



# PERMANENT OPEN RESTAURANTS

SUMMER 2021



# Permanent Open Restaurants

- New program under DOT to include both sidewalk and roadway cafes
- Program that balances all needs of the street and sidewalk
- Use what has worked under Sidewalk Café Program and Emergency Open Restaurant Program to develop guidelines for the Permanent Program

# Pre-COVID Street and Sidewalk Cafés

1,022 Sidewalk Cafes



100 Small Sidewalk Cafes



102 Enclosed Cafés



25 Street Seats



# Creation of the Emergency Open Restaurants Program

During the summer of 2020, New York City revisited its rules, and in many cases suspended them to allow restaurants to serve diners outdoors due to restrictions on indoor dining

The emergency program:

- Helped save almost 11,000 restaurants and an estimated 100,000 jobs by allowing establishments to continue serving outdoors, on the roadway, sidewalk, or both
- Is a lifeline, not a goldmine
- Did not require a participation fee
- Eliminated lengthy design review process





# What We've Learned in the Emergency Program:

## Successes

- All areas of the city eligible
- Program easy to access, encouraging participation
- With addition of roadway seating, more options for restaurants

## Challenges

- Clarity, consistency and communication of rules
- Maintaining emergency vehicle access and ensuring signage not being blocked
- Balancing enforcement with recovery
- Balancing the long-term interests of all sidewalk and street users



# Background

- After thousands of restaurants self-certified to join the program, the Mayor announced in September 2020 that Open Restaurants would be permanent
- In October 2020, City Council voted to establish a permanent outdoor dining program (48 voted for; 2 against; 1 abstained)
- A permanent program requires a series of different legal changes, including a text amendment to allow more areas of the city to be eligible for roadway and sidewalk seating
- The permanent program will retain the elements of the emergency program that worked and modifying the ones that didn't

## De Blasio: NYC Outdoor Dining Will Become "Permanent And Year-Round"

BY BEN YAKAS

SEPT. 25, 2020 12:15 P.M. • 242 COMMENTS



SCOTT LYNCH/GOTHAMIST



## Vision for a Permanent Program:

- Both Sidewalk & Roadway seating administered by DOT
- Interagency coordination on enforcement issues
  - DOT will enforce barriers, clear paths, ADA compliance
  - NYPD will continue to enforce noise
  - DSNY will continue to be responsible for garbage removal
- Available throughout city
- Stricter sidewalk clear path & roadway siting criteria





# Components of Sidewalk Café Seating

- All restaurants with ground floor space eligible to apply for year-round access
- Must be ADA compliant
- Subject to clear path and siting criteria/distance from obstructions, based on pedestrian levels and sidewalk widths
- Removable tables, chairs, and barriers
- Seating against building wall
- Only in restaurant's frontage




Removable tables & chairs

Removable barriers

Seating against building wall





Visual connection  
for drivers to  
pedestrians &  
signage

Sturdy barriers on all  
three sides of seating

Removable table & chairs

Open to  
sidewalk

Provide Accessible  
seating

## Components of Roadway Café Seating

- Setups allowed citywide in parking lanes except in prohibited zones
- Maintain public safety (visibility of traffic safety signs, access to hydrants, etc.)
- Clear guidance and enforcement on sound
- ADA compliance
- No fully enclosed structures
- Fee structure being proposed



# Seasonality

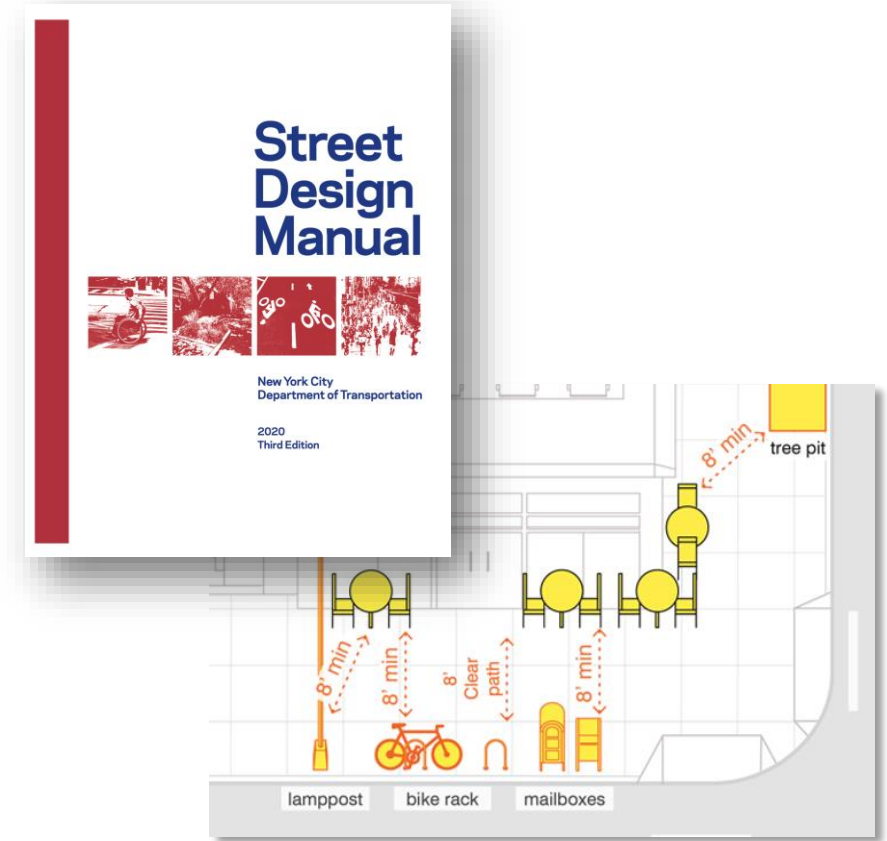
- Allow other city operational needs to continue (e.g.: snow cleanup of streets and sidewalks)
- Safety considerations regarding seasonality (outdoor heaters needed in colder seasons)
- Options are being explored for waiver that allows for winter months





# Application & Administration

- Unified DOT Office overseeing sidewalk and roadway café programs
- More detailed, upfront design guidance package with detailed visuals
- Streamlined application process with online filing
- Shorter than pre-Covid review periods, while retaining required public reviews
- 4-year license windows with periodic compliance checks & ability to fine or remove bad actors





# 3 main actions are needed to facilitate the future program:

1

## Removal of Locational Prohibitions

Via Zoning Text Amendment

- Expand universe of allowed geographies for sidewalk cafes
- Remove other zoning text that enables sidewalk cafes
- Grandfather existing enclosed cafes

2

## Changes to the Sidewalk Café Program

Via Local Law & CAPA

- Transfer control of sidewalk cafes from DCWP to DOT, enabling a unified program
- Revise design requirements and streamline lengthy design review
- Create new clear path requirements and waivers to protect pedestrian right of way

3

## Creation of a Roadway Café program

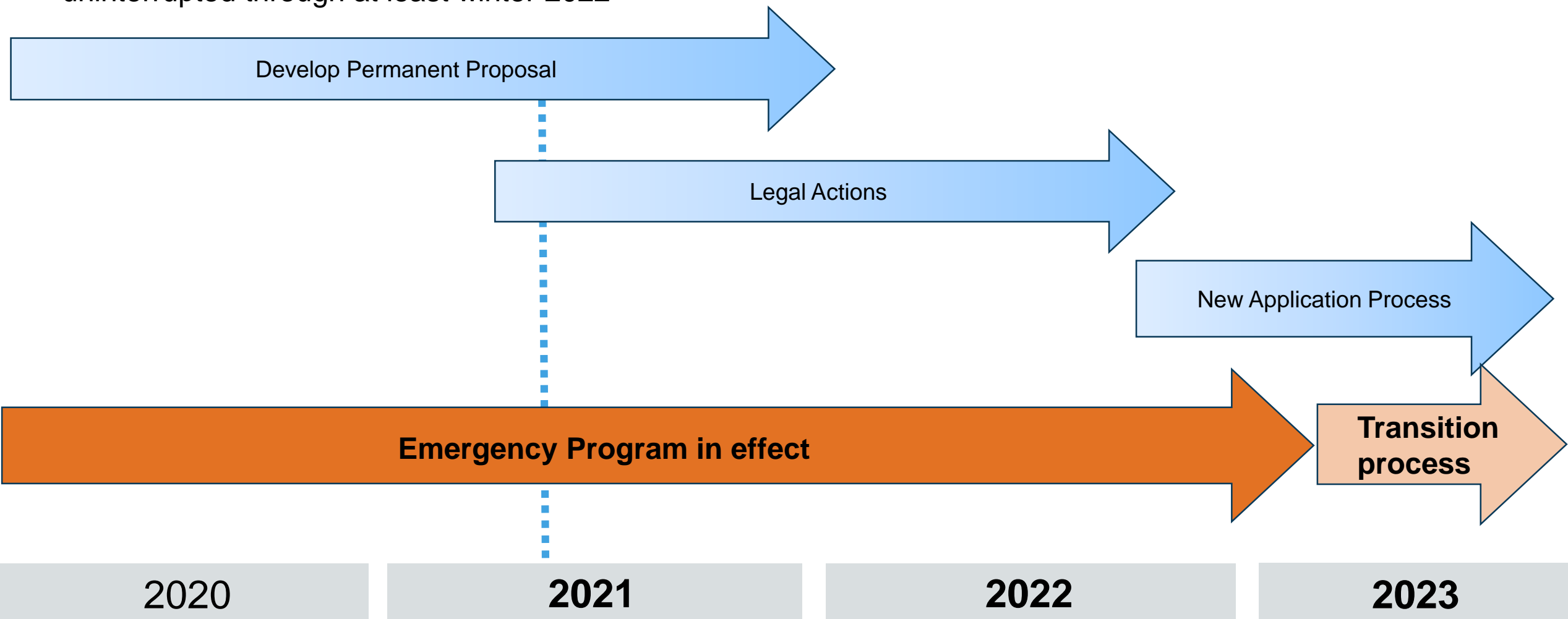
Via Local Law & CAPA

- Establish siting rules, guidelines, fee structure, and application review process for new program



# Multiple legal steps will be needed to enact the full permanent program:

The emergency program expected to remain in effect and allow restaurants to maintain their spaces uninterrupted through at least winter 2022





**New York City, including its restaurants, is still recovering.**

**COVID-19 has helped reimagine the way New Yorkers utilize our streets and curb space.**

**DOT welcomes public input: [nyc.gov/openrestaurants](https://nyc.gov/openrestaurants)**





THANK YOU

[WWW.NYC.GOV/OPENRESTAURANTS](http://WWW.NYC.GOV/OPENRESTAURANTS)

