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**The City of New York  
Community Board 8 Manhattan**

April 15, 2022

Ed Pincar Jr.  
Manhattan Borough Commissioner  
Department of Transportation  
55 Water Street, 9<sup>th</sup> Floor  
New York, NY 10041

Hon. Marjorie Velázquez  
Chair, Committee on Consumer and Worker Protection  
The New York City Council  
250 Broadway, Suite 1847  
New York, NY 10007

**RE: Seat at the Table Resolution**

Dear Commissioner Pincar and Council Member Velázquez,

At the April 13, 2022, Full Board meeting of Community Board 8 Manhattan, the board approved the following resolution by a vote of 22 in favor, 19 opposed, 0 abstentions, and 0 not voting for cause:

**WHEREAS**, CB8 has been supportive of the temporary Open Restaurants Program created during the COVID 19 pandemic and applauds the City for implementing a program which saved 100,000 jobs; and

**WHEREAS**, although the Open Restaurants Program enhanced the quality of life in our district in many ways during the COVID 19 pandemic, issues have been raised by the community including noise, garbage, vermin, safety concerns and the encroachment of sidewalk space by restaurants which should be fully addressed in the rules and design guidelines prior to implementation of the permanent Open Restaurant Program; and

**WHEREAS**, on April 4, 2022, the Sanitation, Small Business, Street Life, Transportation and Zoning and Development Committees of Community Board 8 Manhattan met jointly to discuss the City's Open Restaurant Program; and

**WHEREAS**, in February, 2022, the NYC Council approved zoning text changes eliminating sidewalk café regulations and expanding the area where outdoor dining can be considered to all NYC neighbors, the first step in making the Open Restaurant Program permanent; and

**WHEREAS**, Supreme Court Judge Nervo has issued an order halting implementation of the Open Restaurant Program until a further study is done on environmental impact citing that dining sheds have at a minimum impacted traffic and noise levels, and may have significantly impacted sanitation; and

**WHEREAS**, the program is set to take effect next year with various city agencies currently working to write rules which will govern the Open Restaurant Program; and

**WHEREAS**, Community Boards, on behalf of the community members who have been and will be affected by the Open Restaurant Program, have an inherent interest in the rules concerning Sidewalk Cafes and Open Restaurants – enclosed, unenclosed and small; and

**WHEREAS**, Community Boards should have "a seat at the table" and should have meaningful input to help draft proposed rules which will govern the permanent Open Restaurant Program; and

**WHEREAS**, in the past, enforcement of the existing rules, drafted during the COVID 19 emergency, has been very lax, necessitating that the lead agency communicate with all stakeholders on rules and then enforce them; and

**WHEREAS**, both the public and business owners have an interest in a successful program;

**THEREFORE, BE IT RESOLVED** that Community Boards be permitted to have meaningful input in the rule making process by providing comments, ideas and suggestions before rules covering the Open Restaurant Program are in an advanced draft; and

**BE IT FURTHER RESOLVED** that Community Boards be permitted to review and comment on design guidelines in the early stages of development of such guidelines as "one size does not fit all".

Please advise us on any action taken on this matter.

Sincerely,

*Russell Squire*

Russell Squire  
Chair

*Alida Camp and Valerie Mason*

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Co-Chairs, Small Business Committee

*Billy Freeland and Cos Spagnoletti*

Billy Freeland and Cos Spagnoletti  
Co-Chairs, Sanitation Committee

*Abraham Salcedo*

Abraham Salcedo  
Chair, Street Life Committee

*Craig Lader and Charles S. Warren*

Craig Lader and Charles. S. Warren  
Co-Chairs, Transportation Committee

*Elizabeth Ashby and Anthony Cohn*

Elizabeth Ashby and Anthony Cohn  
Co-Chairs, Zoning and Development Committee

cc: Honorable Eric Adams, Mayor of the City of New York  
Honorable Carolyn Maloney, 12th Congressional District Representative  
Honorable Mark Levine, Manhattan Borough President  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Keith Powers, NYC Council Member, 4th Council District