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

June 26, 2023

Honorable Mayor Eric Adams
Mayor of New York City
City Hall
New York, NY 10007

Honorable Adrienne E. Adams
Speaker of the New York City Council
City Hall
New York, NY 10007

RE: City Council Legislation (Intro 0031-2022) - Permanent Open Restaurant Program

Dear Mayor Adams and Speaker Adams,

At the Full Board meeting of Community Board 8 Manhattan held on June 21, 2023, the board approved the following resolution by a vote of 40 in favor, 1 opposed, 0 abstentions and 0 not voting for cause.

WHEREAS; the New York City Council has introduced Intro 31-2022 Version “B” to establish permanent Open Restaurants program; and

WHEREAS; the details contained within Intro 31-2022 Version “B” are the result of a compromise agreement between the City Council and the Mayor’s office of the framework of a permanent Open Restaurants program; and

WHEREAS; Intro 31-2022 Version “B” incorporates many of the key policy recommendations that were passed in a package of resolutions by Community Board 8 Manhattan in May 2022 regarding a permanent Open Restaurants Program, such as the roadway café program being seasonal, permanent structures not being permitted and needing to be removed if they are not compliant with NYCDOT rules, and only enclosed sidewalk cafes established pre-pandemic period being grandfathered into the proposed permanent program; and

WHEREAS; Intro 31-2022 Version “B” empowers NYCDOT to promulgate rules regarding many specific policies regarding design, safety and enforcement of sidewalk and roadway cafes under a new permanent Open Restaurants program; and

WHEREAS; certain details would be better addressed up front in Intro 31-2022 Version “B”, such as enforcement matters;

THEREFORE BE IT RESOLVED, that Community Board 8 supports the framework of Intro 31-2022 Version “B”, establishing a NYCDOT administered Open Restaurants; and

BE IT FURTHER RESOLVED, that in light of ongoing concerns and questions regarding enforcement and other key policy details that Intro 31-2022 Version “B” empowers NYCDOT to address through rulemaking promulgation, Community Board 8 Manhattan requests that the New York City Council should to the fullest extent practicable incorporate specific enforcement measures into Intro 31-2022 Version “B”, along with the creation of an inter-agency enforcement task force; and

BE IT FURTHER RESOLVED, that Community Board 8 Manhattan will be further communicating with NYCDOT on ongoing areas of concern and uncertainty regarding yet-to-be-established rules through a letter in advance of the next round of NYCDOT outreach on the permanent Open Restaurants program.

Please advise us of any action taken on this matter.

Sincerely,

Russell Squire

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Chair

Craig Lader and Charles Warren

Craig Lader and Charles Warren
Co-Chairs, Transportation Committee

cc: Honorable Kathy Hochul, Governor of New York
Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District