



CITY PLANNING COMMISSION

June 6, 2011/Calendar No.3

N 110209 ZRQ

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 of the Zoning Resolution of the City of New York, concerning Article 1, Chapter 4 (Sidewalk Cafe Regulations), relating to the types of sidewalk cafés permitted along portions of Skillman Avenue and Queens Boulevard located in Community District 2, Borough of Queens.

The application for an amendment to the Zoning Resolution was filed by the Department of City Planning on February 8, 2011. The proposed text amendment will allow small sidewalk cafes on a portion of Queens Boulevard where currently all cafes are restricted and allow only small sidewalk cafes on portions of Skillman Avenue in Queens, Community District 2.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- | | |
|--------------|---|
| C 110207 ZMQ | Application for an amendment of the Zoning Map, to rezone all or portions of 130 blocks in the Queens neighborhoods of Sunnyside and Woodside from R4, R5, R6, R7-1, C4-2, C8-1 and M1-1 districts to R4, R4-1, R5B, R5D, R6A, R7A, R7X, and C4-5X districts. |
| N 110208 ZRQ | Zoning text amendment to modify Appendix F of the Zoning Resolution to make the Inclusionary Housing Program applicable in R7X and C4-5X districts proposed to be mapped on Queens Boulevard. |

BACKGROUND

A full background discussion and description of this application appears in the report on the related Zoning Map amendment application (C 110207 ZMQ).

ENVIRONMENTAL REVIEW

This application (N 110209 ZRQ), in conjunction with the related applications (C 110207 ZMQ and N 110208 ZRQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11DCP080Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 28, 2011. The Negative Declaration included (E) designations to avoid the potential for hazardous material impacts and air quality impacts. A summary of the environmental review and the Environmental Assessment Statement appears in the report on the related Zoning Map amendment application (C 110207 ZMQ).

UNIFORM LAND USE REVIEW

On February 28, 2011 this application (N 110209 ZRQ) was certified as complete by the Department of City Planning on February 28, 2011, and was duly referred to Queens Community Board 2 and the Queens Borough President, in conjunction with the related applications (C 110207 ZMQ and N 110208 ZRQ), in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on this application (N 110209 ZRQ) on March 3, 2011 and, on April 7, 2011, by a vote of 35 to 1 with 2 abstentions, adopted a resolution recommending approval of the applications.

Borough President Recommendation

This application (N 110209 ZRQ), was considered by the Queens Borough President, who issued a recommendation approving the application on May 6, 2011.

City Planning Commission Public Hearing

On May 11, 2011 (Calendar No. 5), the City Planning Commission scheduled May 25, 2011 for a public hearing on this application (C 110207 ZMQ) and the related actions (N 110208 ZRQ, N 110209). The hearing was duly held on May 25, 2011 (Calendar No. 18).

There were a number of appearances as described in the report on the related Zoning Map amendment application (C 110207 ZMQ), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning text (N 110209 ZRQ), in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related Zoning Map amendment application (C 110207 ZMQ).

RESOLUTION

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

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

Matter in underline is new, to be added;

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

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

* * * indicates where unchanged text appears in the Zoning Resolution (1/10/80)

Article 1 – General Provisions

* * *

Chapter 4 Sidewalk Cafe Regulations

* * *

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).

* * *

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

* * *

14-43

Locations Where Only Small Sidewalk Cafes Are Permitted

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

* * *

Queens:

Queens Boulevard- from a line 100 feet west of 39th Place to 48th Street

Skillman Avenue- from 45th Street to a line 100 feet east of 46th Street, south side only

Skillman Avenue- from 48th Street to 52nd Street

* #Small sidewalk cafes# are not allowed on 14th Street

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

* * *

The above resolution (N 110209 ZRQ), duly adopted by the City Planning Commission on June 6, 2011 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners