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SIDEWALK CAFÉ DESIGN AND REGULATIONS GUIDE

You are not permitted to operate a sidewalk café until you receive approval (i.e., license document) from the Department of Consumer Affairs. You are not permitted to operate unless you have personal and property liability insurance for the sidewalk café at all times.

THREE TYPES OF SIDEWALK CAFÉ

- **Enclosed Café:** A space adjacent to an eating or drinking establishment, with a tangible structure requiring heating and air conditioning.
- **Unenclosed Café:** An open space with only tables, chairs, railings/fences/planters, and perhaps an awning. This type of café is never to be enclosed with flaps, or heated with a portable or permanent heating unit.
- **Small Unenclosed Café:** A single, unenclosed row of tables and chairs within a space extending no more than 4½ feet from the front of the restaurant proper.

ZONING RESTRICTIONS

The Department of City Planning allows cafés to exist in certain portions of the City. Please refer to the Sidewalk Café **Street Guide** for more information.

REGULATIONS

In 1929, New York City started legally allowing unenclosed sidewalk cafés. In the mid-1960s, City officials began to encourage restaurant owners to open more sidewalk cafés. Since 1979, only a few changes have been made to the locations where sidewalk cafés are permitted. In May 2004, the Department of City Planning created a new category: small sidewalk cafés. Small sidewalk cafés are now found along many of the sidewalks where cafés were formerly prohibited. These cafés add to the vitality of street life without encumbering pedestrians or residents.

SIDEWALKS AND SIDEWALK SAFETY

Sidewalks are used for people to stroll, shop, or go to or from work. In the crowded streets of pedestrian malls, which are closed to vehicles, shoppers accept pedestrian congestion, and some walkers even enjoy it.

The sidewalks of New York City were originally designed for four- and five-

story buildings. They now accommodate forty-story towers. In fact, sidewalks have become smaller as the demands of motorized vehicles have grown. But certain vital arteries have congestion problems that can slow down the life of the City. On these streets, cafés are not viable options.

Sidewalk safety – There is a need to prevent situations that would be uncomfortable and downright dangerous to pedestrians. This need is especially great when sidewalk cafés, which consume large portions of the sidewalks, are imposed upon public thoroughfares already occupied by other obstructions.

CLEAR PATH REGULATIONS

8-foot clear path – All sidewalk cafés must maintain a minimum clear path of eight (8) feet between the outer limit of the café and any object near the curb, including the curbstone.

Larger clear path – When a sidewalk is wider than 16 feet, the amount of clear path that must be kept is the greater of half (50%) of the distance from the building to the curb line.

Obstructions – These are fixtures and sidewalk “furniture” that are placed on City streets, like fire hydrants, parking meters, traffic lights, mailboxes, benches, planters, and so on. These include fixtures installed by the City, Federal government, private business, and civic groups with City approval.

Weighted objects – Carpets, sandbags, or any other tripping hazard must never be placed upon a sidewalk.

Service aisle – A minimum 3-foot wait service aisle is required in all cafés (enclosed, unenclosed, and small unenclosed). The aisle is necessary to ensure that no public space is used by the café to service its clientele. It also makes sure that the café is disabled-accessible, as required by the Americans with Disabilities Act.

Everyone and everything used in the operation of the sidewalk café must be contained within the approved café space. Waiters cannot serve diners from the public sidewalk, only from the designated wait service aisle.

State Liquor Authority – If the applicant at any point holds a State Liquor Authority license to serve alcohol in the restaurant premises, the applicant must provide waiter service. The applicant must make sure the sidewalk café is kept clean and clear of any trash or refuse.



PLANS AND COORDINATED DISTANCES

All permanent items found on the surrounding sidewalk within 20 feet in either direction from the café must be displayed on the plans. This includes, but is not limited to, these items, which are otherwise known as **sidewalk furniture** when measuring for distances:

- Subway entrance (except flat end) 15'
- Sidewalk cafés (enclosed only) 15'
- Bus stop (with shelter at open end) 15'
- Other authorized object (over 15 square feet) 15'
- Fire hydrants/standpipes 10'
- Traffic lights 9'
- Telephone booths/kiosks 8'
- Mail boxes 8'
- Lamp posts 8'
- Street trees (from fencing and guards) 8'
- Bicycle racks (including all bicycles) 8'
- Benches (only for enclosed cafés) 5'
- Subway entrance/bus stop (at closed end) 5'
- All other legal street furniture (15 sq. feet or less) 5'
- Cellar door (unless closed, locked, and reinforced) 3'
- Transformer vaults 3'
- Subway grates 3'
- Siamese connections 3'

SIGN DISPLAY

DCA License – All applicants must prominently display their DCA Sidewalk Café license in the window or doors that look onto the street, so that inspectors, the public, and the local community will all be aware of the correct operating conditions.

Complaint Sign – Applicants must also display a complaint sign, so that any member of the public will know where to write or call about any problems with the café.

SET-UP REGULATIONS

Café Setup – The sidewalk café, when in use, must be set up with the same items that were approved by the Department of Consumer Affairs when the license was granted. Applicants cannot use unapproved hanging plants or plate and silverware “bus tubs” where dirty dishes can be stored. Storage is not allowed in an enclosed or unenclosed sidewalk café.

Table Count – Applicants may operate with fewer tables and chairs than the number DCA legally approved. However, applicants must state the maximum number of tables used. Businesses may not



operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.

Lack of courtesy to neighbors can lead to penalties. Tables and chairs must be quietly taken in for the night.

RAILINGS, FENCES, AND PLANTERS

All items must conform to the rules and regulations set forth by the City. All freestanding planters, fences, or railings must be:

- self-supporting
- no taller than 30 inches
- easy to remove from the sidewalk

These items are not permitted in small unenclosed cafés.

VALENCES, CANOPIES, AWNINGS, AND HEATERS

Certain items, such as permanently affixed canopies, may be allowed without a sidewalk café, but may require modification if a sidewalk café is to be added. With the exception of canopies approved by the New York City Department of Buildings or the Landmarks Preservation Commission, no items can extend over the edges of the café. This includes, but is not limited to, umbrellas and valances.

Portable gas heaters are permitted in unenclosed sidewalk cafés, subject to review and approvals by the Department of Buildings and the Fire Department.

OPERATING HOURS

Unenclosed and Small Unenclosed Sidewalk Cafes may be open:

Sunday: noon to midnight

Monday through Thursday: 8 am to midnight

Friday and Saturday: 8 am to 1 am

Enclosed cafés may be open **no more than 20 hours each day between 8am and 4am.**