



CITY PLANNING COMMISSION

March 24, 2004/Calendar No. 41

N 040197 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for 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, Borough of Manhattan, Community Districts 2, 3, 4, 5, 6, 8, 10 and 11.

This application for an amendment of the New York City Zoning Resolution was filed by the Department of City Planning on November 21, 2003, to modify the zoning regulations for sidewalk cafes. The proposed text amendment to Article I, Chapter 2, Section 12-10 and Chapter 4, Section 14-00 of the Zoning Resolution would introduce a new category of unenclosed sidewalk cafes known as "Small" sidewalk cafes and permit small sidewalk cafes on selected streets in Manhattan where sidewalk cafes, both unenclosed and enclosed, are currently prohibited.

The application was revised on March 12, 2004, to delete selected streets from permitting small sidewalk cafes (Section 14-43).

BACKGROUND

Based on a department study conducted in 1979, the regulations for sidewalk cafes - enclosed and unenclosed - were established on 1979. The 1979 regulations established design criteria to limit pedestrian conflicts on the sidewalks, to improve the visual aspects of cafes and to enhance their relationship to neighborhoods. It also identified streets and areas where cafes would be permitted and prohibited.

Since 1979, through both private and city initiatives the regulations have been amended to permit enclosed and unenclosed cafes in some streets and areas. For example, in 1998, the city created the Special Lower Manhattan District and permitted unenclosed sidewalk cafes in most of the special district (N980314 ZRM); and in 2000, the Commission amended the sidewalk café regulations to allow unenclosed sidewalk cafes on Central Park South between Fifth and Sixth

avenues (N000519 ZRM).

Despite a series of text amendments for the past two decades a comprehensive review of expanding the areas to allow unenclosed sidewalk cafes, has never been undertaken. In 2002, the Department of City Planning along with the Department of Consumer Affairs (DCA) undertook a study of the existing unenclosed sidewalk café regulations. The goal of the study was to streamline the administrative process for unenclosed sidewalk cafes by replacing the tri-partied review process with one-agency review; and to facilitate unenclosed sidewalk cafes in Manhattan, by expanding the permitted areas.

In the Spring of 2003, the City Council adopted a citywide zoning text amendment (N030119 ZRY) along with changes to the Administrative Code to streamline the review and enforcement process for sidewalk cafes. The regulations of Section 14-00 of the Zoning Resolution were amended by eliminating physical and locational criteria for unenclosed sidewalk cafes. These regulations were incorporated into the DCA rules for sidewalk cafes. DCA now grants revocable consents and licenses and enforces the regulations for all sidewalk cafes.

Existing Zoning Regulations

The Zoning Resolution currently regulates where unenclosed and enclosed sidewalk cafes are permitted. Pursuant to Section 14-011 of the Zoning Resolution, sidewalk cafes -- both unenclosed and enclosed -- are permitted in commercial and manufacturing districts, except in C3 districts, which are not mapped in Manhattan, and M1-5A and M1-5B districts, found in the SoHo area, and special areas and streets. Sidewalk cafes are also prohibited in residential districts.

Special Areas and Streets

The sidewalk café regulations further prohibit sidewalk cafes from locating on selected streets and special districts as stated in Sections 14-41, 14-43, and 14-44. Under the current regulations, sidewalk cafes are prohibited in:

Lower Manhattan: Broadway, Chambers and Canal streets, streets in Chinatown and streets fronting Chatham Square;

Union Square and vicinity: Delancey and Orchard streets, major crosstown streets such as 8th,

14th, 23rd and 34th streets, Fifth, Madison and Third avenues, and streets within the Special Union Square District (US);

Midtown: All streets and avenues within the Special Midtown District (MiD), Special Garment Center District (GC) and Special Convention Center District (CC) ;

Upper East Side: Lexington Avenue, avenues and streets within the Special Madison Avenue Preservation District (MP) and Special Park Improvement District (PI), and crosstown streets including 60th to 63rd streets, 68th, 72nd, 77th, 79th, and 86th streets; and

Upper Manhattan: Lexington, Park and Madison avenues and a section of 116th in the Upper Manhattan north of 96th Street.

Type of Sidewalk Cafes

The *Zoning Resolution* currently defines only two types of sidewalk cafes: unenclosed and enclosed. Unenclosed cafes are open to sky, and may only contain removable tables and chairs and are permitted to have barriers. Enclosed cafes are located within a structure that is constructed of non-permanent light materials. Regulations regarding clear pedestrian paths are found in the DCA rules.

Proposed Zoning Text Amendment

The 2002 study considered all streets in Manhattan where unenclosed sidewalk cafes are currently prohibited. The land use characteristics of the streets vary from local retail corridors to streets that are located within the central business districts. The study recommended that a new category, a small unenclosed café, be permitted on selected streets where they would be a desirable amenity in the neighborhood. The proposed zoning text amendment would amend Section 12-10 (Definitions) and Section 14-00 (Sidewalk Café Regulations).

Small Sidewalk Cafes

Small sidewalk cafes are unenclosed cafes with a single row of tables and chairs that must be located adjacent to and not more than 4-1/2 feet area from the property line. The small sidewalk cafes would be required to be open to sky, except for retractable awnings that do not extend more than 4-1/2 feet from the property line. Only movable tables and chairs would be permitted. Unlike other sidewalk cafes, small sidewalk cafes would not be permitted to use barriers to physically separate the café space from the sidewalk. This would maintain visual

continuity along the sidewalks and ensure that pedestrian circulation is not obstructed.

Special Areas and Streets

In order to determine those streets where sidewalk cafes are now prohibited that could accommodate small sidewalk cafes, several factors were considered that affect the utilization of sidewalks and character of the streets. These include type and concentration of certain land use, curbside activities, sidewalk dimensions, and pedestrian volumes.

Certain areas such as transit hubs, and areas with concentration of cultural and entertainment related activities, draw a large number of people with high volumes of pedestrians. Similarly, vending and loading activities at certain locations could generate intense curbside utilization. In such areas, small sidewalk cafes are not appropriate and sidewalk cafes would continue to be prohibited on Chambers Street and Broadway in Lower Manhattan; streets in Chinatown and Canal Street; Broadway, Houston Street, West Broadway and certain east west and north south streets in SoHo; Fifth Avenue in the midtown, Herald Square, Times Square and Garment Center; Grand Central Terminal, Penn Station and Port Authority; and Lexington Avenue in the Midtown and Upper East Side.

However, in certain areas, without sidewalk congestion, small sidewalk cafes would enhance the existing commercial uses and be consistent with the character of the streets. Following are the areas proposed to permit exclusively small sidewalk cafes:

SoHo: Lafayette Street, Center Street and Avenue of Americas;

Lower East Side: Orchard and Delancey streets;

Area South of Midtown: Major crosstown streets, including 14th, 23rd and 34th streets, and Lexington, Madison and Fifth avenues;

Midtown: Selected avenues, including Third, Park and Sixth avenues, and certain side streets, including sections of 35th to 40th streets and 51st to 59th streets;

Upper East Side: Madison Avenue and streets within the Special Madison Avenue Preservation District (MP), as well as sections of East 86th Street; and

Upper Manhattan: Lexington, Park and Madison avenues north of 96th Street, and 116th Street. As referred, the text proposed allowing small sidewalk cafes on these streets.

ENVIRONMENTAL REVIEW

This application (N 040197 ZRY) 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 04DCP020Y. The lead is the City Planning Commission. After a study of the potential environmental impacts of the proposed action, a negative declaration was issued on December 1, 2003.

After reviewing the revisions of March 12, 2004, which reduced the number of areas in which small sidewalk cafes would be permitted, it was determined that the Negative declaration of December 1, 2003, remained valid.

PUBLIC REVIEW

On December 1, 2003, this text amendment was duly referred to Community Boards 2, 3, 4, 5, 6, 8, 10, and 11, the Borough President and Manhattan Borough Board for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board 2: On January 22, 2004, Community Board 2 adopted a resolution in favor of the proposed text amendment by a vote of 31 in favor and 2 opposed, with 0 abstentions. At a subsequent meeting held on February 19, 2004, the Community Board, by a vote of 29 in favor, 5 opposed, with 0 abstentions, adopted a second resolution recommending that the proposed zoning text be amended as follows: "#55 be changed to read "from 12th Street to 33rd Street."

Community Board 3: At its January 2004 meeting, Community Board 3 recommended approval of the proposed text amendment with the following conditions:

...approval of allowing small sidewalk cafes along Orchard Street, but not on Delancey Street due to the nature of the commercial space along the street and high pedestrian traffic, which contribute to the character of the streets.

Community Board 4: On January 7, 2004, Community Board 4 adopted a resolution in favor of

the proposed text amendment with the following conditions:

The west side of Eighth Avenue from 50th to 58th streets and the midblock area of 56th, 57th and 58th streets just west of Eighth Avenue be deleted from the list of areas and streets where small sidewalk cafes would be permitted.

Community Board 5: On January 8, 2004, Community Board 5 adopted a resolution in favor of the proposed text amendment by a vote of 25 in favor, 10 opposed, 1 abstention, and 1 present but not entitled to vote, with the following conditions:

The community board encourages the Department of City Planning and the Department of Consumer Affairs to revisit the methods used when calculating space that must be available for sidewalk cafes, specifically the distance allowed between a sidewalk café and tree pits, subway grates or other impediments.

Community Board 6: On February 11, 2004, Community Board 6 adopted a resolution in favor of the proposed text amendment by a vote of 30 in favor, 7 opposed, and 1 abstention, with the following conditions:

(a) The following locations are considered inappropriate for outdoor cafes due to large pedestrian volumes and/or the narrowness of the sidewalks and should be excluded from permitting sidewalk cafes:

- the east side of Madison Avenue from East 38th Street to East 40th Street,
- Lexington Avenue from East 38th Street to East 40th Street,
- East 42nd Street from First Avenue to the East River,
- First Avenue from East 56th to East 59th streets .

(b) Remove all permitted obstructions from the 8'-0" pedestrian clear path, including trees with flush grates, traffic signs, parking meters, fire hydrants, and mailboxes.

(c) Discreetly permanently mark the 4'-6" limit for small sidewalk cafes in order to make it clear to all where the boundaries are.

(d) The pedestrian level of service calculations prepared by the Department of City Planning should be submitted to community boards with each café application in order to assist the board in evaluating proposed outdoor cafes.

(e) Eliminate the smoking sections at outdoor cafes.

(f) Incorporate the closing hours of operation: 10 PM on weekdays; and 11 PM on weekends.

DCA should increase and sustain the proposed number of enforcement agents and report all specific incidents of café violations monthly to community boards. DCP should undertake a future study in order to review all sidewalk obstructions with the objective of making sidewalks more pedestrian friendly.

Community Board 8: On February 11, 2004, Community Board 8 adopted a resolution in favor of the proposed text amendment by a vote of 23 in favor, 5 opposed, and 4 abstentions, with the following conditions:

Sidewalk cafes be prohibited on 86th Street from Fifth Avenue to the East River. This prohibition may be revisited at some future time;
Department of City Planning and Department of Consumer Affairs require that any establishment applying for a sidewalk café provide wait service at all tables; and
Department of Consumer Affairs must take into account past history of all applicants and further provided that the Department must increase monetary fines for violation of the sidewalk café law.

Community Board 10: On February 3, 2004, Community Board 10 adopted a resolution in favor of the proposed text amendment with the following conditions:

- 1) Appropriate agencies conduct education seminars for small business owners regarding health codes and waste disposal.
- 2) Appropriate agencies (DCA, Sanitation, DOII, NYPD) increase enforcement of the restaurants along 116th Street.

Community Board 11: In a letter dated January 29, 2004, Community Board 11 adopted a resolution in favor of the proposed text amendment.

Borough President Review

The Manhattan Borough President did not submit a recommendation.

Borough Board Review

The Manhattan Borough Board did not submit a recommendation.

City Planning Commission Public Hearing

On February 11, 2004 (Calendar No. 8), City Planning Commission scheduled February 25, 2004, for a public hearing on this application (N 040197 ZRY). The hearing was duly held on February 25, 2004 (Calendar No. 10). There were nine speakers in favor of the application and four speakers in opposition.

Speakers in favor included representative from the New York State Restaurant Association, Madison Avenue Business Improvement District, two restaurateurs, representative of the Manhattan Borough President, Municipal Art Society, and DCA, and a resident from Community

Board 2.

The representative from the New York State Restaurant Association spoke in favor of the proposed text and stated that sidewalk cafes would add to the quality of life and vibrancy of the city. A representative from the Madison Avenue Business Improvement District spoke in favor of the proposed text. The speaker stated that restaurants along Madison Avenue serve the local community and therefore, the restaurateurs are respectful of the community concerns including hours of operation and noise. Two restaurant owners in the Upper East Side spoke in favor. They both further stated that restaurants would take additional effort to keep the sidewalks clean if sidewalk cafes are provided and one owner indicated that 4-1/2 feet area limit may limit their ability to layout tables and chairs. A representative from DCA was present to respond to questions.

A representative of the Manhattan Borough President submitted a statement from the Borough President that indicated her support of the proposed text amendment and further recommended that the recommendations made by the community boards be taken into consideration. A representative from Manhattan Community Board 2 recommended that the proposed text be further amended by not permitting sidewalk cafes along Fifth Avenue from Washington Square North and 12th Street. This would further clarify the text and reduce misinterpretation in future. A representative from Municipal Art Society spoke in favor of the proposal, and also raised concern regarding monitoring of the licensed café spaces. The speaker recommended that DCA regulate furniture design, and that smoking should not be permitted in small sidewalk cafes. The speaker also recommended that small sidewalk cafes be not required to provide drawings prepared by licensed architects to seek sidewalk café license, as it would be onerous for small establishments.

Speakers in opposition included representatives from Carnegie Hill Neighbors, Union Square Community Coalition, and a resident. Two representatives of Carnegie Hill Neighbors were concerned that the proposed text would permit all eating and drinking establishments including fast food establishments to seek license for small sidewalk cafes. This would add to congestion on the streets. They further recommended four parameters for consideration to allow cafes in the Carnegie Hill area including that all sidewalk cafes be required to provide waiter service; restaurants with frontages on both streets should be permitted to provide sidewalk café only along one frontage; restaurants with sidewalk cafes should have French doors to serve; and that no

sidewalk cafes be permitted on streets that have two or more institutions and schools. A representative from the Union Square Community Coalition was concerned that the study did not conduct a rigorous pedestrian flow analysis, and did not address the impact on transportation and land use issues. He expressed concern regarding clearance required for street furniture from sidewalk cafes which may preclude city's street furniture plan. A resident stated that the proposal be deferred until adequate site visits have been conducted and that sidewalk cafes add to visual pollution since there is no uniformity in design and allow advertising signs on awnings and umbrella and furniture. Furthermore, he was concerned that the changes to the license fee has been small and should be considerably higher to operate sidewalk cafes on city sidewalks.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed text amendment, as revised on March 12, 2004, is appropriate.

The Commission believes that the new category of sidewalk cafes - small sidewalk cafes – would be an amenity that would add to the vitality of street life. The small sidewalk cafes would be permitted in areas where they would not conflict with pedestrian circulation. The Commission notes that compared to the other boroughs, there are a disproportionate number of streets and neighborhoods in Manhattan where sidewalk cafes are restricted from operating. The proposed text, as revised, would permit small sidewalk cafes on selected Manhattan streets where sidewalk cafes are currently prohibited. The Commission further notes that it would continue to prohibit cafes on streets where they would be inappropriate. The Commission notes that small sidewalk cafes would need to be reviewed pursuant to the same discretionary review as all other sidewalk cafes which involves DCA, community boards, and the City Council.

The Commission notes that the current regulations do not limit the size of unenclosed cafes. Instead, the width of the sidewalks, required clear path, clearance and service aisle determine the size of a café. The Commission believes that the design standards proposed for small sidewalk cafes - a single row of tables and chairs located within a 4-1/2 feet wide space, adjacent to the

property line, no barriers, retractable awnings up to a depth of 4-1/2 feet – would result in café layouts that are visually attractive and add to the character of streetscape.

The Commission believes that size and location of tables and chairs would ensure small sidewalk café layouts that are predictable. The design standard would prevent creeping of furniture from the designated area. Furthermore, the Commission believes that these cafes would be visually and physically unobtrusive.

The Commission notes that the small sidewalk cafes would be subject to the DCA regulations for clear path, clearance from obstructions, and service aisles. The Commission thus believes that the proposed design standards in combination with the existing DCA regulations would ensure that small sidewalk cafes are not an impediment for pedestrians. Furthermore, the Commission believes that by prohibiting barriers in small sidewalk cafes, the visual openness of the streets is maintained. The Commission also notes that by only permitting retractable awning for cover up to a maximum depth of 4-1/2 feet would reduce visual clutter.

The Commission believes that the Department's study to determine streets where small sidewalk cafes could be permitted considered appropriate factors. In selected streets in SoHo, such as Lafayette and Centre streets and Sixth Avenue, with wide sidewalks, small sidewalk cafes would complement the street activities. In the Lower East Side, Orchard and Delancey streets are the only commercial streets where sidewalk cafes are currently prohibited. Like other streets in the neighborhood, these streets have a mix of old-world retail establishments and new generation boutique stores, including restaurants and food stores. Small sidewalk cafes would be consistent with the changing character of the streets. Major cross town streets - 14th, 23rd, and 34th streets, and Lexington, Madison and Fifth avenues south of Midtown have become attractive shopping corridors. They have wide sidewalks and host a variety of restaurants. Small cafes along these streets would add to the vitality of the street life. Selected avenues and streets within Midtown including Third, Park, and Sixth avenues, and sections of 35th to 40th streets and 51st to 59th streets would also benefit from small sidewalk cafes. Sidewalks are wide along these streets and can accommodate small cafes as well as provide sufficient room for pedestrian circulation. Small sidewalk cafes within the Special Madison Avenue Preservation District in the Upper East Side

would complement the existing uses and add to the street life. Upper Manhattan is experiencing revitalization. Lexington, Madison and Park avenues north of 96th Street and 116th street are becoming active retail corridors where small sidewalk cafes would contribute to Upper Manhattan's resurgence.

The Commission considered the recommendations of the community boards, the Borough President and civic groups. The Commission notes that in response to these recommendations, the Department revised the application on March 12, 2004. The revised text would not permit small sidewalk cafes on both sides of Eighth Avenue from 50th to 58th streets, which has continuous subway gratings and that may not leave adequate sidewalk space both for cafes and pedestrians. The revised text would also not permit small cafes in the midblocks along 56th, 57th, and 58th streets between Eighth and Ninth avenues, because of obstructions along these sections of the streets. In addition, small sidewalk cafes would not be permitted on both sides of Madison and Lexington avenues between 38th and 40th streets, because the proximity to Grand Central Terminal may generate increased pedestrian flow during weekday peak periods. Similarly, small sidewalk cafes would not be appropriate on 42nd Street from First Avenue to the East River, because the street frontage consists of the 42nd Street exit ramp from the FDR Drive, the United Nations Headquarters and the Robert Moses Park; and along First Avenue between 56th and 59th streets, because of its proximity to the Queensboro Bridge and its approach roadways. The revised text would also not permit small sidewalk cafes along East 86th Street from Fifth Avenue to the East River, where community groups are working towards improving the street fronts through improved streetscape. In addition to these streets, small sidewalk cafes would not be permitted along Sixth Avenue from 48th to 50th streets, as it fronts the Radio City complex; Seventh Ave from 36th to 40th streets; from 43rd to 46th streets between Fifth and Madison avenues; 41st Street between Lexington and Third avenues; 47th Street between Lexington and Third avenues; and 32nd Street between Fifth Avenue and Broadway.

The Commission believes however, that small sidewalk cafes would be appropriate along Delancey Street between Norfolk Street and the Bowery. The sidewalks along this street have a uniform width of over 20 feet. Pedestrian activity varies along the street. The Commission believes that small sidewalk cafes would enhance the street life at such locations.

The Commission heard concerns about enforcement, methodology used for assessing clear path, definition of obstruction to maintain clearance from, table service, hours of operation, and smoking. The Commission notes that these issues are the purview of DCA and are not part of the existing sidewalk café regulations in the Zoning Resolution. The Commission notes that issues raised about specific cafes can be addressed during DCA’s discretionary review process.

The Commission therefore, believes that the proposed text amendment, as revised, would facilitate a new category of sidewalk café –small sidewalk cafe, on selected streets, that would be consistent with the existing uses, visually attractive, enhance the character of the streets and not conflict with pedestrian circulation on the streets.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the text amendment as revised 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 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 amended as follows:

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

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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 café# 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 ~~s~~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 Districts Where Certain Sidewalk Cafes 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#;
- (a) there shall be no railing, structure or other form of barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and
- (a) 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 59th Street on the south, 61st 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.~~ 14th Street - from Second Avenue to Eighth Avenue
- ~~16.15.~~ 23rd 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.~~ 34th Street - from the East River to Eighth Avenue
- ~~21~~ 20. 42nd Street - from the East River to Eighth Avenue

21. 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
- ~~22.22.~~ 57th Street - from the East River to Eighth Avenue
- ~~23.23.~~ 58th Street - from the East River to Eighth Avenue
- ~~24.24.~~ 59th Street - from the East River to 5th Avenue
25. 59th Street - from Sixth Avenue to Columbus Circle
26. All streets bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and a line 125 feet east of Fifth Avenue on the east
- ~~25.27.~~ 60th Street - from Third Avenue to Fifth Avenue
- ~~26.28.~~ 61st Street - from Third Avenue to Fifth Avenue
- ~~27.29.~~ 62nd Street - from Second Avenue to Fifth Avenue
- ~~28.30.~~ 63rd Street - from Second Avenue to Fifth Avenue
- ~~29.31.~~ 68th Street - from First Avenue to Fifth Avenue
- ~~30.32.~~ 72nd Street - from the East River to Fifth Avenue
- ~~31.33.~~ 77th Street - from First Avenue to Fifth Avenue
- ~~32.34.~~ 79th Street - from the East River to Fifth Avenue
- ~~33.35.~~ 86th Street - from the East River to Fifth Avenue
- ~~34.36.~~ 116th Street - from ~~Lenox Avenue~~ Malcolm X Boulevard to ~~Eighth Avenue~~ Frederick Douglass Boulevard
- ~~45.37.~~ First Avenue - from 48th Street to 59th Street.
- ~~35.38.~~ Third Avenue - from 59th Street to 62nd Street
- ~~36.39.~~ Lexington Avenue - the entire length
- ~~37.40.~~ Park Avenue - the entire length from 38th Street, northward
- ~~38.41.~~ Madison Avenue - the entire length
- ~~39.42.~~ Fifth Avenue - from Washington Square North to 61st Street
- ~~40.43.~~ Sixth Avenue - from 31st Street to 38th Street
- ~~43.44.~~ Broadway - from 31st Street to 38th Street
- ~~41.45.~~ Seventh Avenue - from 31st Street to 38th Street
- ~~42.46.~~ Eighth Avenue - from 31st Street to 38th Street
- ~~44.47.~~ Herald Square
- ~~45.~~ ~~First Avenue - from 48th Street to 59th Street.~~

Brooklyn

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

Queens

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

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 31st Street to 38th 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. 14th Street - from Second Avenue to Irving Place
8. 14th Street - from a line 100 feet west of University Place to Eighth Avenue
9. 23rd Street - from the East River to Eighth Avenue
10. 31st Street - from Fifth Avenue to a line 200 feet east of Broadway
11. Special Jacob K. Javits Convention Center District
12. 34th Street - from the East River to Fifth Avenue
13. 35th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue
14. 36th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
15. 37th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
16. 37th Street - from a line 150 feet east of Sixth Avenue to Broadway
17. 38th Street - from Third Avenue to Seventh Avenue
18. 39th Street - from Exit Street to Seventh Avenue
19. 40th Street - from a line 100 feet east of Exit Street to Broadway
20. 41st Street - from a line 100 feet east of Exit Street to Third Avenue

21. 42nd Street - from the First Avenue to Third Avenue
22. 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
23. All #streets# bounded by 42nd Street on the south, 46th Street on the north, Fifth Avenue on the east and Sixth Avenue on the west
24. 47th Street - from a line 200 feet east of Third Avenue to Third Avenue
25. All #streets# bounded by 48th Street on the south, 50th Street on the north, a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
26. 51st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
27. 52nd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
28. 53rd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
29. 54st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
30. 55th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
31. 56th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
32. 57th Street - from the East River to Eighth Avenue
33. 58th Street - from the East River to Eighth Avenue
34. 59th Street - from the East River to Second Avenue
35. 59th Street (Central Park South) - from Sixth Avenue to Columbus Circle
36. 60th Street - from Lexington Avenue to Fifth Avenue
37. 61st Street - from Third Avenue to Fifth Avenue
38. 62nd Street - from Second Avenue to Fifth Avenue
39. 63rd Street - from Second Avenue to Fifth Avenue
40. 116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
41. First Avenue - from 48th Street to 56th Street
42. Third Avenue - from 38th Street to 62nd Street
43. Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street
44. Lexington Avenue - the entire length from a line 100 feet north of 96th Street, northward
45. Park Avenue - from 38th Street to 40th Street
46. Park Avenue - from 48th Street to 60th Street
47. Park Avenue - the entire length from a line 100 feet north of 96th Street, northward
48. Madison Avenue - from 23rd Street to 38th Street
49. Madison Avenue - from 59th Street to 61st Street
50. Special Madison Avenue Preservation District **
51. Madison Avenue - the entire length from a line 100 feet north of 96th Street, northward
52. Fifth Avenue - from 12th Street to 33rd Street
53. Fifth Avenue - from 59th Street to 61st Street
54. Sixth Avenue - from 36th Street to 48th Street
55. Sixth Avenue - from 50th Street to Central Park South
56. Seventh Avenue - from 50th Street to Central Park South
57. Broadway - from 36th Street to 40th Street
58. Broadway - from 50th Street to Columbus Circle
59. Columbus Circle - from Eighth Avenue, westward, to Broadway.

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

** #Small sidewalk cafes# are not allowed on 86th 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 <u>Sidewalk Cafe</u>	Unenclosed <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* , except along Ocean Parkway	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:

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

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

* #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

<u>Queens</u>	<u>Enclosed Sidewalk Cafe</u>	<u>Unenclosed Sidewalk</u>
1. Far Rockaway Beach 20th Street	<u>Cafe</u> No	Yes

* * *

The above resolution (N 040197 ZRY), duly adopted by the City Planning Commission on March 24, 2004 (Calendar No. 41), 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, AICP, Chair

KENNETH KNUCKLES, Esq., Vice-Chair

ANGELA M. BATTAGLIA, IRWIN 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