 that better relate to the streetscape.~~
- ~~(c) — To preserve and enhance the character of neighborhoods throughout the City.~~
- ~~(d) — To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.~~
- ~~(e) — To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.~~

14-01

General Provisions

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

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

~~The amendments to Article I, Chapter 4, adopted by the City Council on January 29, 2003, shall become effective March 27, 2003.~~

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

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

14-011

Sidewalk cafe locations

~~#Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts and in all #Manufacturing Districts# only where eating or drinking establishments are permitted, as modified by special eligibility regulations set forth in Sections 14-40 through 14-45, inclusive. These sections identify #streets#, areas, special districts and malls or portions of #streets# for which special area eligibility regulations apply:~~

~~Section 14-40 — (AREA ELIGIBILITY FOR SIDEWALK CAFES)~~

~~Section 14-41 — (Locations Where Certain Sidewalk Cafes Are Not Permitted)~~

~~Section 14-42 — (Locations Where Enclosed Sidewalk Cafes Are Not Permitted)~~

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

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

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

~~#Sidewalk cafes# shall be permitted in Historic Districts or in designated landmark #buildings# only if such #sidewalk cafe# is approved by the Landmarks Preservation Commission.~~

14-10

ENCLOSED SIDEWALK CAFES

14-11

Locational Criteria for Enclosed Sidewalk Cafes

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

~~(a) — Clear path~~

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

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

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

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

~~(b) — Clearance at intersections of street line~~

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

~~(c) — Clearance from large obstructions~~

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

~~(d) — Minimum distance between enclosed sidewalk cafes~~

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

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

14-12

Physical Criteria for Enclosed Sidewalk Cafes

14-121

Structural requirements for enclosed sidewalk cafes

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

(a) — Ceiling

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

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

(b) — Transparency — exterior walls

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

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

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

(c) — Elevation

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

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

(d) — Designated boundaries

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

(e) — Fixtures

~~The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures~~

and HVAC installations, may be permanently affixed onto any portion of the wall of the ~~#enclosed sidewalk cafe#~~. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the ~~#enclosed sidewalk cafe#~~ or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above ~~#curb level#~~.

(f) — Refuse storage area

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

14-122

Access for persons with physical disabilities

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

In order to ensure access for persons with physical disabilities:

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

14-123

Signage

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

14-124

Music and noise amplification

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

14-13

Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes

In all ~~#Commercial# or #Manufacturing Districts#~~, where ~~#enclosed sidewalk cafes#~~ are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for ~~#enclosed sidewalk cafes#~~, except that there shall be no modification of Sections 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted), 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted), 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) and 14-45 (Street Malls Where Certain Sidewalk Cafes Are Permitted), provided the Commission finds that:

- (a) — the ~~#enclosed sidewalk cafe#~~ is developed consistent with the general purposes and objectives of this Chapter;
- (b) — 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;
- (c) — any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (d) — the restaurant or ~~#enclosed sidewalk cafe#~~ provides access for persons with disabilities;
- (e) — where a proposed ~~#enclosed sidewalk cafe#~~ is located between two existing stoops, it will not project beyond the stoops; and
- (f) — modifications to the provisions of paragraph (a) of Section 14-11 (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed ~~#enclosed sidewalk cafe#~~ that would be located on a ~~#street#~~ with a special pedestrian plan.

14-20 UNENCLOSED SIDEWALK CAFES

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

14-30 SMALL SIDEWALK CAFES

~~#Small sidewalk cafes#~~ shall be subject to the regulations of Section 14-01 (General Provisions) and, in addition, shall comply with the requirements for the definition of ~~#small sidewalk cafes#~~

in Section 12-10 as well as the following physical criteria:

- (a) — ~~no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe#;~~
- (b) — ~~there shall be no railing, structure or other form of barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and~~
- (c) — ~~there shall be no overhead coverage other than a retractable awning that is affixed to the #building# wall and does not extend further than 4 feet, 6 inches.~~

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

14-40

AREA ELIGIBILITY FOR SIDEWALK CAFES

~~Sections 14-40 through 14-45 identify those locations where specific area eligibility regulations apply.~~

~~For the purposes of Sections 14-40 through 14-45, the length of a #street# shall run the full #block# to the nearest intersections with cross #streets#, unless otherwise stated.~~

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

~~#Sidewalk cafes# shall only be allowed to locate along the length of a #street# or within the area bounded by #streets#, as set forth in Sections 14-40 through 14-45, where the applicable #use# regulations of the district allow eating and drinking establishments, either as of right, by certification or by authorization or special permit.~~

14-41

Locations Where Certain Sidewalk Cafes Are Not Permitted

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

Citywide:

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

Manhattan:

~~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~~

~~All #streets# within the M1-5A and M1-5B Districts south of Houston Street~~

~~Bowery — from East Broadway to Canal Street~~

~~Elizabeth Street — from Bayard Street to Canal Street~~

~~Pell Street — the entire length~~

~~Mott Street — from Park Row to Canal Street~~

~~Mulberry Street — from Worth Street to Canal Street~~

~~Bayard Street — the entire length~~

~~Doyers Street — the entire length~~

~~All streets facing Chatham Square~~

~~Canal Street — the entire length~~

~~Orchard Street — from Canal Street to Houston Street~~

~~Delancey Street — from Norfolk Street to the Bowery~~

~~Eighth Street — from Avenue A to Sixth Avenue~~

~~14th Street — from Second Avenue to Eighth Avenue~~

~~23rd Street — from the East River to Eighth Avenue~~

~~31st Street — from Fifth Avenue to Eighth Avenue~~

~~32nd Street — from Fifth Avenue to Eighth Avenue~~

~~33rd Street — from Fifth Avenue to Eighth Avenue~~

~~34th Street — from the East River to Eighth Avenue~~

~~42nd Street — from the East River to Eighth Avenue~~

~~All #streets# or portions of #streets# bounded by 43rd Street on the south, 45th Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue~~

~~57th Street — from the East River to Eighth Avenue~~

~~58th Street — from the East River to Eighth Avenue~~

~~59th Street — from the East River to Fifth Avenue~~

~~59th Street — from Sixth Avenue to Columbus Circle~~

~~All #streets# bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and, on the east, a line 125 feet east of Fifth Avenue~~

~~60th Street — from Third Avenue to Fifth Avenue~~

~~61st Street — from Third Avenue to Fifth Avenue~~

~~62nd Street — from Second Avenue to Fifth Avenue~~

~~63rd Street — from Second Avenue to Fifth Avenue~~

~~68th Street — from First Avenue to Fifth Avenue~~

~~72nd Street — from the East River to Fifth Avenue~~

~~77th Street — from First Avenue to Fifth Avenue~~

~~79th Street — from the East River to Fifth Avenue~~

86th Street — from the East River to Fifth Avenue, south side only
86th Street — from the East River to 125 feet east of York Avenue, north side only, and from York Avenue to Fifth Avenue, north side only
116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard
First Avenue — from 48th Street to 59th Street
Third Avenue — from 59th Street to 62nd Street
Lexington Avenue — the entire length
Park Avenue — the entire length from 38th Street, northward
Madison Avenue — the entire length
Fifth Avenue — from Washington Square North to 61st Street
Sixth Avenue — from 31st Street to 38th Street
Broadway — from 31st Street to 38th Street
Seventh Avenue — from 31st Street to 38th Street
Eighth Avenue — from 31st Street to 38th Street
Herald Square.

Brooklyn:

13th Avenue — from 39th Street to New Utrecht Avenue
86th Street — from Third Avenue to Gowanus Expressway
Court Street — from Schermerhorn Street to Montague Street.

Queens:

82nd Street — from 34th Avenue to 41st Avenue
Austin Street — from Yellowstone Boulevard to Ascan Avenue
Junction Boulevard — from Northern Boulevard to 41st Avenue
Roosevelt Avenue — from Union Street to Prince Street
Skillman Avenue — from 43rd Street to 56th Street.

14-42

Locations Where Enclosed Sidewalk Cafes Are Not Permitted

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

Manhattan:

Bleecker Street — from Bank Street to Mercer Street
Central Park South — from Fifth Avenue to Sixth Avenue
Park Avenue South and Park Avenue — from 31st Street to 38th Street
86th Street — from the East River to Fifth Avenue.

14-43

Locations Where Only Small Sidewalk Cafes Are Permitted

~~#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted. In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, notwithstanding any regulations set forth in Sections 14-41 or 14-42 prohibiting certain #sidewalk cafes# on such #streets#.~~

Manhattan:

~~Orchard Street — from Canal Street to Houston Street~~

~~Delancey Street — from Norfolk Street to the Bowery~~

~~Centre Street — from Canal Street to Spring Street~~

~~Lafayette Street — from Canal Street to Houston Street~~

~~Sixth Avenue — from Canal Street to a line 100 feet south of Spring Street~~

~~Special Union Square District¹~~

~~14th Street — from Second Avenue to Irving Place~~

~~14th Street — from a line 100 feet west of University Place to Eighth Avenue~~

~~23rd Street — from the East River to Eighth Avenue~~

~~31st Street — from Fifth Avenue to a line 200 feet east of Broadway~~

~~34th Street — from the East River to Fifth Avenue~~

~~35th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue~~

~~36th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue~~

~~37th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue~~

~~37th Street — from a line 150 feet east of Sixth Avenue to Broadway~~

~~38th Street — from Third Avenue to Seventh Avenue~~

~~39th Street — from Exit Street to Seventh Avenue~~

~~40th Street — from a line 100 feet east of Exit Street to Broadway~~

~~41st Street — from a line 100 feet east of Exit Street to Third Avenue~~

~~42nd Street — from First Avenue to Third Avenue~~

~~42nd Street — from Fifth Avenue to a line 275 feet east of Sixth Avenue~~

~~All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of~~

~~Third Avenue on the east and Third Avenue on the west~~

~~43rd Street — from Fifth Avenue to Sixth Avenue~~

~~44th Street — from Fifth Avenue to Sixth Avenue~~

~~45th Street — from Fifth Avenue to Sixth Avenue~~

~~46th Street — from Fifth Avenue to Sixth Avenue~~

~~47th Street — from a line 200 feet east of Third Avenue to Third Avenue~~

~~48th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west~~

~~49th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west~~

~~50th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west~~

51st Street — from a line 150 feet east of Third Avenue to Eighth Avenue
 52nd Street — from a line 160 feet east of Third Avenue to Eighth Avenue
 53rd Street — from a line 160 feet east of Third Avenue to Eighth Avenue
 54th Street — from a line 150 feet east of Third Avenue to Eighth Avenue
 55th Street — from a line 100 feet west of Second Avenue to Eighth Avenue
 56th Street — from a line 100 feet west of Second Avenue to Eighth Avenue
 57th Street — from the East River to Eighth Avenue
 58th Street — from the East River to Eighth Avenue
 59th Street — from the East River to Second Avenue
 59th Street (Central Park South) — from Sixth Avenue to Columbus Circle
 60th Street — from Lexington Avenue to Fifth Avenue
 61st Street — from Third Avenue to Fifth Avenue
 62nd Street — from Second Avenue to Fifth Avenue
 63rd Street — from Second Avenue to Fifth Avenue
 86th Street — from First Avenue to a line 125 feet east of Second Avenue, south side only
 116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard
 Special 125th Street District — only as set forth in Section 97-13 (Permitted Small Sidewalk Cafe Locations)
 First Avenue — from 48th Street to 56th Street
 Third Avenue — from 38th Street to 62nd Street
 Lexington Avenue — from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street
 Lexington Avenue — the entire length from a line 100 feet north of 96th Street, northward
 Park Avenue — from 38th Street to 40th Street
 Park Avenue — from 48th Street to 60th Street
 Park Avenue — the entire length from a line 100 feet north of 96th Street, northward
 Madison Avenue — from 23rd Street to 38th Street
 Madison Avenue — from 59th Street to 61st Street
 Special Madison Avenue Preservation District²
 Madison Avenue — the entire length from a line 100 feet north of 96th Street, northward
 Fifth Avenue — from 12th Street to 33rd Street
 Fifth Avenue — from 59th Street to 61st Street
 Sixth Avenue — from 36th Street to 42nd Street
 Sixth Avenue — from a line 150 feet north of 42nd Street to 48th Street
 Sixth Avenue — from 50th Street to Central Park South
 Seventh Avenue — from 50th Street to Central Park South
 Broadway — from 36th Street to 40th Street
 Broadway — from 50th Street to Columbus Circle
 Columbus Circle — from Eighth Avenue, westward, to Broadway.

¹ — #Small sidewalk cafes# are not allowed on 14th Street

² — #Small sidewalk cafes# are not allowed on 86th Street within the #Special Madison Avenue District#

Queens:

Jackson Avenue, north side — from 44th Drive to the prolongation of Dutch Kills Street
 Queens Boulevard — from a line 100 feet west of 39th Place to 48th Street
 Queens Plaza North — from 23rd Street to Northern Boulevard
 Queens Plaza South — from 23rd Street to Jackson Avenue
 Skillman Avenue, north side — from 45th Street to a line 100 feet east of 51st Street, including that portion within the #Special Planned Community Preservation District#
 Skillman Avenue, south side — from 45th Street to 51st Street, excluding that portion within the #Special Planned Community Preservation District#.

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
125th Street District	No	No ⁴
Battery Park City District	Yes	Yes
Clinton District	No	Yes
East Harlem Corridors District	No	Yes
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes
Enhanced Commercial District 3 (Broadway/Upper West Side)	Yes	Yes
Hudson Square District	Yes	Yes
Inwood District	No	Yes
Limited Commercial District	No	No ¹
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes ²
Manhattanville Mixed Use District	No ³	Yes
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes

United Nations Development District	No	Yes
West Chelsea District	No	Yes ⁵

¹ ~~_____ #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue~~

² ~~_____ #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway~~

³ ~~_____ #Enclosed sidewalk cafes# are allowed in Subdistrict B~~

⁴ ~~_____ #Unenclosed sidewalk cafes# are allowed on the east side of Malcolm X Boulevard between West 125th and West 126th Streets, on the west side of Malcolm X Boulevard between West 124th and West 125th Streets and on the east side of Fifth Avenue between East 125th and East 126th Streets~~

⁵ ~~_____ #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street~~

Brooklyn	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Enhanced Commercial District 1 (Fourth Avenue)	No	Yes
Enhanced Commercial District 4 (Broadway, Bedford-Stuyvesant)	No	Yes
Mixed Use District 8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District [†]	Yes	Yes
Sheepshead Bay District	No	Yes

[†] ~~_____ #Sidewalk cafes# are not allowed on Ocean Parkway~~

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes
Harlem River Waterfront District	No	Yes
Jerome Corridor District	No	Yes

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Downtown Far Rockaway District	No	Yes
Downtown Jamaica District	No	Yes
Flushing Waterfront District	No	Yes
Forest Hills District ¹	No	Yes
Long Island City Mixed Use District ²	No	Yes
Southern Hunters Point District	No	Yes
Willetts Point District	No	Yes

¹ ~~_____ #Sidewalk cafes# are not allowed on Austin Street~~

² ~~_____ See Appendix A in Article XI, Chapter 7~~

Staten Island	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Bay Street Corridor District	Yes	Yes
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

14-45

~~Street Malls Where Certain Sidewalk Cafes Are Permitted~~

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

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Mulberry Street Mall	No	Yes
Nassau Street Mall	No	Yes

Brooklyn	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Fulton Street Mall ¹	No	Yes

~~† _____ #Enclosed sidewalk cafes# are allowed along DeKalb Avenue~~

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Far Rockaway Beach 20th Street	No	Yes

~~* * *~~

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

**22-00
GENERAL PROVISIONS**

~~* * *~~

Use Group 6C, limited to docks for ferries and water taxis, as specified in Section 22-15, is permitted in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

~~In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 72-21 (Findings Required for Variances), that operates a #sidewalk cafe# pursuant to the provisions of Article I, Chapter 4, may be #enlarged# into any open area that may exist between the #street wall# and the #street line#.~~

For the purposes of this Chapter, any #residence# and any #accessory building abutting# such #residence# on the same #zoning lot# shall be considered a single #building#.

~~* * *~~

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

~~* * *~~

**32-41
Enclosure Within Buildings**

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions), 36-61 (Permitted Accessory Off-street Loading Berths) and 73-36 (Physical Culture or Health Establishments), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

32-411

In C1, C5, C6-5 or C6-7 Districts

C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# except for store fronts or store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building#.

32-412

In other Commercial Districts

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

* * *

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-00

APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

* * *

33-05

Outdoor Table Service Areas

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth by the Department of Transportation shall be permitted within any required sidewalk widening areas.

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 3
Bulk Regulations**

**43-00
APPLICABILITY AND GENERAL PROVISIONS**

* * *

**43-03
Outdoor Table Service Areas**

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth by the Department of Transportation shall be permitted within any required sidewalk widening areas.

* * *

**ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2
Non-Conforming Uses**

* * *

**52-30
CHANGE OF NON-CONFORMING USE**

* * *

**52-34
Commercial Uses in Residence Districts**

In all #Residence Districts#, a #non-conforming use# listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6. In the case of any such change, the limitation on #floor area# set forth in Section 32-15 (Use Group 6) shall not apply. Eating or drinking places, establishments with musical entertainment, but not dancing, thus permitted as a change of #use#,

shall be ~~limited exclusively to the sale of food or drink for on-premises consumption by seated patrons within a #completely enclosed building#~~ subject to the enclosure provisions of Section 32-411.

* * *

ARTICLE VII ADMINISTRATION

Chapter 3 Special Permits by the Board of Standards and Appeals

* * *

73-24 Eating or Drinking Places

* * *

73-243 In C1-1, C1-2 and C1-3 Districts

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board of Standards and Appeals may permit eating or drinking places (including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, and those which provide outdoor table service) with #accessory# drive-through facilities for a term not to exceed five years, provided that the following findings are made:

* * *

- (d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, M1-5A and M1-5B Districts, such #use# shall ~~take place in a #completely enclosed building#~~ be subject to the enclosure provisions of Section 32-411; and

* * *

~~In connection therewith, the Board may modify the requirement of Section 32-411 (In C1, C5, C6-5 or C6-7 Districts) insofar as it relates to the #accessory# drive-through facility. The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

* * *

Article VIII - Special Purpose Districts

**Chapter 3
Special Limited Commercial District**

* * *

**83-00
GENERAL PURPOSES**

* * *

(10/9/69)

**83-05
Enclosure of Uses**

All permitted #uses# shall be ~~located within #completely enclosed buildings#~~ be subject to the enclosure provisions of Section 32-411.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special 125th Street District**

**97-00
GENERAL PURPOSES**

* * *

**97-03
District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Subdistricts) ~~and Map 2 (Permitted Small Sidewalk Cafe Locations)~~, is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

* * *

**97-10
SPECIAL USE AND LOCATION REGULATIONS**

* * *

97-13

Permitted Small Sidewalk Cafe Locations

~~#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated on Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A of this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).~~

97-14

Transient Hotels Within the Park Avenue Hub Subdistrict

* * *

97-40

SPECIAL BULK REGULATIONS

* * *

97-41

Special Floor Area Regulations

* * *

97-412

Maximum floor area ratio in the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant to the provisions of Section 97-4413 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

* * *

Chapter 7
Special Long Island City Mixed Use District

117-00
GENERAL PURPOSES

* * *

117-03
District Plan and Maps

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

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

Appendix A ~~Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations~~

* * *

117-05
Permitted Sidewalk Cafe Locations

~~#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, except that such #unenclosed sidewalk cafes# may also extend up to 100 feet along the non-designated #street# frontage of a #corner lot#, subject to all other applicable regulations of Article I, Chapter 4.~~

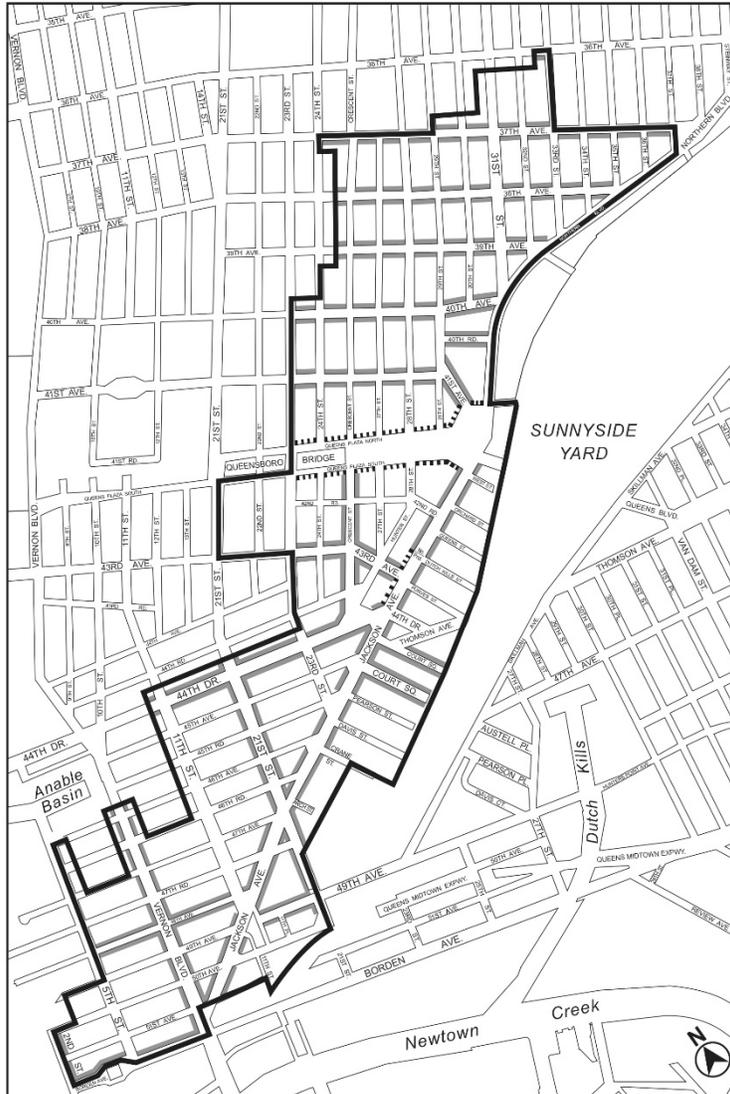
* * *

Appendix A
Special Long Island City Mixed Use District and Subdistricts ~~Plan Map, including~~ Permitted Sidewalk Cafe Locations

* * *

Permitted Sidewalk Cafe Locations

[TO BE DELETED]



— Unenclosed Sidewalk Cafes Small Sidewalk Cafes Only

* * *