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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*

Russell Squire  
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