



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

MANHATTAN OFFICE

Marisa Lago  
DIRECTOR

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MANHATTAN OFFICE

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DEPUTY DIRECTOR,  
MANHATTAN OFFICE

January 22, 2020

Alida Camp  
Chairperson  
Manhattan Community Board 8  
505 Park Avenue, Suite 620  
New York, NY 10022

Re: **N 200078 ZRM**  
**Mansion Restaurant Sidewalk Cafe Text Amendment**

Dear Ms. Camp:

The Department of City Planning is referring to you the above-referenced application to amend the provisions of Sections 14-41 and 14-42 of Article I, Chapter 4 (Sidewalk Café Regulations) of the New York City Zoning Resolution.

The proposed text amendment would enable unenclosed outdoor café use on the northern sidewalk on 86<sup>th</sup> Street, for a length of 125 feet. The applicant, Mansion Restaurant Inc, intends to apply for a license with the Department of Consumer Affairs to operate an unenclosed outdoor café at 1634 York Avenue, in Manhattan Community District 8.

The application for the zoning text amendment (N 200078 ZRM) is not subject to the Uniform Land Use Review Procedure (ULURP). However, if you have any comments or recommendations on this application (N 200078 ZRM), please send them by **March 16, 2020** to:

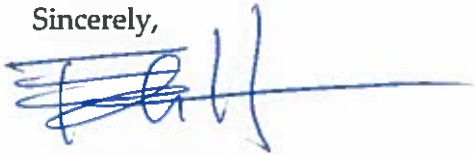
[CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov)

OR

City Planning Commission  
Calendar Information Office  
120 Broadway – 31<sup>st</sup> Floor  
New York, NY 10271

If you have any questions on the proposed text amendment, please contact the applicant's representative, Neil Weisbard, Esq. at (212) 326-0465.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Edith Hsu-Chen', with a long horizontal line extending to the right.

Edith Hsu-Chen

**ENCLOSURE**

cc: Raju Mann, Director, Land Use Review Division, City Council  
James Caras, Manhattan Borough President's Office  
Ryan Singer, DCP (w/o Enc)  
James Merani, DCP (w/o Enc)  
Frank Ruchala, DCP (w/o Enc)



City Planning will assign and stamp reference numbers here

# Land Use Review Application

Department of City Planning

120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271

N200078 ZRM

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

Yorkville Mansion Inc.

John Philips

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) \*

APPLICANT'S PRIMARY REPRESENTATIVE

1634 York Avenue

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS

New York NY 10028

STREET ADDRESS

CITY STATE ZIP

(212)535-8888

CITY STATE ZIP

AREA CODE TELEPHONE # FAX#

AREA CODE TELEPHONE # FAX#

\* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION )

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION )  
ADDITIONAL APPLICANT REPRESENTATIVE:

Neil Weisbard, Pryor Cashman LLP

(212) 326-0465

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)

TELEPHONE #

FAX #

1634 York Avenue

The Mansion SWC

STREET ADDRESS

PROJECT NAME (IF ANY)

Northeast corner of York Avenue and East 86<sup>th</sup> Street

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

R10A, C1-5 Commercial Overlay

9a

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

ZONING SECTIONAL MAP NO(S).

1 5 8 3 , 1

Manhattan

8

TAX BLOCK AND LOT NUMBER

BOROUGH

COMM. DIST.

N / A

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO ☒ YES ☐ IF YES, IDENTIFY

## 3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

See attached description

## 4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

\* No supplemental form required

- ☐ CHANGE IN CITY MAP.....MM
- ☐ ZONING MAP AMENDMENT.....ZM
- ☒ ZONING TEXT AMENDMENT..... ZR
- ☐ ZONING SPECIAL PERMIT.....ZS
- ☐ ZONING AUTHORIZATION.....ZA
- ☐ ZONING CERTIFICATION.....ZC
- ☐ PUBLIC FACILITY, SEL./ACQ.....PF
- ☐ DISPOSITION OF REAL PROP.....PP
- ☐ URBAN DEVELOP=MENT ACTION.....HA
- ☐ URBAN RENEWAL PROJECT.....\*
- ☐ HOUSING PLAN & PROJECT.....\*
- ☐ FRANCHISE.....\*
- ☐ REVOCABLE CONSENT.....\*
- ☐ CONCESSION.....\*
- ☐ LANDFILL.....\*
- ☐ OTHER (Describe)

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\$ 5445.00

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☐ MODIFICATION

☐ FOLLOW-UP

☐ RENEWAL

☐ OTHER

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APPLICATION NO.

APPLICATION NO.

CEQR SPECIFY

TOTAL FEE (For all actions)

\$

\$

\$ 1800.0

\$ 7,325.00

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

☐

Has pre-application meeting been held? ☐ NO ☒ YES

If yes Bob Tuttle 09/27/201

DCP Office/Representative Date of meeting

5. ENVIRONMENTAL REVIEW

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

LEAD AGENCY

CEQR NUMBER 20DCP027M

TYPE OF CEQR ACTION:

☐ TYPE II

Type II category:

Date determination was made:

☒ TYPE I

Has EAS been filed? Yes ☒ No ☐

☐ UNLISTED

If yes, Date EAS filed:

No ☒

Has CEQR determination been made?

Yes ☐ No ☒

If yes, what was determination?

Negative Declaration ☐

CND ☐

Positive Declaration ☐

Date determination made: (Attach Copy)

If Positive Declaration, has PDEIS been filed?

Has Notice of Completion (NOC) for DEIS been issued?

If yes, attach copy.

If PDEIS has not been filed, has final scope been issued?

If yes, date issued:

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No ☒ Yes ☐

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
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8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
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9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT (Attach authorizing resolution(s), if applicable)

Neil Weisbard

NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE

SIGNATURE OF APPLICANT

8/27/19

DATE

Pryor Cashman LLP

APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable)

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE

SIGNATURE OF CO-APPLICANT

DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESSCITYSTATEZIPTEL.NO.FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE

SIGNATURE OF CO-APPLICANT

DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESSCITYSTATEZIPTEL.NO.FAX

ADMINISTRATIVE CODE

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

NOTICE

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

City Map Change . . . . .

MM

Proposed City Map Change  
(Check appropriate boxes)

APPLICATION NO

1. ESTABLISH NEW.....

☐ STREET

☐ PARK

☐ PUBLIC PLACE

☐ GRADE

2. ELIMINATE EXISTING.....

☐ STREET

☐ PARK

☐ PUBLIC PLACE

☐ GRADE

3. CHANGE EXISTING STREET.....

☐ WIDTH

☐ ALIGNMENT

☐ GRADE

4. EASEMENT

Delineate New.....

☐

Remove Existing.....

☐

Modify Existing.....

☐

5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY

.....

☐

Zoning Map Change . . . . .

ZM

Proposed Zoning Map Change(s)

APPLICATION NO

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1

FROM:

EXISTING

TO:

PROPOSED

CHANGE #2

FROM:

EXISTING

TO:

PROPOSED

CHANGE #3

FROM:

EXISTING

TO:

PROPOSED

CHANGE #4

FROM:

EXISTING

TO:

PROPOSED

CHANGE #5

FROM:

EXISTING

TO:

PROPOSED

Zoning Text Amendment . . . . .

ZR

Affected Zoning Resolution (ZR) Sections

N200078 ZRM

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBER

ZONING RESOLUTION SECTION TITLE

14-41

Locations Where Certain Sidewalk Cafes Are Not Permitted

14-42

Locations Where Enclosed Sidewalk Cafes Are Not Permitted

RECEIVED  
JUL 11 2000  
CITY PLANNING  
DEPT.

**The Mansion Café Sidewalk Cafe Text Amendment**  
**1634 York Avenue**  
**Tax Block 1583, Lot 1, Borough of Manhattan**

**Introduction**

Yorkville Mansion Inc., owner of the Mansion Café, seeks an amendment to Section 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted) and Section 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted) of the Zoning Resolution of the City of New York to allow unenclosed sidewalk cafes within the C1-5 commercial overly district at the northeast corner of York Avenue and East 86<sup>th</sup> Street (the "Project Area") in the Yorkville neighborhood of Manhattan Community District 8 (the "Proposed Action"). The Proposed Action would allow an unenclosed sidewalk cafe with 23 tables and 47 seats accessory to the Mansion Cafe located at 1634 York Avenue (Block 1583, Lot 1, the "Development Site"), a Use Group 6 eating and drinking establishment located at 501 East 86<sup>th</sup> Street..

**Background**

When the sidewalk café regulations of Article I, Chapter 4 of the Zoning Resolution were adopted by the New York City Planning Commission (the "CPC") on November 19, 1979, under Application No. N 790484 ZRY and approved by the New York City Board of Estimate on January 10, 1980, enclosed or unenclosed sidewalk cafes were not permitted on the portion of East 86<sup>th</sup> Street between the East River and Fifth Avenue. Since 1979, through both private and City-led initiatives, these regulations have been amended to permit enclosed and unenclosed sidewalk cafes in some streets and areas. For example on July 20, 1998, under Application No. N 980314 ZRM, CPC approved the Special Lower Manhattan District and permitted unenclosed sidewalk cafes in most of the special district.<sup>1</sup> On June 14, 2000, under Application No. N 000519 ZRM, CPC amended the sidewalk café regulations to allow unenclosed sidewalk cafes on Central Park South between Fifth and Sixth Avenues.<sup>2</sup> However, sidewalk cafes are still not permitted on the portion of East 86<sup>th</sup> Street between the East River and Fifth Avenue.

On March 24, 2004, under Application No. N 040197 ZRY, CPC amended the Zoning Resolution to establish "small" unenclosed sidewalk cafés as a separate category.<sup>3</sup> Under the draft provisions of small unenclosed sidewalk cafes, such sidewalk cafes were included along East 86<sup>th</sup> Street. However, the CPC removed 86<sup>th</sup> Street from the amendment at the recommendation of Manhattan Community Board 8 ("CB8"), due to a proposed streetscape improvement plan for the East 86<sup>th</sup> Street corridor, rather than a definitive judgment that sidewalk cafes should not be permitted anywhere along the corridor. CB8 stated in its resolution dated February 11, 2004, that "*this prohibition may be revisited at some future time.*" On April 22, 2008, under Application No. N 090165 ZRM, CPC amended ZR Section 14-43 to permit small sidewalk cafes on the south side of East 86<sup>th</sup>

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<sup>1</sup> The amendment was approved by the City Council on August 27, 1998.

<sup>2</sup> The amendment was approved by the City Council on July 27, 2000.

<sup>3</sup> The amendment was approved by the City Council on May 5, 2004.

Street from First Avenue to a line 125 feet east of Second Avenue.<sup>4</sup> This allowed the Maz Mezcal restaurant to apply for a revocable consent and license for a small sidewalk café on this stretch of East 86<sup>th</sup> Street.

### **Description of the Surrounding Area**

The Project Area is located in the Yorkville neighborhood, on the north side of East 86<sup>th</sup> Street, within 125 feet of York Avenue. The Project Area includes the Development Site located at 1634 York Avenue (Block 1583, Lot 1) and a portion of 511 East 86<sup>th</sup> Street (Block 1583, Lot 6).

The surrounding area is comprised primarily of residential buildings and mixed-use buildings with residential units above ground floor commercial space. The residential buildings are located primarily along the side streets, with the mixed-use buildings located primarily along York Avenue.

Immediately to the north of the Development Site is a 3,000 square foot lot with an address of 1640 York Avenue (Block 1583, Lot 4), which is improved with a four-story, approximately 54 foot high mixed-use building. Further north along York Avenue is a 8,911 square foot corner lot with an address of 500A East 87th Street (Block 1583, Lot 7501), which is improved with a 16-story mixed-use condominium.

Along the northern portion of East 86th Street, between York Avenue and East End Avenue are a 10,356 square foot lot with an address of 517 East 86th Street (Block 1583, Lot 9), which is improved with a six-story, apartment building; a 18,037 square foot lot with an address of 525 East 86th Street (Block 1583, Lot 12), which is improved with a 21-story, apartment building; and a 26,550 square foot lot with an address of 535 East 86th Street (Block 1583, Lot 15), which is improved with a 21-story, apartment building.

Elsewhere on Block 1583, along the southern side of East 87th Street are numerous 3- to 5-story townhouses.

The Project Area is located directly across from East 86<sup>th</sup> Street from Block 1582, Lots 52 and 46. Lot 52 (1622-1632 York Avenue) is a 7,509 square foot corner lot with 73.5 feet of frontage on East 86<sup>th</sup> Street and 102 feet of frontage on York Avenue. It is an assemblage of six former lots, each developed with a narrow four-story-and-cellar walkup building. The corner building (1632 York Avenue and 500-502 East 86th Street) formerly contained three dwelling units above a ground floor store but is now vacant. Three of the other buildings also had ground floor commercial units, and two were entirely residential. Demolition permits have been issued for all six buildings.

To the east of Lot 52 is Lot 46, a 9,996 square foot lot with 99.5 feet of frontage on East 86th Street with an address 510 East 86<sup>th</sup> Street. This site is occupied by a 182 foot high, 21-story-and-cellar, 123,333 gross square foot residential apartment building with 94 dwelling units, constructed in 1958.

Elsewhere on Block 1582, are four five-story buildings occupying the southern half of the York Avenue frontage. One is completely residential; the others contain residential units above one or two ground floor commercial units (four personal service establishments and a pizzeria). Elevator

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<sup>4</sup> The amendment was approved by the City Council on May 20, 2009.

apartment buildings from 8 to 16 stories in height line the East 86th Street frontage to the east of the Project Area, and the East 85th Street frontage is a mix of five-story walkup apartment buildings (one of which has a ground floor dry cleaner), 6- to 17-story elevator apartment buildings, and one single-family home.

Residential and mixed use buildings of 5 to 39 stories occupy the remainder of the York Avenue frontage within the study area. Ground floor commercial establishments include local retail, restaurants, personal service establishments, a bank branch, and a laundromat. Land use along the cross streets in the rest of the study area is entirely residential, except for one building with a ground floor dry cleaner on East 86th Street between York and First Avenues.

East 86th Street is a major thoroughfare that runs through the Carnegie Hill and Yorkville neighborhoods of Manhattan Community District 8. The street is predominantly zoned for residential and mixed commercial/residential use. The street varies in character from Fifth Avenue to the East River: the westernmost segment is residential without ground floor retail; the central portion between Lexington and Second Avenues is an active retail corridor; the area between Second and First Avenues is comprised of medium- to high-density residential multi-family apartment buildings with neighborhood-serving retail uses on the ground floor; the easternmost portion of East 86<sup>th</sup> Street contains residential uses with no ground floor retail.

The portion of East 86<sup>th</sup> Street between First and East End Avenues is zoned R10A, within a C1-5 commercial overlay on the First and York Avenue frontages. R10A zoning districts allow for high-density contextual residential buildings with a maximum permitted residential FAR of 10.0, and the C1-5 overlay offers a maximum commercial FAR of 2.0. R10 and R10-equivalent districts are mapped along nearby north-south Avenues in this area, with contextual R8B districts along narrow street midblocks.

Small sidewalk cafes are permitted on the southern side of East 86<sup>th</sup> Street between Second and First Avenues. Otherwise, both enclosed and unenclosed sidewalk cafes are prohibited along East 86<sup>th</sup> Street from the East River to Fifth Avenue. Along York Avenue, however, both enclosed and unenclosed sidewalk cafes are permitted on the block-fronts between East 85<sup>th</sup> and East 87<sup>th</sup> Streets, with the exception of the frontages facing East 86<sup>th</sup> Street as established in ZR Section 14-43.

Carl Schurz Park is located at the eastern end of East 86<sup>th</sup> Street, where East 86<sup>th</sup> Street dead ends at East End Avenue, with the Mayor's residence at Gracie Mansion located within the boundaries of the park. On the northern side of East 86<sup>th</sup> Street, extending to the southern side of East 87<sup>th</sup> Street along the western side of East End Avenue, is the Henderson Place Historic District, which was designated in 1969. This small historic district also includes the eastern side of Henderson Place, a north-south cul-de-sac that connects to East 86th Street between York and East End Avenue.

The nearest subway entrance is the newly-opened 86<sup>th</sup> Street Station for the Q train, which runs along Second Avenue, followed by the 86<sup>th</sup> Street/Lexington Avenue stop on the 4, 5, and 6 trains, which run along Lexington Avenue. MTA bus stops serving both north- and south-bound service for the M31 bus line and M86 Select Bus Service line are located on York Avenue near 86<sup>th</sup> Street, with one north-bound stop located in front of the Mansion restaurant and additional stops every few blocks in either direction on York Avenue.



## **Description of the Project Area**

The Project Area is located within the Yorkville neighborhood of Manhattan, within an R10A Residence District and within a C1-5 Commercial Overlay. The Project Area is located on the northern side of East 86<sup>th</sup> Street and coincides with the boundary of the C1-5 Commercial Overlay, located within 125 feet of York Avenue. The Project Area includes the Development Site, and a 50 foot deep portion of Lot 6 on Block 1583 (511 East 86<sup>th</sup> Street), fronting on the north side of East 86<sup>th</sup> Street.

The Development Site is a 3,000 square foot corner lot located on the northeast corner of York Avenue and East 86<sup>th</sup> Street, with 40 feet of frontage along York Avenue and 75 feet of frontage along East 86<sup>th</sup> Street. The Development Site is improved with two 54 foot high, four-story-and-cellar mixed-use, both constructed circa 1900. The corner building has the addresses 1634 York Avenue and 501 East 86th Street, and the building to its north has the address 1636 York Avenue. The four-story portions of the buildings are 20 feet wide and 65 feet deep, and the corner building has a one-story rear portion that extends the remaining depth of the lot. In total, the buildings contain 13,200 gross square feet, with approximately 10,600 square feet of zoning floor area, for a FAR of 3.53. The buildings contain 11 dwelling units; both buildings originally had two apartments per floor, but the second floor units in one building have been combined. There are two commercial units on the ground floors: a 200 square foot newspaper and candy store that occupies the one-story portion of 1634 York Avenue; and a diner, The Mansion Cafe, that has been in operation since 1945. There were originally three commercial units, but the restaurant expanded in 1972 to occupy space in both buildings. The Mansion Cafe has entrances on both York Avenue and East 86<sup>th</sup> Street, and the news shop has an entrance further east on East 86<sup>th</sup> Street. The residential entrance for the corner building is on East 86<sup>th</sup> Street between the two commercial units. The residential entrance is elevated, with front steps extending approximately 5½ feet onto the sidewalk.

The sidewalk on the Development Site is 20 feet wide with three street trees, a fire hydrant and bicycle racks (which were installed without DOT approval and need to be legalized). These features occupy the outer portion of the sidewalk and remove 2'7" to 4'4" from the pedestrian right-of-way. The adjacent building's entrance stoop removes an estimated 5'6" from the pedestrian right-of-way. That leaves an unimpeded right-of-way of 10'0".

The other land uses in the Project Area include Block 1583, Lot 6, known as 511 East 86<sup>th</sup> Street, and is located immediately east of the Development Site. Lot 6, an L-shaped 9,069 square foot parcel with 75 feet of frontage on East 86th Street and 20 feet of frontage on York Avenue. This lot is currently under construction, where a 25-story mixed-use building is being built. Scaffolding covers the portion of the affected area on the north side of the street. Lot 6 is split between R10A/C1-5 Commercial District and R10A Residence District.

The Project Area is located within an R10A/C1-5 Commercial District, a contextual high density residential district combined with a local retail overlay district. Permitted uses include residences, community facility uses, and a select group of commercial uses (Use Groups 1 through 6). The maximum permitted floor area (FAR) is 10.00 for residential and community facility uses and 2.00 for commercial uses, although bonuses can increase the permitted residential and community facility

FAR to 12.00. Rear yards are generally required, but front or side yards are not required. The maximum permitted base height is 150 feet, and the maximum permitted building height is 210 feet.

The use and bulk regulations apply to zoning lots, not to streets (including sidewalks), which may not be developed or, with certain limited exceptions, reserved for private use. One of the limited exceptions is for sidewalk cafes, which, as defined in the Zoning Resolution, are portions of eating or drinking places that are located on public sidewalks. Sidewalk cafes are permitted at locations that are within zoning districts where eating and drinking establishments are permitted, and that satisfy the area eligibility requirements of Section 14-40 of the Zoning Resolution (Area Eligibility for Sidewalk Cafes). Different area eligibility regulations apply to the three types of sidewalk cafes defined in the Zoning Resolution: enclosed sidewalk cafes, unenclosed sidewalk cafes, and small sidewalk cafes. Under the current regulations, no sidewalk cafes are permitted within the affected area.

### **Description of the Development Site**

As described above, the Development Site is a 3,000 square foot corner lot located on the northeast corner of York Avenue and East 86<sup>th</sup> Street, with 40 feet of frontage along York Avenue and 75 feet of frontage along East 86<sup>th</sup> Street. The Development Site is improved with two 54 foot high, four-story-and-cellar mixed-use, both constructed circa 1900. The corner building has the addresses 1634 York Avenue and 501 East 86<sup>th</sup> Street, and the building to its north has the address 1636 York Avenue. The four-story portions of the buildings are 20 feet wide and 65 feet deep, and the corner building has a one-story rear portion that extends the remaining depth of the lot. In total, the buildings contain 13,200 gross square feet, with approximately 10,600 square feet of zoning floor area, for a FAR of 3.53. The buildings contain 11 dwelling units; both buildings originally had two apartments per floor, but the second floor units in one building have been combined. There are two commercial units on the ground floors: a 200 square foot newspaper and candy store that occupies the one-story portion of 1634 York Avenue; and a diner, The Mansion Cafe, that has been in operation since 1945. There were originally three commercial units, but the restaurant expanded in 1972 to occupy space in both buildings. The Mansion Cafe has entrances on both York Avenue and East 86<sup>th</sup> Street, and the news shop has an entrance further east on East 86<sup>th</sup> Street. The residential entrance for the corner building is on East 86<sup>th</sup> Street between the two commercial units. The residential entrance is elevated, with front steps extending approximately 5½ feet onto the sidewalk.

The sidewalk on the Development Site is 20 feet wide with three street trees, a fire hydrant and bicycle racks (which were installed without DOT approval and need to be legalized). These features occupy the outer portion of the sidewalk and remove 2'7" to 4'4" from the pedestrian right-of-way. The adjacent building's entrance stoop removes an estimated 5'6" from the pedestrian right-of-way. That leaves an unimpeded right-of-way of 10'0".

### **Description of the Proposed Development**

The Proposed Development will be an unenclosed sidewalk cafe with 23 tables and 47 seats accessory to the Mansion Cafe, a Use Group 6 eating and drinking establishment located at 501 East 86<sup>th</sup> Street, Tax Block 1583, Lot 1, Borough of Manhattan. An opening would be provided for one set of sidewalk stairs that exists on the property facing East 86<sup>th</sup> Street, with another opening in the seating area to allow for egress and entry in the existing doorway facing East 86<sup>th</sup> Street. Another set

of sidewalk stairs would be closed off to provide more seating; this storage area can be accessed by another sidewalk stair along York Avenue, and is not needed for restaurant service.

An eight-foot clear path would be maintained between existing tree trunks on the East 86th Street frontage and the proposed unenclosed café seating area, though the dimension between the edge of the tree pit and the proposed seating area is unknown. An eleven-foot clear path would be maintained in areas where no obstructions are located on the sidewalk. The proposed unenclosed sidewalk cafe will also contain three six to seven foot high, retractable awnings; one 11 feet in depth; one 18 and half feet in depth; and one 23 feet in depth.

Currently, sidewalk cafes are permitted on York Avenue in front of the Mansion Cafe. However, a sidewalk cafe with only 40 feet of frontage cannot adequately serve the Mansion Cafe's needs. The potential permission of unenclosed sidewalk cafes on East 86<sup>th</sup> Street within 125 feet of York Avenue would not only serve the Mansion Cafe's needs, but complement existing and future commercial uses, enhance the streetscape, be consistent with the local neighborhood feel, and bring more vitality to the area without inhibiting pedestrian circulation. The existing Mansion Cafe on the northeast corner of East 86th Street and York Avenue is a local restaurant that has been in this location for decades, and its continued success relies on the owners continuing to be respectful of community concerns including hours of operation and noise. Further, the Department of Consumer Affairs design guidelines for sidewalk cafes as well as the process required to obtain a license to operate a sidewalk café would also ensure that any sidewalk café is a positive addition.

### **Action Necessary to Facilitate the Project**

The Project Area is located on 86<sup>th</sup> Street between the East River and Fifth Avenue, an area in which, pursuant to ZR §14-41, sidewalk cafes are not permitted. Therefore, the Mansion Cafe seeks a text amendment to allow an unenclosed sidewalk cafe. In order to limit the approval to allow only unenclosed sidewalk cafes within the Project Area, the Applicant also seeks a text amendment to ZR §14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted) to explicitly state that enclosed sidewalk cafes are not permitted on East 86<sup>th</sup> Street within 125 feet east of York Avenue.

The sidewalk on East 86<sup>th</sup> Street, 125 feet east of York Avenue is wider than rest of the sidewalks west of York Avenue. As a result, unenclosed sidewalk cafés in this area can be easily be accommodated within 125 feet of the corner without negatively impacting the flow of pedestrian traffic. It should be noted that sidewalk cafes are already permitted east of York Avenue on both East 85<sup>th</sup> Street and East 87<sup>th</sup> Street, which are narrow streets. Therefore, as a wide street, this portion of East 86<sup>th</sup> Street can accommodate sidewalk cafes and still provide ample space for pedestrian circulation.

The potential permission of unenclosed sidewalk cafes on East 86<sup>th</sup> Street within 125 feet of York Avenue would not only serve the Mansion Cafe's needs, but complement existing and future commercial uses, enhance the streetscape, be consistent with the local neighborhood feel, and bring more vitality to the area without inhibiting pedestrian circulation.

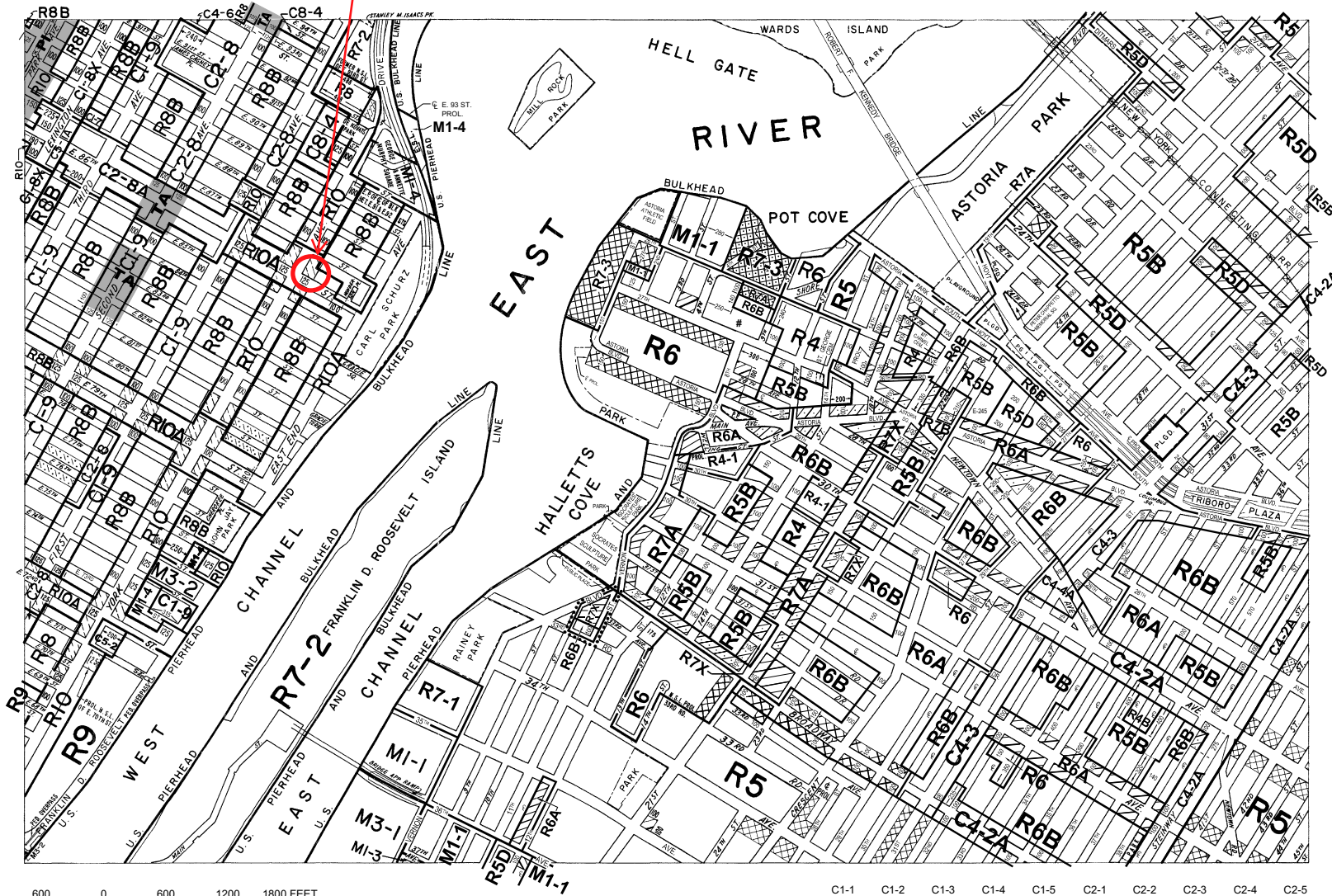
### **Conclusion**

Based on the foregoing and the findings of the EAS, the proposed text amendment to ZR §14-41 and 14-42 allowing an unenclosed sidewalk cafe adjacent to the Mansion Cafe will not have any

adverse impacts on the surrounding area and will be a valued addition to the surrounding neighborhood.



Project Area



## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

**AREA(S) REZONED**

**Effective Date(s) of Rezoning:**  
10-17-2019 C 100421 ZMQ

**Special Requirements:**  
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.  
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.  
For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

### MAP KEY

5d	6b	6d
8c	9a	9c
8d	9b	9d

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**NOTE:** Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3291.

**# NOTE:** STREETS FOR THE STREET MAP CHANGE C 130384 MMQ ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

**NOTE:** Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.













1. View of the east side of York Avenue facing south.



2. View of the east side of York Avenue facing southeast.



3. View of the intersection of York Avenue and East 86th Street facing northeast.



 Affected Area





4. View of the Affected Area facing northeast from East 86th Street.



5. View of the Affected Area facing north from East 86th Street.



6. View of the south side of East 86th Street facing south (Affected Area at right).



Affected Area





7. View of the intersection of York Avenue and East 86th Street facing west.



8. View of the west side of York Avenue facing northwest.



9. View of York Avenue facing southwest toward East 86th Street.



 Affected Area





10. View of York Avenue facing northeast from East 86th Street (Affected Area at right).



11. View of East 86th Street facing southeast from York Avenue (Affected Area at left).



12. View of East 86th Street facing northwest toward York Avenue (Affected Area at right).



 Affected Area





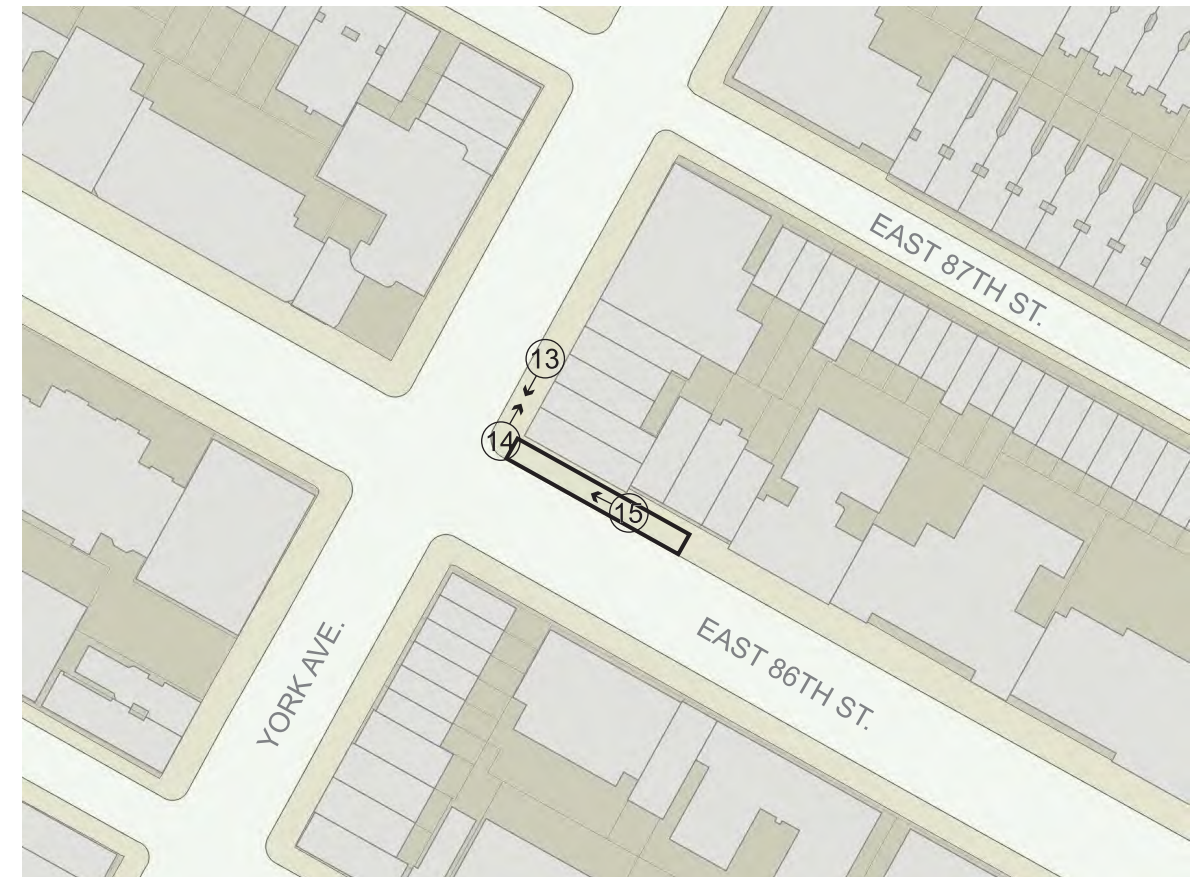
13. View of the sidewalk along the east side of York Avenue facing southwest toward East 86th Street.



14. View of the sidewalk along the east side of York Avenue facing northeast from East 86th Street.



15. View of the Affected Area along the north side of East 86th Street facing northwest.



Affected Area





16. View of the Affected Area along the north side of East 86th Street facing southeast from York Avenue.



17. View of the Affected Area facing northwest from the sidewalk along the north side of East 86th Street.



18. View of the Affected Area facing northeast from East 86th Street.



Affected Area



# Mansion Cafe Sidewalk Cafe Text Amendment

Matter underlined is new, to be added;

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

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

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

## ARTICLE I: 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).

\* \* \*

Manhattan:

\* \* \*

79th Street — from the East River to Fifth Avenue

86th Street — from the East River to Fifth Avenue, south side only

86th Street — from the East River to 125 feet east of York Avenue, north side only, and from York Avenue to Fifth Avenue, north side only

116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard

\* \* \*

## **14-42**

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

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

Manhattan:

Bleecker Street — from Bank Street to Mercer Street

Central Park South — from Fifth Avenue to Sixth Avenue

Park Avenue South and Park Avenue — from 31st Street to 38th Street

86th Street – from the East River to Fifth Avenue

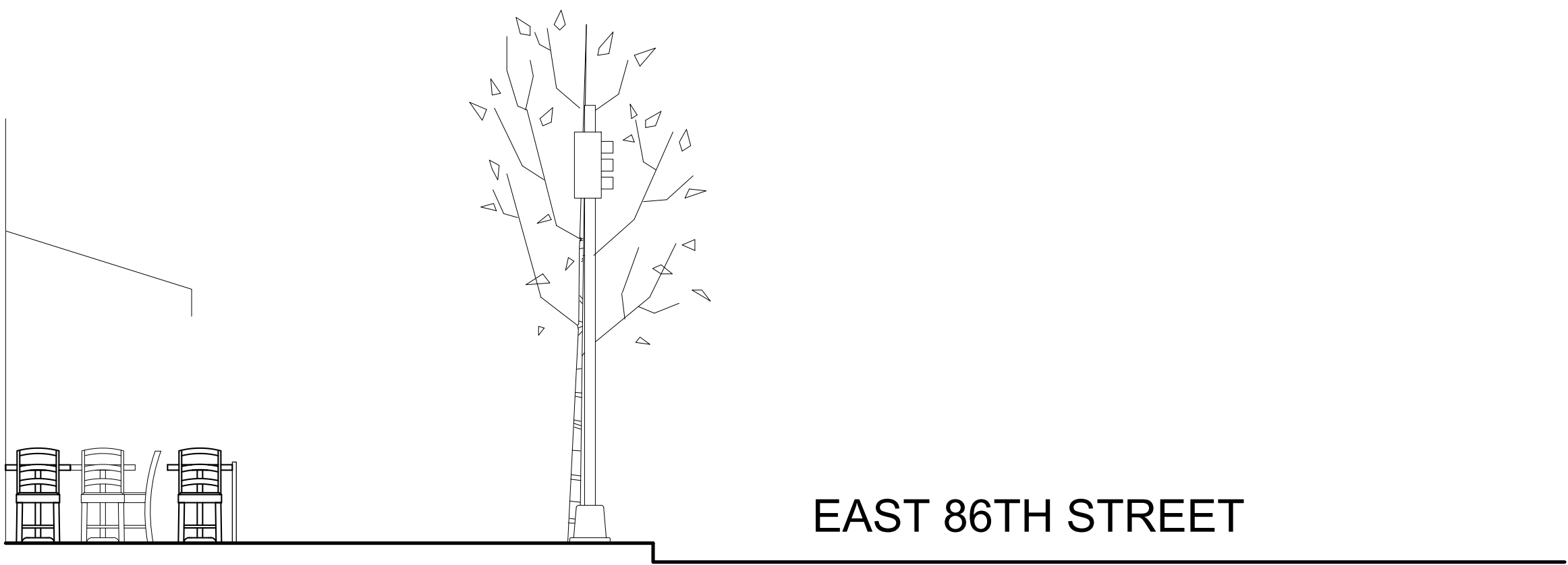
\* \* \*



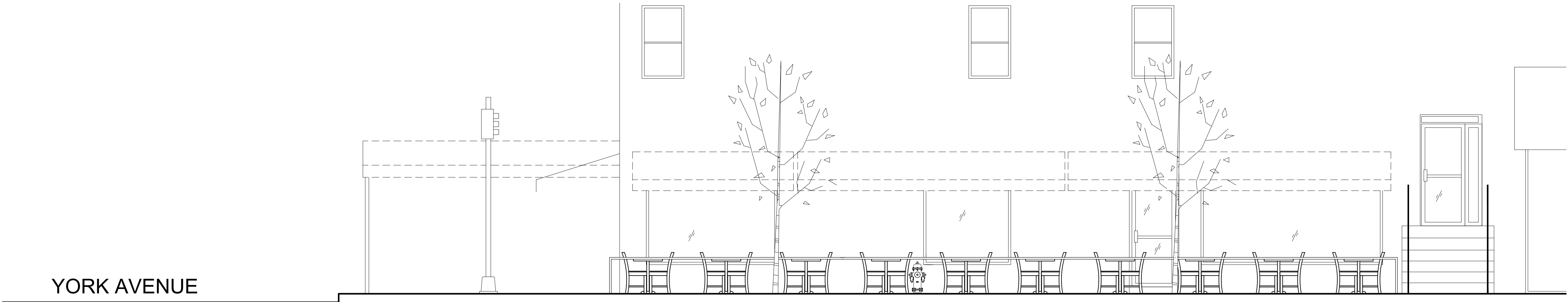


#### 5. SIDEWALK DOORS TO BE REINFORCED, LOCKED AND CLOSED DURING CAFE OPERATION

APPL. No.:



1 PROPOSED SIDE ELEVATION  
A-2 SCALE: 1/4"=1'-0"



1 PROPOSED ELEVATION  
A-2 SCALE: 1/4"=1'-0"

**SWA**

THE OFFICE OF S. STEVE WYGODA  
ARCHITECTS AND PLANNERS

190 EAST MAIN STREET  
HUNTINGTON, NY 11743  
PHONE: 631-424-8480 FAX: 631-547-4193

IT IS A VIOLATION OF N. Y. STATE LAWS  
FOR ANY PERSON, UNLESS DIRECTED BY A  
REGISTERED ARCHITECT OR PROF. ENGINEER  
TO ALTER ANY ITEM IN ANY WAY.

ISSUE DATES:

NO. DATE DESCRIPTION

REVISIONS:

NO. DATE DESCRIPTION

DCA #:  
ULURP #:  
COMMUNITY BOARD #:108  
BLOCK #: 1583 LOT #: 1  
# OF TABLES: 23 # OF SEATS: 47  
CAFE AREA: 438 SQ. FT.

UNENCLOSED SIDEWALK CAFE FOR:

THE MANSION  
RESTAURANT

1634 YORK AVENUE,  
NEW YORK, NY 11028

DRAWING TITLE

PROPOSED  
ELEVATIONS

SEAL & SIGNATURE

DATE: 08-14-19

PROJECT No.:

DRAWING BY: K.M.M.

CHK BY: S.S.W.

DWG No.:

A-002.00

APPL. No.:

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