

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:**  
**WEDNESDAY, FEBRUARY 25, 2004**  
**10:00 A.M. SPECTOR HALL**  
**22 READE STREET, NEW YORK 10007**

Yvette V. Gruel, Calendar Officer  
 22 Reade Street, Room 2E  
 New York, New York 10007-1216  
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO	PROJECT NAME	C.P.C. ACTION
1	C 040135 PCM	2	CITY WATER TUNNEL NO. 3, SHAFT 30 B	Scheduled to be Heard 3/10/04
2	N 040229 HAX	10	BEATRICE CATULLO HOUSES	" "
3	C 020654 ZMX	9	IHOP	Hearing Closed
4	C 030289 ZMK	2	99 GOLD STREET REZONING	" "
5	N 040220 HAK	3	ROBERT MOORE SENIOR HOUSING	" "
6	N 030228 ZRY	cw	AUDUBON IV	" "
7	C 030229 ZSM	12	" "	" "
8	C 030230 PPM	12	" "	" "
9	C 040164 HAM	10	BRADHURST EARLY CHILDHOOD CENTER	" "
10	N 040197 ZRY	2-6	8,10,11 SMALL SIDEWALK CAFES	" "
11	C 010383 MMQ	12	201 <sup>ST</sup> PLACE	" "
12	C 040191 PPQ	1,3	7,10,12-14 JFK/LA GUARDIA DISPOSITION	" "
13	N 040066 ZAX	8	5300 ARLINGTON AVENUE	Authorization Approved
14	N 040200 BDM	4-6	MADISON/23RD/FLATIRON/CHELSEA BID	Unqualified Approval
15	C 020122 ZSM	2	541 BROADWAY	Withdrawn
16	C 040019 PPQ	10,	12-14 TRAMMEL CROW	Favorable Report Adopted
17	C 030293 ZMR	2	2175 RICHMOND AVENUE	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:												
		In Favor - Y Oppose - N Abstain - AB Recuse - R												
Calendar Numbers:		13	14	15	16	17								
Amanda M. Burden, AICP, Chair	P	Y	Y		Y	Y								
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y		Y	Y								
Angela M. Battaglia	A			W										
Irwin Cantor, P.E.	P	Y	Y	I	Y	Y								
Angela R. Cavaluzzi, R.A.	A			T										
Richard W. Eaddy	P	Y	Y	H	Y	Y								
Alexander Garvin	P	Y	Y	D	Y	Y								
Jane D. Gol	P	Y	Y	R	Y	Y								
Christopher Kui	P	Y	Y	A	Y	Y								
John Merolo	P	Y	Y	W	Y	N								
Karen A. Phillips	P	Y	Y	N	Y	Y								
Dolly Williams, Commissioners	P	Y	Y		Y	Y								

MEETING ADJOURNED AT: 1:07 P.M.

**COMPREHENSIVE**  
**CITY PLANNING CALENDAR**  
**of**  
**The City of New York**  

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**CITY PLANNING COMMISSION**  

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**WEDNESDAY, FEBRUARY 25, 2004**  

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**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. 4]**

**Prepared by Yvette V. Gruel, 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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**NOTICE--CALENDARS:** City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site ([www.nyc.gov/planning](http://www.nyc.gov/planning)). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the 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.

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

**Note to Subscribers:** Notify us of change of address including E-mail by writing to:

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

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

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**  
**CHRISTOPHER KUI**  
**JOHN MEROLO**  
**KAREN A. PHILLIPS**  
**DOLLY WILLIAMS**, *Commissioners*  
**YVETTE V. GRUEL**, *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.

**ORDER OF BUSINESS AND INDEX**

**WEDNESDAY, FEBRUARY 25, 2004**

Roll Call; approval of minutes .....	1
I. Scheduling of March 10, 2004 .....	1
II. Public Hearings .....	3
III. Reports .....	26

**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 March 10, 2004 at Spector Hall, 22 Reade Street, New York at 10:00 a.m.

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**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: \_\_\_\_\_

**FEBRUARY 25, 2004**

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**APPROVAL OF MINUTES OF Regular Meeting of February 11, 2004**

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, MARCH 10, 2004  
STARTING AT 10:00 A.M.  
IN SPECTOR HALL, 22 READE STREET  
NEW YORK, NEW YORK**

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**BOROUGH OF MANHATTAN**

**No. 1**

***CITY WATER TUNNEL NO. 3, SHAFT 30B***

**CD 2**

**C 040135 PCM**

**IN THE MATTER OF an application** submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, **for the site selection and acquisition of property located at 142 Grand Street** (Block 473, Lot 47), Manhattan, **for construction of a water tunnel** (Shaft 30B) for City Water Tunnel No. 3, Stage 2.

**Resolution for adoption scheduling March 10, 2004 for a public hearing.**

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**BOROUGH OF BROOKLYN**

**No. 2**

***BEATRICE CATULLO HOUSES***

**CD 10**

**N 040229HAX**

**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 property located at 1425 Zerega Avenue (Block 3970, Lot 35), as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area;

**to facilitate development of a seven-story building tentatively known as Beatrice Castiglia Catullo Residence**, with approximately 83 units of housing for senior citizens and one unit for a superintendent, to be developed under the HUD Section 202 Supportive Housing for the Elderly Program.

**Resolution for adoption scheduling March 10, 2004 for a public hearing.**

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**II. PUBLIC HEARINGS**

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**BOROUGH OF THE BRONX**

**No. 3**

***IHOP***

**CD 9**

**C 020654 ZMX**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Jocques Graham pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section Nos. 4b and 7a**, establishing within an existing R5 District a C2-1 District bounded by White Plains Road, a line 290 feet northerly of Bruckner Expressway, a line midway between White Plains Road and Virginia Avenue, and a line 150 feet northerly of Bruckner Expressway, as shown on a diagram (for illustrative purposes only) dated November 3, 2003.

(On February 11, 2004, Cal. No. 1, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF BROOKLYN**

**No. 4**

***99 GOLD STREET REZONING***

**CD 2**

**C 030289 ZMK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by 99 Gold Street Associates pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 12d**, changing from an M1-2 District to an R6A District property bounded by Front Street, a line 125 feet easterly of Gold Street, a line 100 feet northerly of York Street, and Gold Street, as shown on a diagram (for illustrative purposes only) dated November 3, 2003 and subject to the conditions of CEQR Declaration E-126.

(On February 11, 2004, Cal. No. 2, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 5

**ROBERT MOORE SENIOR HOUSING**

CD 3

N 040220 HAK

**PUBLIC HEARING:**

**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:

3. The designation of property located at 147 Nostrand Avenue and 7 Vernon Avenue (Block 1754, Lots 1 and 86), as an Urban Development Action Area; and
4. An Urban Development Action Area Project for such area;

**to facilitate development of a six-story building tentatively known as Robert Moore Senior Housing**, with approximately 59 units of housing for senior citizens and one unit for a superintendent, to be developed under the HUD Section 202 Supportive Housing for the Elderly program.

(On February 11, 2004, Cal. No. 3, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

\_\_\_\_\_

**BOROUGH OF MANHATTAN**

**Nos. 6, 7 and 8**

**AUDUBON IV**

**No. 6**

CITYWIDE

N 030228 ZRY

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Columbia University and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, relating to Article VII, Chapter 4, (Special Permits by the City Planning Commission), to modify the provisions of Section 74-48 concerning height and setback regulations for scientific research and development facilities in C6 Districts.

**Proposed Text Amendment of Section 74-48, Scientific Research and Development Facility**

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

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

Matter within *italics* is defined in Section 12-10;

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

**Article VII – Administration**

**Chapter 4 – Special Permits by the City Planning Commission**

\* \* \*

**74-48**

**Scientific Research and Development Facility**

In C6 Districts, the City Planning Commission may permit a scientific research and development facility containing laboratories for medical, biotechnical, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research **and may modify height and setback regulations for the facility**. Such facility must conform to the performance standards applicable to M1 Districts and occupy a *zoning lot* that either contains a minimum *lot area* of 40,000 square feet or comprises an entire *block*. No *residential use* is to be located anywhere on a *zoning lot* containing such a facility.

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

- (a) will not unduly affect the essential character or impair the future use and development of the surrounding areas;
- (b) will be located so as to draw a minimum of vehicular traffic to and through local *streets*; and
- (c) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage.
- (d) **that the modification of such height and setback regulations will not unduly obstruct the access of light and air to adjoining properties or public streets.**

All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off-Street Loading Berths) for *commercial uses*.

The Commission may also require the provision of *accessory* off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such *use*. The size and location of such parking and loading facilities shall comply with the applicable provisions of Section 36-00 (OFF-STREET PARKING REGULATIONS: GENERAL PURPOSES AND DEFINITIONS).

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

(On February 11, 2004, Cal. No. 4, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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No. 7

CD 12

C 030229 ZSM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Trustees of Columbia University in the City of New York 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 74-48\* of the Zoning Resolution to allow a scientific research and development facility and to allow the modification of the height and setback regulations of Section 33-432 to facilitate the development of a 12-story scientific research and development facility on a zoning lot occupying an entire block bounded by West 165<sup>th</sup> Street, Broadway, West 166<sup>th</sup> Street and St. Nicholas Avenue** (Block 2124, Lot 43), in a C6-2 District, Community District 12, Borough of Manhattan.

\* Note: An amendment of Section 74-48 (Scientific Research and Development Facility) is proposed under related application N 030228 ZRY involving the addition of the modification of height and setback regulations.

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 February 11, 2004, Cal. No. 5, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 8**

**CD 12**

**C 030230 PPM**

**PUBLIC HEARING:**

**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 removal of the floor area restriction on the property located at West 165<sup>th</sup> Street and St. Nicholas Avenue (Block 2124, Lot 43), pursuant to zoning.**

(On February 11, 2004, Cal. No. 6, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 9**

***BRADHURST EARLY CHILDHOOD CENTER***

**CD 10**

**C 040164 HAM**

**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 property located at 260-262 West 153<sup>rd</sup> Street (Block 2038, Lots 55 and 57) 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 the development of a day care center.

(On February 11, 2004, Cal. No. 7, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 10**

***SMALL SIDEWALK CAFES***

**CD 2,3,4,5,6,8,10,11**

**N 040197 ZRY**

**PUBLIC HEARING**

**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York relating to Sections 12-10 (Definitions) and 14-00 (Sidewalk Café Regulations) establishing a new category of unenclosed sidewalk cafes, Small Sidewalk cafes, and permitting such cafes on selected streets in Manhattan where sidewalk cafes are prohibited.

Matter ~~Graytone/Underlined~~ is new, to be added;

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

Matter in *italics* or within # # is defined in Section 12-10;

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

**ARTICLE I**

## General Provisions

\* \* \*

## Chapter 2 Construction of Language and Definitions

\* \* \*

### 12-10 DEFINITIONS

\* \* \*

#### Sidewalk cafe

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

#### Sidewalk cafe, enclosed

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

#### Sidewalk cafe, small

A "small sidewalk cafe" is an unenclosed sidewalk 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 4½ feet from the street line.

#### Sidewalk cafe, unenclosed

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

\* \* \*

## Chapter 4 Sidewalk Cafe Regulations

### 14-00 GENERAL PURPOSES

The sidewalk cafe regulations as established in this Resolution are city-wide regulations,

designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and ~~to~~ promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.
- (b) To promote sidewalk cafes as visual amenities ~~which~~ that better relate to the streetscape.
- (c) To preserve and enhance the character of neighborhoods throughout the City.
- (d) To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.
- (e) To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

#### **14-01**

##### **General Provisions**

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

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

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

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

#### **14-011**

##### **Sidewalk cafe locations**

#Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts and in all #Manufacturing Districts# other than M1-5A or M1-5B Districts south of Houston Street, except in those areas where #sidewalk cafes# are specifically prohibited or permitted, as provided in Section 14-40 (AREA ELIGIBILITY FOR

SIDEWALK CAFES).

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

- Section 14-41 - (~~Area Restrictions for All Sidewalk Cafes~~ Locations Where Certain Sidewalk Cafes Are Not Permitted)
- Section 14-42 - (~~Area Restrictions for All Enclosed Sidewalk Cafes~~ Locations Where Enclosed Sidewalk Cafes Are Not Permitted)
- Section 14-43 - (Locations Where Only Small Sidewalk Cafes Are Permitted)
- Section ~~14-43~~ 14-44 - (Special Zoning Where Certain Sidewalk Cafes Districts Are Permitted)
- Section ~~14-44~~ 14-45 - (Street Malls Where Certain Sidewalk Cafes Are Permitted)

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

**14-10**

**ENCLOSED SIDEWALK CAFES**

**14-11**

~~**LOCATIONAL CRITERIA FOR ENCLOSED SIDEWALK CAFES**~~

**Locational Criteria for Enclosed Sidewalk Cafes**

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

(a) Clear path

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

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



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

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

(b) Clearance at intersections of street line

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

(c) Clearance from large obstructions

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

(d) Minimum distance between enclosed sidewalk cafes

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

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

~~14-20~~ **14-12**

~~PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES~~

Physical Criteria for Enclosed Sidewalk Cafes

~~14-21~~ **14-121**

**Structural Requirements for Enclosed Sidewalk Cafes**

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

(a) Ceiling

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

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

(b) Transparency - exterior walls

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

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

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

(c) Elevation

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

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

(d) Designated boundaries

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

(e) Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe#. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent

walls shall not be less than 10 feet above #curb level#.

(f) Refuse storage area

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

~~14-22~~ **14-122**

**Access for Persons with Physical Disabilities**

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

In order to ensure access for persons with physical disabilities:

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

~~14-23~~ **14-123**

**Signage**

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

~~14-24~~ **14-124**

**Music and Noise Amplification**

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

~~14-30~~ **14-13**

~~SPECIAL PERMIT MODIFICATIONS OF LOCATIONAL OR PHYSICAL CRITERIA FOR ENCLOSED SIDEWALK CAFES~~

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

In all #Commercial# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission

may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Sections 14-41 (Area Restrictions for All Locations Where Certain Sidewalk Cafes Are Not Permitted), 14-42 (Area Restrictions for All Locations Where Enclosed Sidewalk Cafes Are Not Permitted), ~~14-43~~ 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) and ~~14-44~~ 14-45 (Street Malls Where Certain Sidewalk Cafes Are Permitted), provided the Commission finds that:

- (1) the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;
- (2) any proposed modification to the requirements of this Chapter will result in good overall design, and enhance the general character of the #street# and the neighborhood;
- (3) any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (4) the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;
- (5) where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops; and
- (6) modifications to the provisions of paragraph (a) of Section ~~14-10~~ 14-11 (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.

#### **14-20** **UNENCLOSED SIDEWALK CAFES**

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

#### **14-30** **SMALL SIDEWALK CAFES**

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

- (a) no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe#;

- (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 4½ feet.

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

#### **14-40** **AREA ELIGIBILITY FOR SIDEWALK CAFES**

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

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

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

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

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

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

#### **14-41** **Area Restrictions for All Locations Where Certain Sidewalk Cafes Are Not Permitted**

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

Permitted):-

City Wide

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

Manhattan

- 1) All streets bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west, ~~except Central Park South between Fifth Avenue and Avenue of the Americas~~
- 2) ~~All streets bounded by 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~~
- ~~6-2.~~ Bowery - from East Broadway to Canal Street
- ~~7-3.~~ Elizabeth Street - from Bayard Street to Canal Street
- ~~8-4.~~ Pell Street - the entire length
- ~~9-5.~~ Mott Street - from Park Row to Canal Street
- ~~10-6.~~ Mulberry Street - from Worth Street to Canal Street
- ~~11-7.~~ Bayard Street - the entire length
- ~~12-8.~~ Doyers Street - the entire length
- ~~13-9.~~ All streets facing Chatham Square
- ~~3-10.~~ Canal Street - the entire length
- ~~4-11.~~ Orchard Street - from Canal Street to Houston Street
- ~~5-12.~~ Delancey Street - from Norfolk Street to Bowery
- ~~14-13.~~ Eighth Street - from Avenue A to ~~Sixth Avenue of the Americas~~
- ~~15-14.~~ 14<sup>th</sup> Street - from Second Avenue to Eighth Avenue
- ~~16-15.~~ 23<sup>rd</sup> Street - from the East River to Eighth Avenue
- ~~17-16.~~ 31st Street - from Fifth Avenue to Eighth Avenue
- ~~18-17.~~ 32nd Street - from Fifth Avenue to Eighth Avenue
- ~~19-18.~~ 33rd Street - from Fifth Avenue to Eighth Avenue
- ~~20-19.~~ 34<sup>th</sup> Street - from the East River to Eighth Avenue
- ~~21-20.~~ 42<sup>nd</sup> Street - from the East River to Eighth Avenue
21. All #streets# or portions of #streets# bounded by 43<sup>rd</sup> Street on the south, 45<sup>th</sup> Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue
- ~~22-22.~~ 57<sup>th</sup> Street - from the East River to Eighth Avenue
- ~~23-23.~~ 58<sup>th</sup> Street - from the East River to Eighth Avenue
- ~~24-24.~~ 59<sup>th</sup> Street - from the East River to 5th Avenue
25. 59<sup>th</sup> Street - from Sixth Avenue to Columbus Circle
26. 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
- ~~25-27.~~ 60<sup>th</sup> Street - from Third Avenue to Fifth Avenue
- ~~26-28.~~ 61<sup>st</sup> Street - from Third Avenue to Fifth Avenue
- ~~27-29.~~ 62<sup>nd</sup> Street - from Second Avenue to Fifth Avenue
- ~~28-30.~~ 63<sup>rd</sup> Street - from Second Avenue to Fifth Avenue
- ~~29-31.~~ 68<sup>th</sup> Street - from First Avenue to Fifth Avenue

- ~~30-32.~~ 72<sup>nd</sup> Street - from the East River to Fifth Avenue
- ~~31-33.~~ 77<sup>th</sup> Street - from First Avenue to Fifth Avenue
- ~~32-34.~~ 79<sup>th</sup> Street - from the East River to Fifth Avenue
- ~~33-35.~~ 86<sup>th</sup> Street - from the East River to Fifth Avenue
- ~~34-36.~~ 116<sup>th</sup> Street - from ~~Lenox Avenue~~ Malcolm X Boulevard to ~~Eighth Avenue~~ Frederick Douglass Boulevard
- ~~45-37.~~ First Avenue - from 48<sup>th</sup> Street to 59<sup>th</sup> Street.
- ~~35-38.~~ Third Avenue - from 59<sup>th</sup> Street to 62<sup>nd</sup> Street
- ~~36-39.~~ Lexington Avenue - the entire length
- ~~37-40.~~ Park Avenue - the entire length from 38<sup>th</sup> Street, northward
- ~~38-41.~~ Madison Avenue - the entire length
- ~~39-42.~~ Fifth Avenue - from Washington Square North to 61<sup>st</sup> Street
- ~~40-43.~~ Sixth Avenue - from 31<sup>st</sup> Street to 38<sup>th</sup> Street
- ~~43-44.~~ Broadway - from 31<sup>st</sup> Street to 38<sup>th</sup> Street
- ~~41-45.~~ Seventh Avenue - from 31<sup>st</sup> Street to 38<sup>th</sup> Street
- ~~42-46.~~ Eighth Avenue - from 31<sup>st</sup> Street to 38<sup>th</sup> Street
- ~~44-47.~~ Herald Square
- ~~45-48.~~ ~~First Avenue - from 48<sup>th</sup> Street to 59<sup>th</sup> Street.~~

Brooklyn

- 1. 13th Avenue - from 39th Street to New Utrecht Avenue
- 2. 86th Street - from 3rd Avenue to Gowanus Expressway
- 3. Court Street - from Schermerhorn Street to Montague Street.
- ~~4. Ocean Parkway - the entire length.~~

Queens

- 1. Roosevelt Avenue - from Union Street to Prince Street
- 2. Austin Street - from Yellowstone Boulevard to Ascan Avenue
- 3. 82nd Street - from 34th Avenue to 41st Avenue
- 4. Junction Boulevard - from Northern Boulevard to 41st Avenue.

**14-42**

**~~Area Restrictions for Enclosed Sidewalk Cafes~~**

**Locations Where Enclosed Sidewalk Cafes Are Not Permitted**

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

Manhattan

- 1. Bleecker Street - from Bank Street to Mercer Street
- 2. Central Park South - from Fifth Avenue to ~~Avenue of the Americas~~ Sixth Avenue
- ~~3. Coenties Slip~~
- ~~4.3.~~ Park Avenue South and Park Avenue ~~South~~ - from 31<sup>st</sup> Street to 38<sup>th</sup> Street.

**14-43**

### Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning:

#### Manhattan

1. Orchard Street - from Canal Street to Houston Street
2. Delancey Street - from Norfolk Street to the Bowery
3. Centre Street - from Canal Street to Spring Street
4. Lafayette Street - from Canal Street to Houston Street
5. Sixth Avenue - from Canal Street to a line 100 feet south of Spring Street
6. Special Union Square Special District\*
7. 14<sup>th</sup> Street - from Second Avenue to Irving Place
8. 14<sup>th</sup> Street - from a line 100 feet west of University Place to Eighth Avenue
9. 23<sup>rd</sup> Street - from the East River to Eighth Avenue
10. 31<sup>st</sup> Street - from Fifth Avenue to a line 200 feet east of Broadway
11. 32<sup>nd</sup> Street - from Fifth Avenue to a line 200 feet east of Broadway
12. Special Jacob K. Javits Convention Center District
13. 34<sup>th</sup> Street - from the East River to Fifth Avenue
14. 35<sup>th</sup> Street - from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue
15. 36<sup>th</sup> Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
16. 37<sup>th</sup> Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
17. 37<sup>th</sup> Street - from a line 150 feet east of Sixth Avenue to Broadway
18. 38<sup>th</sup> Street - from Third Avenue to Seventh Avenue
19. 39<sup>th</sup> Street - from Exit Street to Seventh Avenue
20. 40<sup>th</sup> Street - from a line 100 feet east of Exit Street to Broadway
21. 41<sup>st</sup> Street - from a line 100 feet east of Exit Street to Lexington Avenue
22. 42<sup>nd</sup> Street - from the East River to Third Avenue
23. 42<sup>nd</sup> Street - from the Fifth Avenue to Sixth Avenue
24. All #streets# bounded by 43<sup>rd</sup> Street on the south, 46<sup>th</sup> Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west
25. All #streets# bounded by 43<sup>rd</sup> Street on the south, 46<sup>th</sup> Street on the north, a line 125 feet west of Madison Avenue on the east and Sixth Avenue on the west
26. 47<sup>th</sup> Street - from a line 200 feet east of Third Avenue to Lexington Avenue
27. All #streets# bounded by 48<sup>th</sup> Street on the south, 50<sup>th</sup> Street on the north, a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
28. 51<sup>st</sup> Street - from a line 150 feet east of Third Avenue to Eighth Avenue
29. 52<sup>nd</sup> Street - from a line 160 feet east of Third Avenue to Eighth Avenue
30. 53<sup>rd</sup> Street - from a line 160 feet east of Third Avenue to Eighth Avenue
31. 54<sup>st</sup> Street - from a line 150 feet east of Third Avenue to Eighth Avenue
32. 55<sup>th</sup> Street - from a line 100 feet west of Second Avenue to Eighth Avenue
33. 56<sup>th</sup> Street - from a line 100 feet west of Second Avenue to a line 200 feet west of



- Eighth Avenue
- 34. 57<sup>th</sup> Street - from the East River to a line 200 feet west of Eighth Avenue
  - 35. 58<sup>th</sup> Street - from the East River to a line 225 feet east of Columbus Avenue
  - 36. 59<sup>th</sup> Street - from the East River to Second Avenue
  - 37. 59<sup>th</sup> Street (Central Park South) - from Sixth Avenue to Columbus Circle
  - 38. 60<sup>th</sup> Street - from Lexington Avenue to Fifth Avenue
  - 39. 61<sup>st</sup> Street - from Third Avenue to Fifth Avenue
  - 40. 62<sup>nd</sup> Street - from Second Avenue to Fifth Avenue
  - 41. 63<sup>rd</sup> Street - from Second Avenue to Fifth Avenue
  - 42. 86<sup>th</sup> Street - from the East River to Third Avenue
  - 43. 116<sup>th</sup> Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
  - 44. First Avenue - from 48<sup>th</sup> Street to 59<sup>th</sup> Street
  - 45. Third Avenue - from 38<sup>th</sup> Street to 62<sup>nd</sup> Street
  - 46. Lexington Avenue - from a line 100 feet south of 23<sup>rd</sup> Street to 40<sup>th</sup> Street
  - 47. Lexington Avenue - the entire length from a line 100 feet north of 96<sup>th</sup> Street, northward
  - 48. Park Avenue - from 38<sup>th</sup> Street to 40<sup>th</sup> Street
  - 49. Park Avenue - from 48<sup>th</sup> Street to 60<sup>th</sup> Street
  - 50. Park Avenue - the entire length from a line 100 feet north of 96<sup>th</sup> Street, northward
  - 51. Madison Avenue - from 23<sup>rd</sup> Street to 40<sup>th</sup> Street
  - 52. Madison Avenue - from 59<sup>th</sup> Street to 6<sup>1st</sup> Street
  - 53. Special Madison Avenue Preservation District
  - 54. Madison Avenue - the entire length from a line 100 feet north of 96<sup>th</sup> Street, northward
  - 55. Fifth Avenue - from Washington Square North to 33<sup>rd</sup> Street
  - 56. Fifth Avenue - from 59<sup>th</sup> Street to 61<sup>st</sup> Street
  - 57. Sixth Avenue - from 36<sup>th</sup> Street to Central Park South
  - 58. Seventh Avenue - from 36<sup>th</sup> Street to 40<sup>th</sup> Street
  - 59. Seventh Avenue - from 50<sup>th</sup> Street to Central Park South
  - 60. Broadway - from 36<sup>th</sup> Street to 40<sup>th</sup> Street
  - 61. Broadway - from 50<sup>th</sup> Street to Columbus Circle
  - 62. Eighth Avenue - from 50<sup>th</sup> Street to Columbus Circle
  - 63. Columbus Circle - from Eighth Avenue, westward, to Broadway.

\* #Small sidewalk cafes# are not allowed on 14<sup>th</sup> Street

**14-43 14-44**

**Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

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

Manhattan

Enclosed

Unenclosed

	<u>Sidewalk Cafe</u>	<u>Sidewalk Cafe</u>
1- Battery Park City District	Yes	Yes
2- Clinton District	Yes	Yes
3- Limited Commercial District	No	No*
4- Lincoln Square District	No	Yes
5- Little Italy District	No	Yes
6- Lower Manhattan District	No	Yes**
7- Transit Land Use District	Yes	Yes
8- Tribeca Mixed Use District	Yes	Yes
9- United Nations Development District	No	Yes

\* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

\*\* #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway-

Brooklyn	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
1- Bay Ridge District	Yes	Yes
2- Coney Island Mixed Use District	Yes	Yes
3- Downtown Brooklyn District	Yes	Yes
4- Franklin Street Mixed Use District	Yes	Yes
5- Northside Mixed Use District	Yes	Yes
6- Ocean Parkway District* <del>except along Ocean Parkway</del>	Yes	Yes
7- Sheepshead Bay District	No	Yes

\* #Sidewalk cafes are not allowed on Ocean Parkway

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

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

**14-45 (1/29/03)**

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

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

Manhattan	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
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<del>1.</del> Mulberry Street Mall	No	Yes
<del>2.</del> Nassau Street Mall	No	Yes

Brooklyn	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
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<del>1.</del> Fulton Street Mall* <del>except DeKalb Avenue</del>	No	Yes
<del>2.</del> DeKalb Avenue	Yes	Yes

\* #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

Queens	Enclosed <u>Sidewalk Cafe</u>	Unenclosed <u>Sidewalk Cafe</u>
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1. Far Rockaway Beach 20th Street	No	Yes
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(On February 11, 2004, Cal. No. 8, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

**BOROUGH OF QUEENS**

**No. 11**

**201<sup>ST</sup> PLACE**

**CD 12**

**C 010383 MMQ**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by by D. E. Center Corp., pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map

involving:

- the narrowing of 201<sup>st</sup> Place between Nashville Boulevard and 120<sup>th</sup> Avenue;
- the adjustment of grades necessitated thereby and any acquisition or disposition of real property related thereto,

Borough of Queens, in accordance with map No. 4967, dated June 24, 2002, revised June 9, 2003 and signed by the Borough President.

(On February 11, 2004, Cal. No. 9, the Commission scheduled February 25, 2004 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 12**

***JFK/LA GUARDIA DISPOSITION***

**CDs 1, 3, 7, 10, 12, 13 and 14**

**C 040191 PPQ**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Small Business Services and the City Economic Development Corporation, pursuant to Section 197-c of New York City Charter, **for the disposition to the Port Authority of New York & New Jersey of city-owned properties located at John F. Kennedy & La Guardia airports, restricted to airport uses and uses ancillary thereto.**

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

(On February 11, 2004, Cal. No. 10, the Commission scheduled February 25, 2004 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

No. 13

*5300 ARLINGTON AVENUE*

CD 8

N 040066 ZAX

**IN THE MATTER OF** an application submitted by Eli Ivri pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, for **the grant of authorizations** involving modification of topography, alteration of botanic environment and the removal of 8 trees **to construct a single-family residence on property located on the east side of Arlington Avenue 266.62 feet south of West 254<sup>th</sup> Street** (Block 5945, Lot 103) within the Special Natural Area

District (NA-2).

Plans for the proposal are on file with the City Planning Commission and may be seen at One Fordham Plaza, Room 502, Bronx, NY 10458.

**For consideration.**

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**BOROUGH OF MANHATTAN**

**No. 14**

***MADISON/23RD/FLATIRON/CHELSEA BID***

**CD 4, 5 and 6**

**N 040200 BDM**

**IN THE MATTER OF** an application submitted by the Department of Small Business Services on behalf of the Madison/23rd/ Flatiron/Chelsea Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, **concerning the formation of the Madison/23rd/Flatiron/Chelsea Business Improvement District.**

(On January 7, 2004, Cal. No. 2, the Commission scheduled January 28, 2004 for a public hearing. On January 28, 2004, Cal. No. 5, the hearing was closed.)

**For consideration.**

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**No. 15**

***541 BROADWAY***

**CD 2**

**C 020122 ZSM**

**IN THE MATTER OF** an application submitted by NOH Realty Corp. 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 modify the use requirements of Section 42-14(D)(2)(b) to allow retail use (Use Group 6 uses) on portions of the ground floor and cellar floor of an existing 5-story building located at 541**

**Broadway a.k.a. 112 Mercer Street** (Block 498, Lot 18), in an M1-5B District, within the SoHo Cast Iron Historic 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 17, 2003, Cal. No. 7, the Commission scheduled January 7, 2004 for a public hearing. On January 7, 2004, Cal. No. 11, the hearing was closed. On February 11, 2004, Cal. No. 22 the item was laid over.)

**For consideration.**

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**BOROUGH OF QUEENS**

**No. 16**

***TRAMMEL CROW***

**CDs 10, 12, 13 & 14**

**C 040019 PPQ**

**IN THE MATTER OF** an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, **for the disposition of one (1) city-owned property** located at John F. Kennedy International Airport, **(Block 14260 part of Lot 1) located near the intersection of North Hangar Road and North Boundary Road**, restricted to airport uses and ancillary uses thereto.

(On January 7, 2004, Cal. No. 3, the Commission scheduled January 28, 2004 for a public hearing. On January 28, 2004, Cal. No. 6 the hearing was closed.)

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

No. 17

*2175 RICHMOND AVENUE*

CD 2

C 030293 ZMR

**IN THE MATTER OF** an application submitted by Barbara Berman pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 26c**, establishing within an existing R3-1 District a C1-2 District bounded a line 200 feet northeasterly of Travis Avenue, a line midway between Richmond Avenue and Steinway Avenue, Travis Avenue, and Richmond Avenue, as shown on a diagram (for illustrative purposes only) dated November 17, 2003.

(On January 7, 2004, Cal. No. 4, the Commission scheduled January 28, 2004 for a public hearing. On January 28, 2004, Cal. No. 7, the hearing was closed.)

**For consideration.**

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