Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

73-162 - Eating or drinking establishments

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LAST AMENDED
6/6/2024

In C1 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the Board of Standards and Appeals may permit modifications to the underlying regulations for eating or drinking establishments listed under Use Group VI set forth in Sections 32-16 and 42-16 (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) For eating or drinking establishments, the Board may permit:

(1) modifications to a size limitation, denoted in the Use Group table with an "S", provided that the increase does not exceed 200 percent of the amount set forth in Use Group VI;

(2) modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or

(3) modifications to additional conditions, denoted in the Use Group table with a "P", including environmental standards, geographic limitations, or other measures.

(b) In order to grant such permit, the Board shall find that:

(1) such #use# will not cause undue vehicular or pedestrian congestion in local #streets# and that due consideration is given to the size and location of entrances and enclosed lobby areas;

(2) such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;

(3) such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code;

(4) the modifications are necessary to support the operation of such #use#; and

(5) the application is made jointly by the owner of the #building# and the operator of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.