

**RESCINDED BY
BUILDINGS BULLETIN 2023-007**

THE CITY OF NEW YORK
HOUSING AND DEVELOPMENT ADMINISTRATION
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: September 24, 1974

TO: Borough Superintendents

FROM: Jeremiah T. Walsh, P.E., Commissioner

SUBJECT: Sidewalk Cafes

Herewith forwarded are copies of sidewalk cafe guidelines reflecting the view of the various agencies involved in authorization of sidewalk cafes.

Pending an amendment to the Administrative Code, and subsequent promulgation of rules and regulations, you are to be guided by the following:

1. The design guidelines accompanying Chairman Zuccotti's memorandum of September 5, 1974 to the Board of Estimate shall be enforced by the Building Department.
2. A letter dated May 6, 1974 from former Planning Commission Chairman Elliott is superseded by the above.
3. The provisions of former Commissioner Stein's memorandum of May 18, 1973 shall continue in force.
4. Section C26-408.1(e), as enacted by Local Law No. 8/74, as well as all other pertinent provisions of the Building Code and Zoning Resolution, shall be complied with.
5. Building Notice applications shall be required to be filed for all sidewalk cafes. Applications for all enclosed sidewalk cafes, and open sidewalk cafes with awnings, shall be required to be filed by an architect or engineer, licensed to practice in New York State.
6. Sidewalk cafes located at a premises subject to a Board of Standards & Appeals variance for the portion of the premises in question, shall be required to be referred to the Board.

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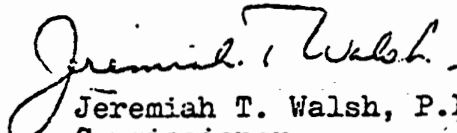
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7. All fire escape drop ladders, vault covers, and cellar or basement exits in the vicinity of the sidewalk cafe shall be shown on the plans. No awnings or other obstructions shall be placed with respect to any means of egress.

8. The exits shall be adequate for the total number of occupants of the primary use within the building (restaurant or cabaret) together with the occupants of the sidewalk cafe. When the total number of occupants of both spaces would increase the occupancy load to an excess of 75 persons, a separate door is to be provided for the sidewalk cafe area as well, if enclosed.

9. All existing sidewalk obstructions must be shown on plans, in order to ascertain compliance with the enclosed guidelines.

10. The enclosure wall of the building cannot be eliminated, although additional doors and windows may be authorized.


Jeremiah T. Walsh, P.E.
Commissioner

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