

Suspended WPAA Requirements in light of COVID-19

On June 27, 2020, Mayor Bill de Blasio temporarily suspended certain zoning provisions pertaining to privately owned or leased waterfront public access areas (“WPAA”) by [Emergency Executive Order No. 128](#). The suspension aims to assist eating and drinking establishments, retail establishments, and commercial buildings rebound and reopen after COVID-19 closures, while encouraging physical distancing, and it is subject to owners’ compliance with the protocols set forth herein.

For the duration of the emergency executive order, and as detailed below, DCP is permitting temporary uses to occur within WPAA such as private outdoor dining areas, installation of shade structures, signage related to COVID messaging, and retail merchandizing stands. Circulation paths within WPAA may be slightly narrowed to accommodate outdoor dining areas. As provided below, the owner of a WPAA must inform DCP and the Department of Parks and Recreation (“DPR”) of any changes proposed for a WPAA, and all such changes must be in compliance with the DCP Protocols outlined below.

Upon expiration or lifting of the emergency executive order, all temporary uses and structures within a WPAA associated with the executive order must be removed, and the space must be restored to its compliant state.

Required Notification of Changes to DCP and DPR

Before any temporary changes are made to a WPAA pursuant to [Emergency Executive Order No. 128](#) and these Protocols, property owners or authorized representatives must send DCP and DPR a notification of changes, consisting of:

1. A written description detailing the changes and confirming compliance with these DCP Protocols, along with a statement attesting that “the insurance coverage required to be maintained for the subject property, pursuant to the approval of the waterfront public access area by the City Planning Commission or the Chairperson thereof, is sufficient to cover these changes to the subject property made in accordance with Emergency Executive Order 128.”
2. A site plan of the WPAA, drawn to scale, clearly delineating the area(s) where changes have been made. The site plan should ideally be based on existing, approved WPAA site plans; however, the agencies will accept alternatives, provided they are drawn to scale and clearly identify the areas where changes have been made. Site plans do not need to be signed and sealed by a licensed professional.

Notifications should be emailed to DCP and DPR, together, at WPAA@Planning.nyc.gov.

Hours of Operation

WPAA's are required to remain open for their approved hours of access. WPAA's remain critically important for all New Yorker's access to open space and fresh air during this time.

COVID-19-related Signage

Additional signage related to COVID-19 messaging is permitted within a WPAA to remind users to follow current health guidance and executive orders. Signs are also permitted to describe any cleaning protocols occurring within the WPAA. All public health and safety information provided on signs must be consistent with State and City guidelines. [Here is some example signage from the Department of Health and Mental Hygiene.](#) Signs may not assign or detail responsibility for health risks, or possibility of contracting COVID-19 related to use of a WPAA.

Required Amenities

Fixed Seating

All required seating must physically remain in the WPAA. Temporary signage may be installed to promote physical distancing and remind users to adhere to such rules while within the space.

Moveable Tables and Chairs

Any required moveable tables and chairs must continue to be provided and accessible. They are permitted to be relocated within WPAA areas not specified on approved plans to allow for physical distancing. They should not be located within 5 feet of any building entrance or within any circulation paths.

Drinking Fountains

Drinking fountains shall be operable and accessible unless otherwise restricted by DPR and/or Department of Health and Mental Hygiene ("DOHMH") guidelines.

Play Areas

Play areas and playgrounds shall be open and accessible unless otherwise restricted by DPR and/or DOHMH guidelines.

Restaurants, Cafes and Retail Establishments Adjacent to WPAA

Private Outdoor Dining Areas

Restaurants and cafés may expand into adjacent WPAA to increase seating capacity for the duration of the emergency order, as detailed below. Private outdoor dining areas must not impede the general public's use of a WPAA and not occupy any required circulation paths beyond the permitted reductions below. Private outdoor dining areas must be located directly adjacent to serving establishments for appropriate monitoring of dining areas and to minimize service pathways encroaching into a WPAA.

The following protocols apply to private outdoor dining areas:

- The outdoor dining area should be located directly adjacent to the restaurant, café, or other serving establishment.
- The outdoor dining area must not obstruct any required circulation paths, which may be reduced to a minimum clear width of 8 feet.
- No furnishings are permitted within 5 feet of building entrances that are not associated with the restaurant, café, or other serving establishment.
- No furnishings are permitted within any required planted areas, including lawns.
- The outdoor dining area must not occupy more than 1/3 of any street frontage, if located along a street edge.
- The outdoor dining area may contain temporary, substantially transparent, easily movable barriers to delineate the dining area.
- One outdoor dining area is permitted per restaurant, café or other serving establishment.
- Temporary shade structures, such as umbrellas, may be provided so long as structures are unenclosed on all sides and consist of a fabric covering and do not impede required circulation paths.

Retail

Retail stores that front a WPAA may temporarily occupy an area of a WPAA to be used for merchandizing, point of sale or product pick-up activities.

The following protocols apply:

- The merchandizing area must be directly adjacent to the associated retail store.
- The merchandizing area must not obstruct any required circulation paths .
- The merchandizing area may contain temporary shade structures and other apparatus necessary to conduct retail merchandizing.

Addition of Public Movable Tables and Chairs

Additional publicly accessible moveable tables and chairs beyond what are shown on approved plans may be temporarily placed in WPAA. Movable tables and chairs should be arranged by users to maintain required physical distances and can be used for variety of purposes, including to enjoy take-away food and beverages from nearby restaurants and cafes.

Furnishing protocols:

- All furnishings shall be moveable and made of high quality and durable materials.
- Tables and chairs shall not be chained, fixed, or otherwise secured during the hours the WPAA is required to be open to the public and may be stored or secured during the hours the WPAA may be closed to the public.

No furnishings, including storage of furnishings, shall be permitted within 5 feet of any building entrance, nor shall they be permitted within any required circulation paths.

Contact

If you have a question not addressed by the DCP Compliance Protocol for WPAA, please email WPAA@Planning.nyc.gov

For Press inquiries please email press@planning.nyc.gov

For more information about COVID-19 and a guide on how to stay safe please visit www.nyc.gov/coronavirus