

# PERMANENT OPEN RESTAURANTS TEXT AMENDMENT

This presentation was given to the City Planning Commission on June 21st, 2021. A video recording of the presentation can be accessed at the following link: <https://www.youtube.com/watch?v=157G2BmBPQE>

# 3 main actions are needed to facilitate the future program:

1

## Removal of Locational Prohibitions

Via Zoning Text Amendment

- Expand universe of allowed geographies for sidewalk cafes
- Removing other zoning text that enables sidewalk cafes
- Grandfathering existing enclosed cafes

2

## Changes to the Sidewalk Café Program

Via Local Law & CAPA

- Transfer's control of sidewalk cafes to DOT, enabling a unified program
- Revise design requirements and streamline lengthy design review
- Creates new clear path requirements and waivers to protect pedestrian right of way

3

## Creation of a Roadway Café program

Via Local Law & CAPA

- Establish siting rules, guidelines, fee structure, and application review process for new program

# Zoning Proposal

- Deleting ZR, Article 1, Chapter 4 in its entirety – effectively removing all zoning locations restrictions on sidewalk cafes;
- Removing any language that prevents sidewalk cafes in Special Districts;
- Removing rules around enclosures, operable windows, sidewalk widenings, that would preclude or limit outdoor dining under the Open Restaurants program
- Other definitional/reference cleanup to enable the above.

**How this will affect Sidewalk Cafes:** Allows any restaurant anywhere in city can potentially apply to DOT for a sidewalk café, based on its sidewalk conditions

# Background: 27,000 Restaurants in NYC (as of March 2020)



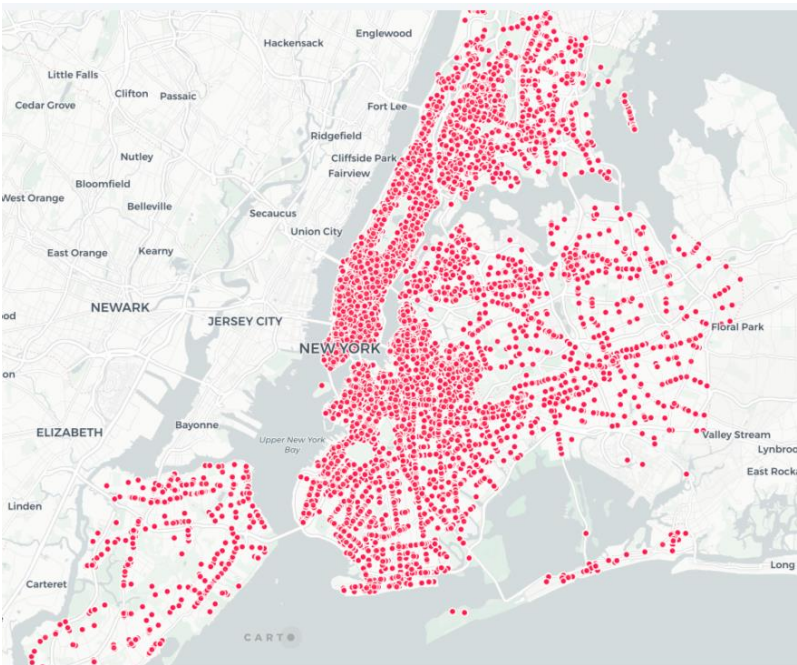
Juniors, Brooklyn. Photo Credit: NYMag



Goodfellas, Staten Island Photo Credit: unknown



Casa Enrique, Queens. Photo Credit: unknown

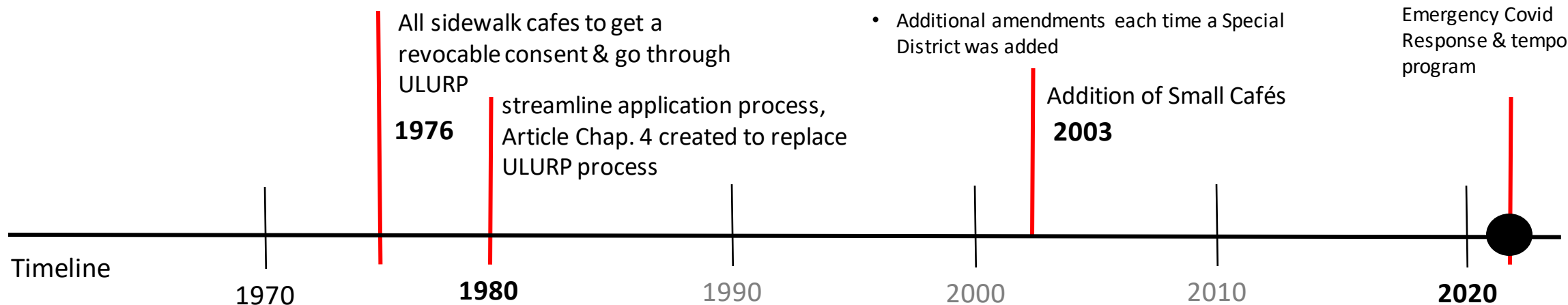


Neerob, Bronx. Photo Credit: NYTimes



'Jing Fong' in Chinatown,. Photo Credit: Business Insider

# Background: History of Sidewalk Café in NYC



# Pre-COVID: Eligible Sidewalk Café Locations

## Unenclosed Sidewalk Café



- 8' clear path, or 50% of sidewalk
- Max 2'-3' fence or barrier
- Siting Criteria from street infrastructure
- Any furniture or shading must be removable

## Small Unenclosed Café



- Located in higher volume areas
- 4'-6" depth for café space

## Enclosed Sidewalk Café



- 8' clear path, or 50% of sidewalk
- Requires 50% of wall to be transparent
- Distance from other enclosed cafes must be 15' to 40'

# Pre-COVID: Eligible Sidewalk Café Locations

Small Only



Specifically Prohibited



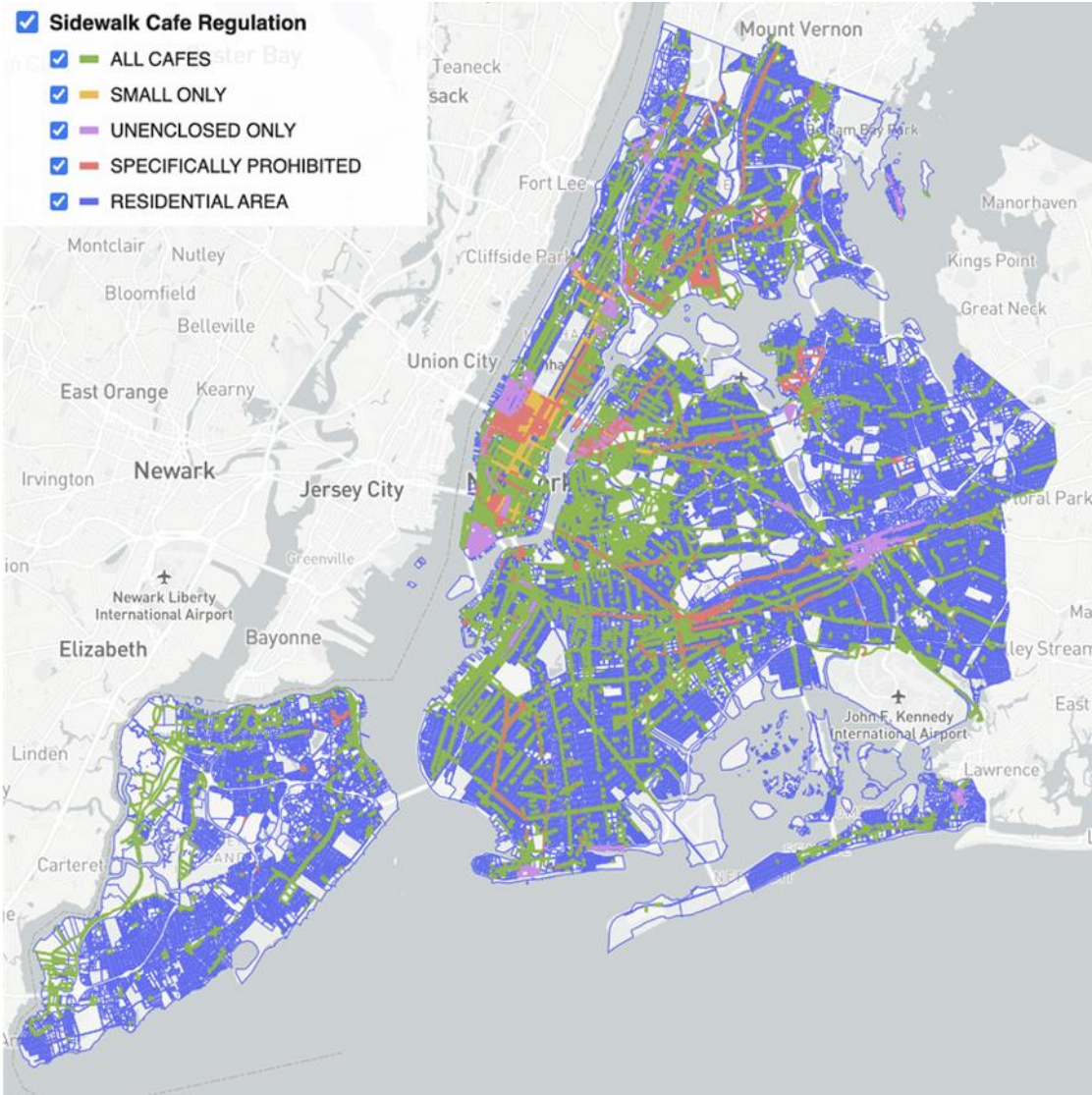
Unenclosed Only



Residential Areas



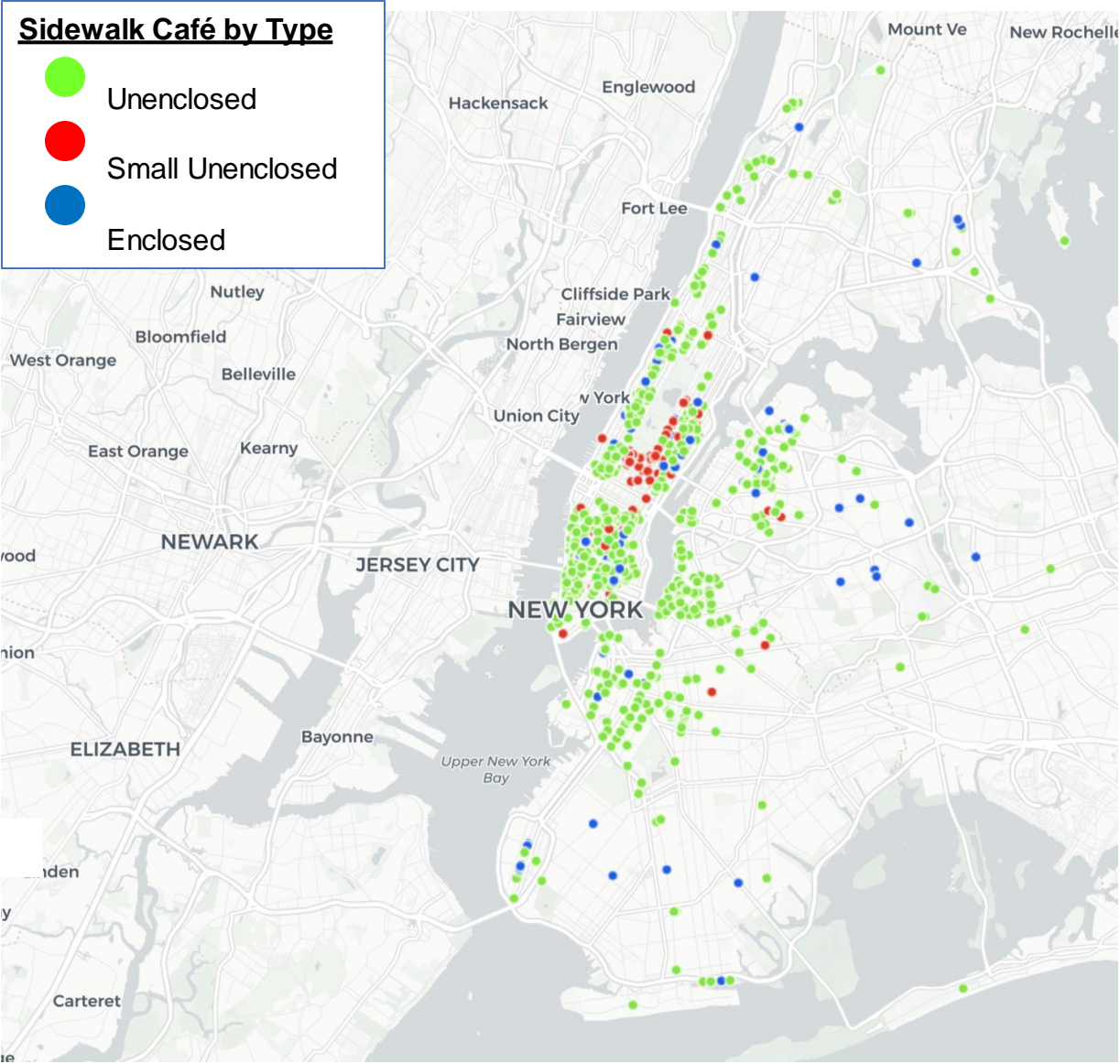
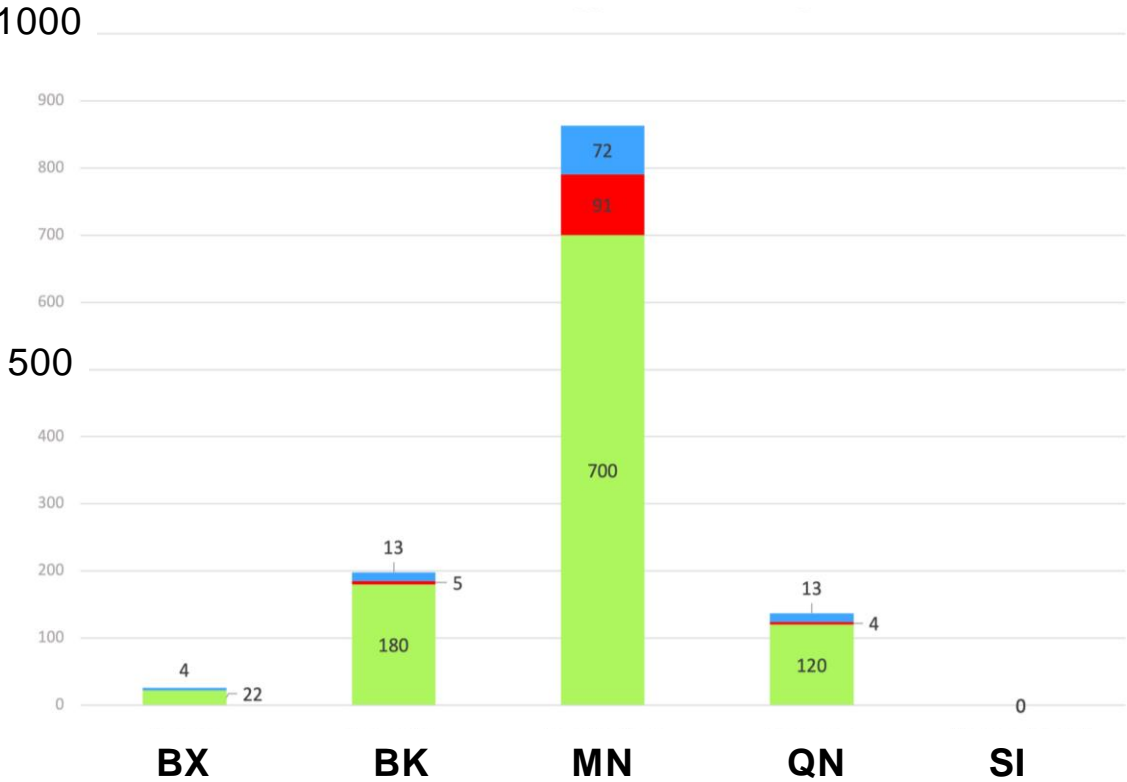
All Cafés



Visit the details at [zola.planning.nyc.gov](https://zola.planning.nyc.gov)

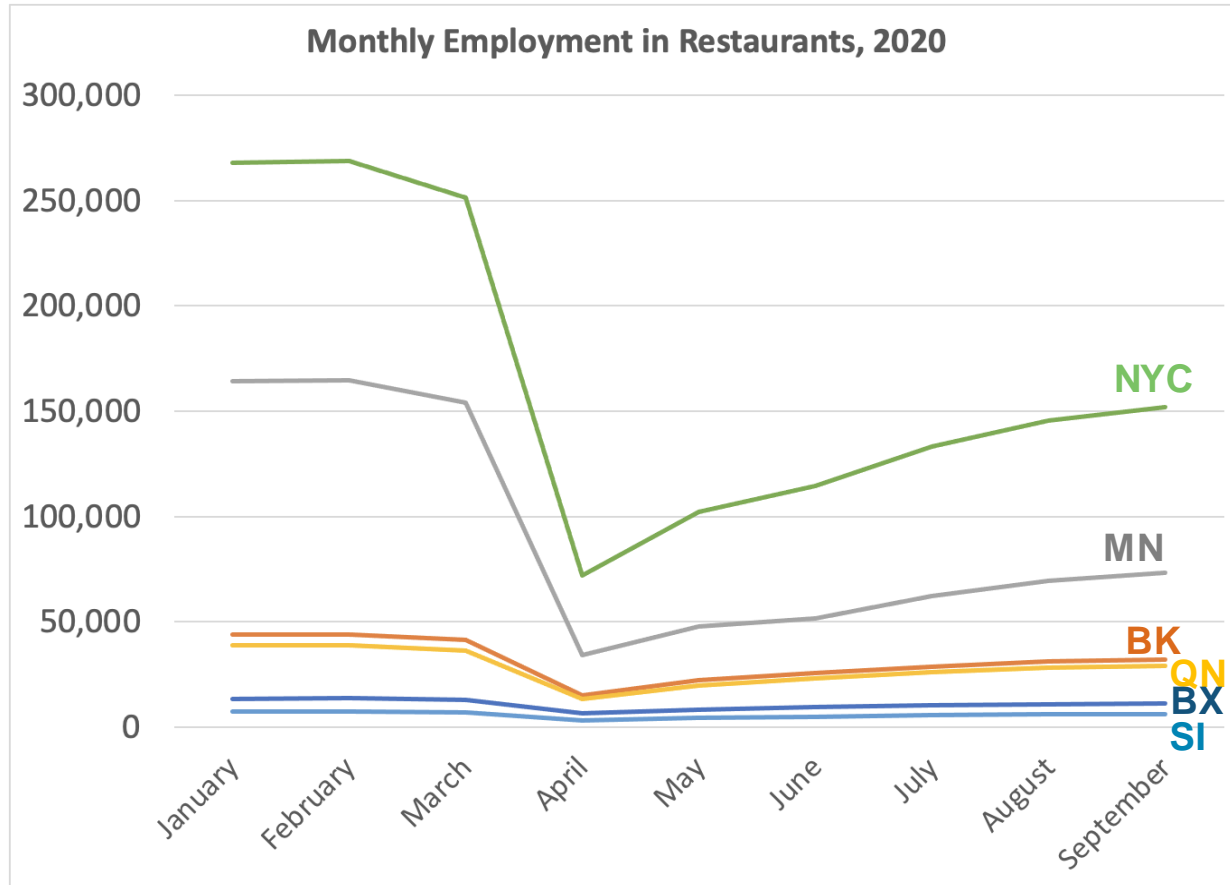
# Pre-COVID: Sidewalk Café Locations

Sidewalk Café type per Borough



# COVID-19 Pandemic and the Effect on the NYC Restaurant Industry

Employment in the sector dropped a total of **64%** from Q1 2020 to Q2 2020, with losses concentrated in Manhattan



Photograph: @stuffbeneats

**60 notable NYC restaurants and bars that permanently closed over the last year**

# Suspension of Zoning & Dining Rules to allow Open Restaurants

Executive Order 126, in effect as of June 18th 2020, suspended:

- All Zoning Resolution text related to sidewalk café regulations and facilitating outdoor dining
- Admin Code rules requiring application and procedures to obtain outdoor café licenses through DCWP
- Street sweeping rules and other associated street rules to allow roadway dining

<https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eo-126.pdf>



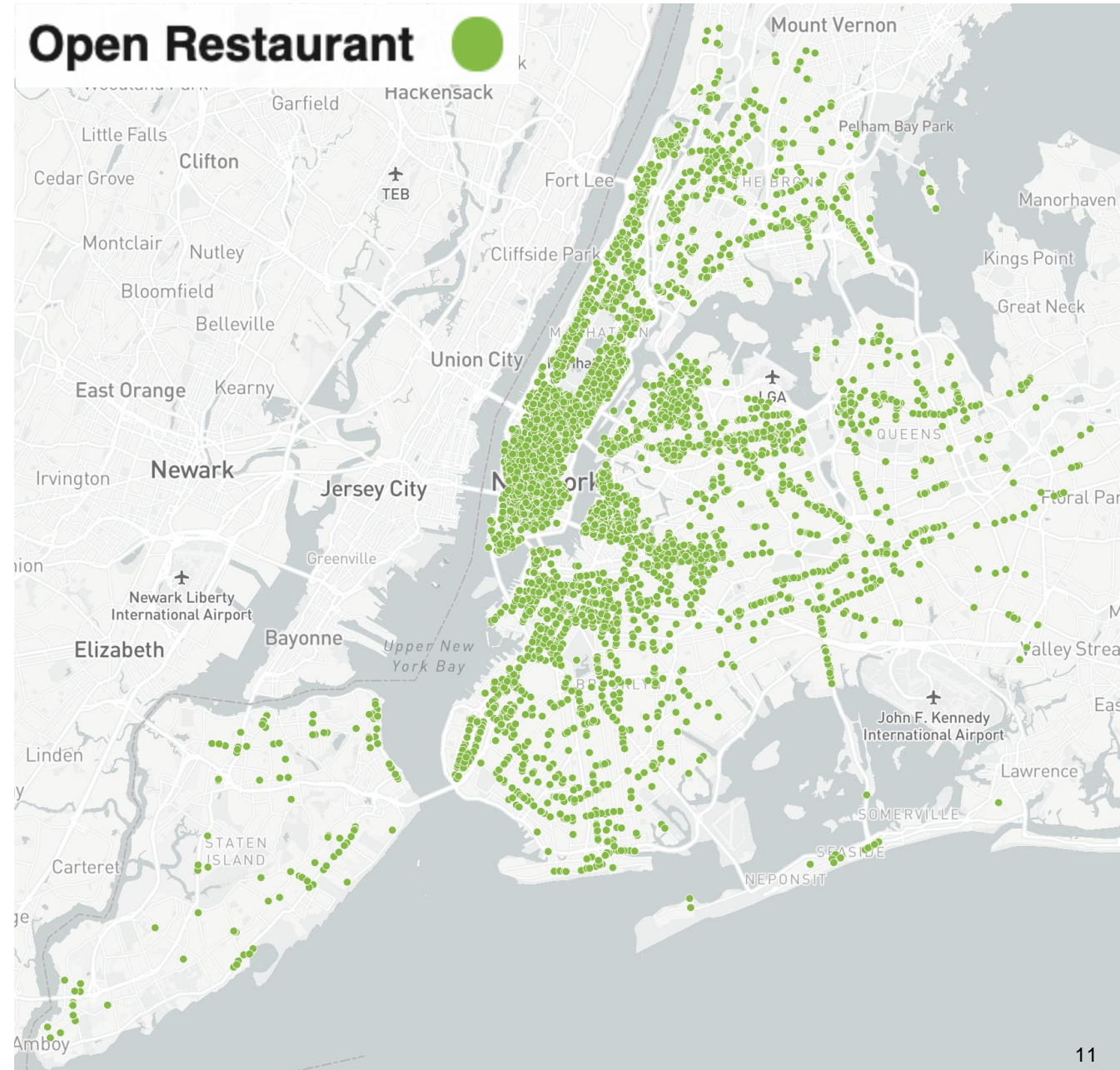
# Citywide use of Open Restaurants

## KEY STATS

**11,500** Restaurants participated

Including **5,920** Restaurants outside Manhattan

**10,000** Restaurants used the sidewalk



# Emergency Open Restaurant Program

**"It has been a lifesaver,"** said Peter Madonia, the chairman of the Belmont Business Improvement District, who expects most of the restaurants to continue to offer outdoor dining in the winter and beyond.

**"It was a game changer for us in terms of making sure the fabric of our community – the restaurants and retail stores – are vibrant again."**

- NY Times quote September 2021



# Sidewalk Cafes are limited by Zoning

- In 2020, over 2,500 restaurants participated in outdoor dining that would not have been eligible or limited in some way.
- The Zoning proposal will allow for sidewalk cafes in these areas if they can meet the sidewalk conditions.

## Sidewalk Cafes are limited by zoning if:



### Specifically Prohibited

Certain special districts   Commercial mid-blocks  
Under elevated rail lines   Other high traffic areas

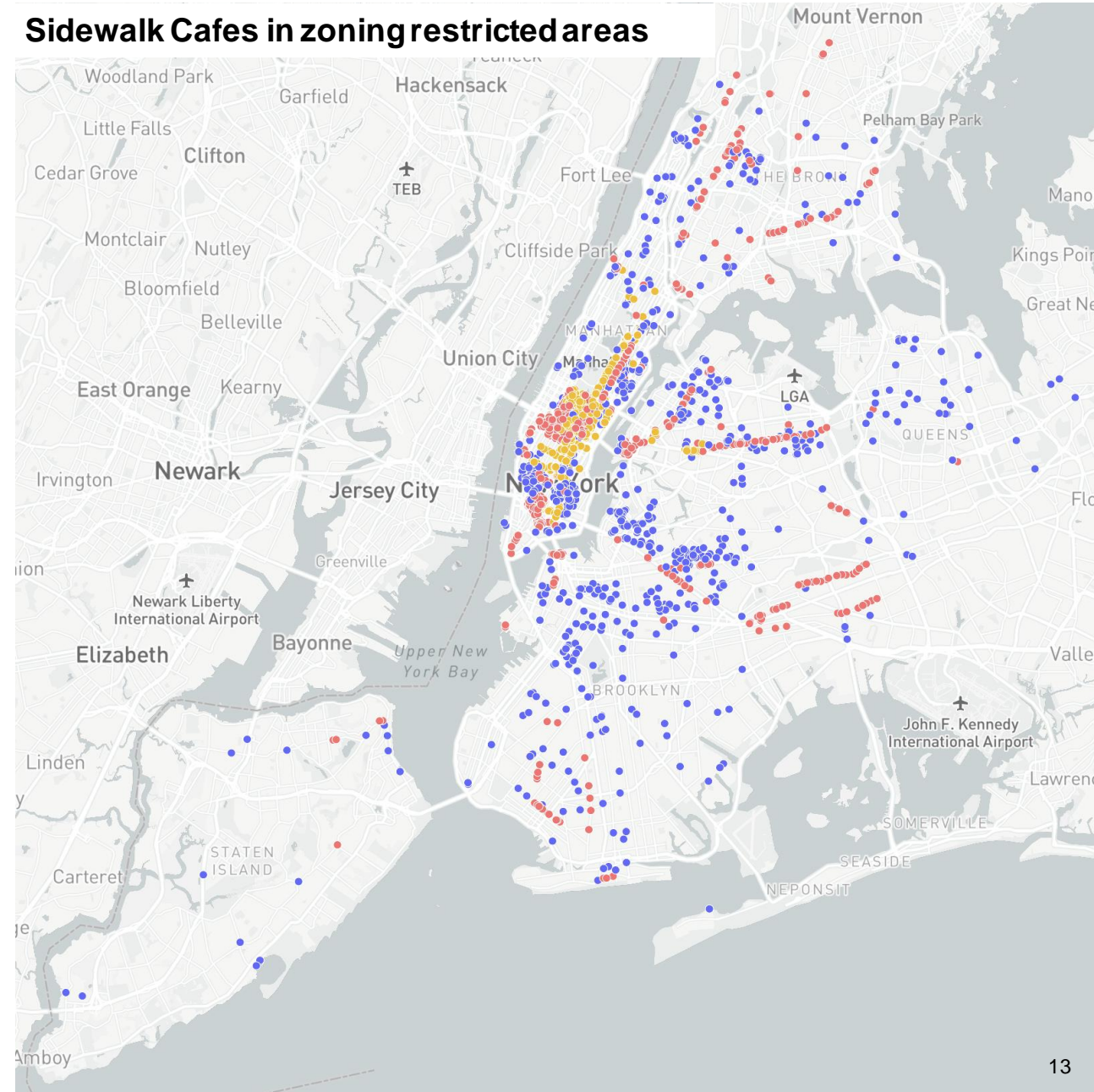


### Grandfathered restaurants in residential districts



### Limited by small café designation

## Sidewalk Cafes in zoning restricted areas



## Under Elevated Railways



Certain Special Districts



Love and Dough, DUMBO



El Gran Mar de Plata, East New York

## Certain central business district areas



## Grandfathered restaurants in Residential Districts



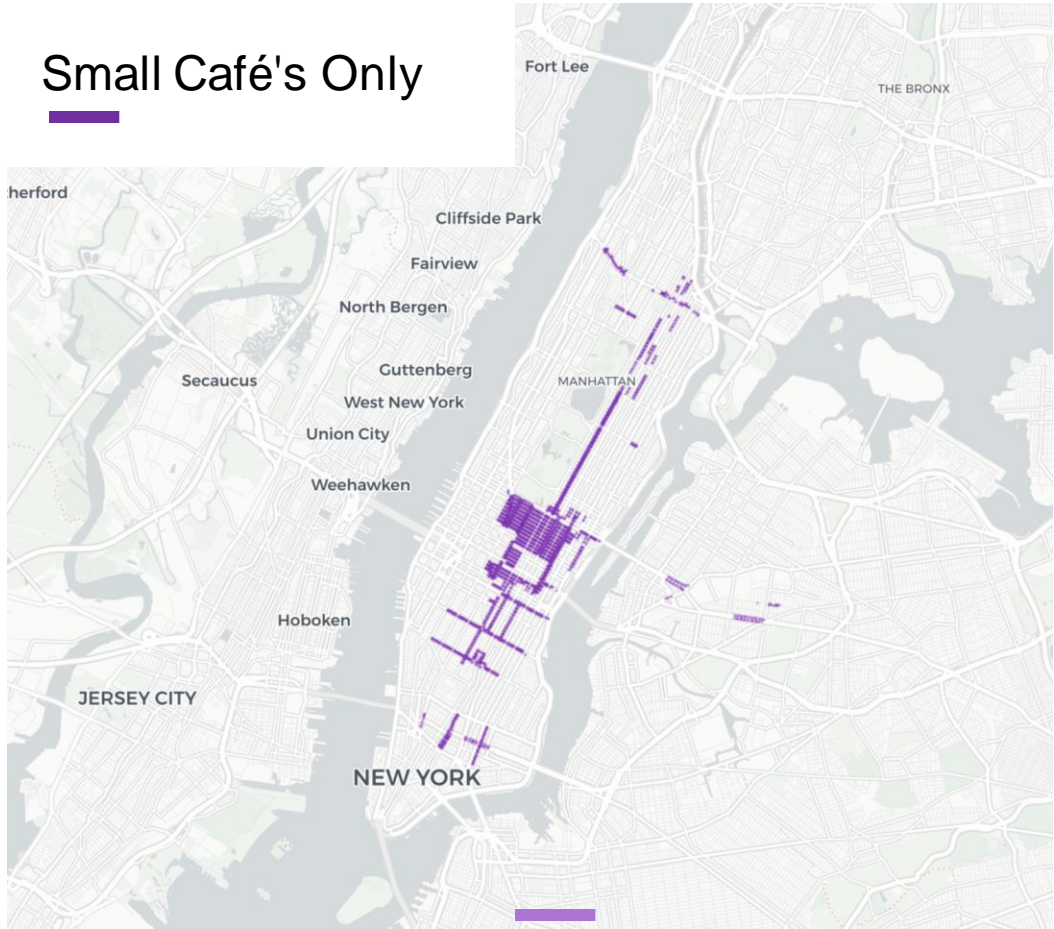
# Simplifying Café Types: Small Cafes



Osteria Laguna, Midtown East Manhattan

Areas where small cafes only were allowed:

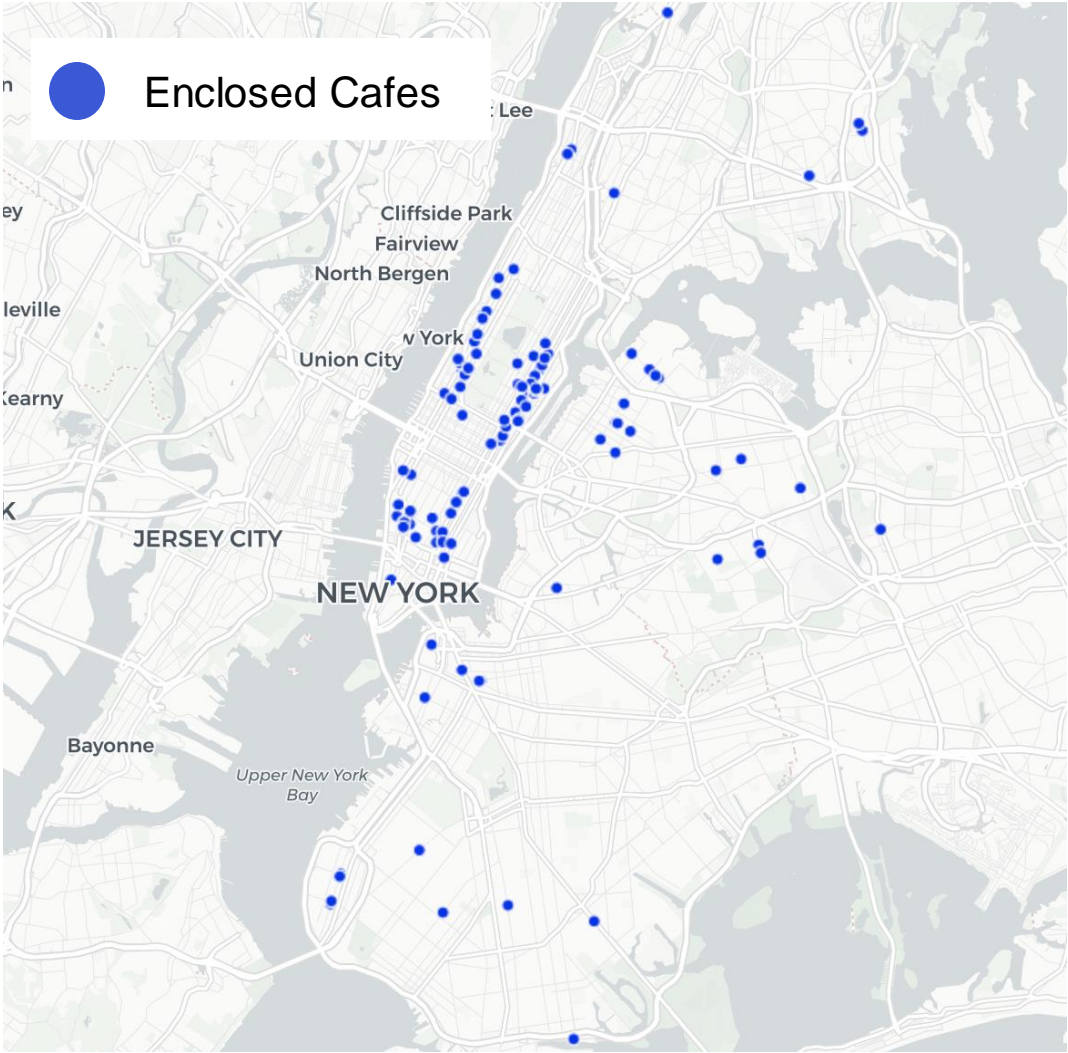
Small Café's Only



# Simplifying Café Types: Enclosed Cafes



West Side Restaurant, UWS Manhattan



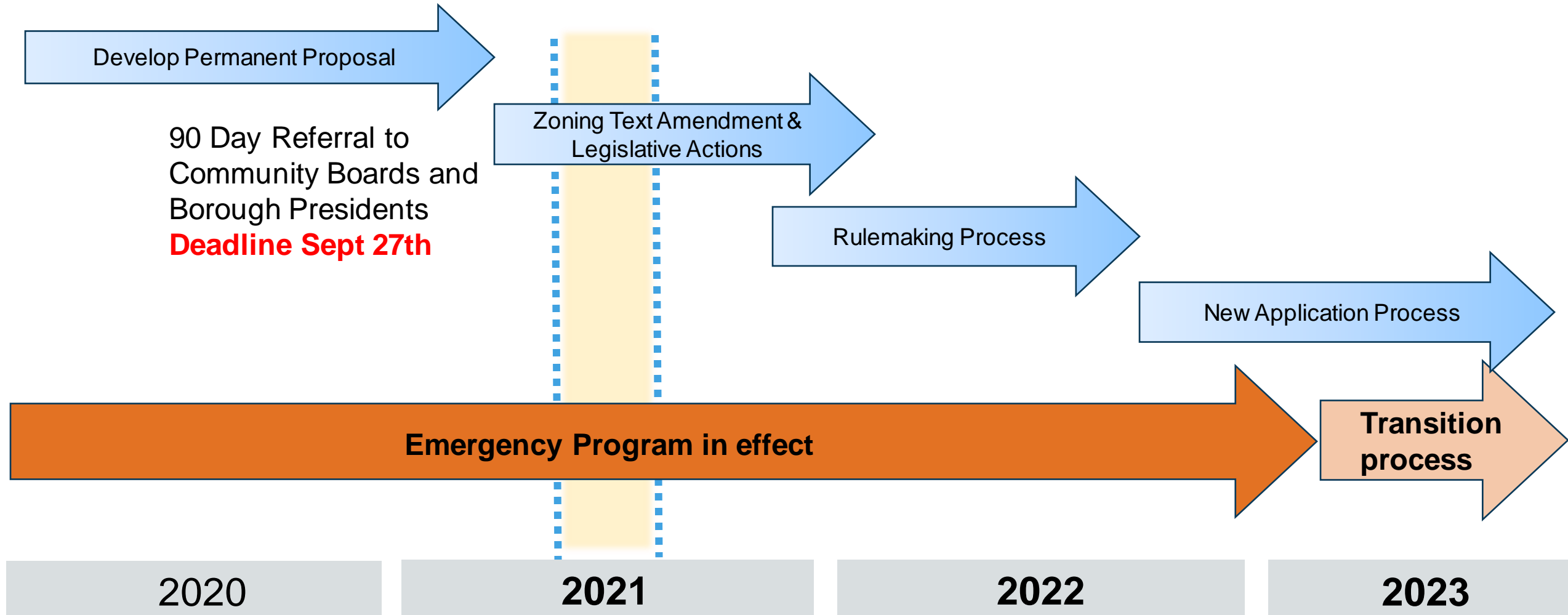
# Other Zoning Text Technical Cleanup

1. Definitions and Cross references
2. Removing text that precludes operable windows that service outdoor restaurants
3. Removing enclosure provisions in certain text
4. Clarifying sidewalk widening text to ensure no conflict with Open Restaurants



*Barboncino, Crown Heights Brooklyn*

**Multiple legal steps will be needed to enact the full permanent program –**  
with the emergency program remaining in effect and allowing restaurants  
to maintain their spaces uninterrupted through at least winter 2022



# Questions

