



PERMANENT OPEN RESTAURANTS

SPRING 2021

During the summer of 2020, New York City suspended existing rules to allow restaurants to serve diners outdoors on an emergency basis

The temporary program:

- Helped save almost 11,000 restaurants and an estimated 100,000 jobs by allowing establishments to continue serving outdoors, on the roadway, sidewalk, or both
- Was cheap and easy to access
- Eliminated a lengthy design review process
- Re-envisioned how streets can be used throughout all five boroughs



After a massively successful summer, the Mayor announced in September 2020 that Open Restaurants would be permanent and year-round

A permanent program requires a series of different legal changes:

- Local Law to establish the program's authority under the Department of Transportation (including LL 2127-a of 2020)
- A Zoning Text Amendment to allow more locations to be eligible for a sidewalk café
- Agency Rulemaking to establish all the design, application, process specifics

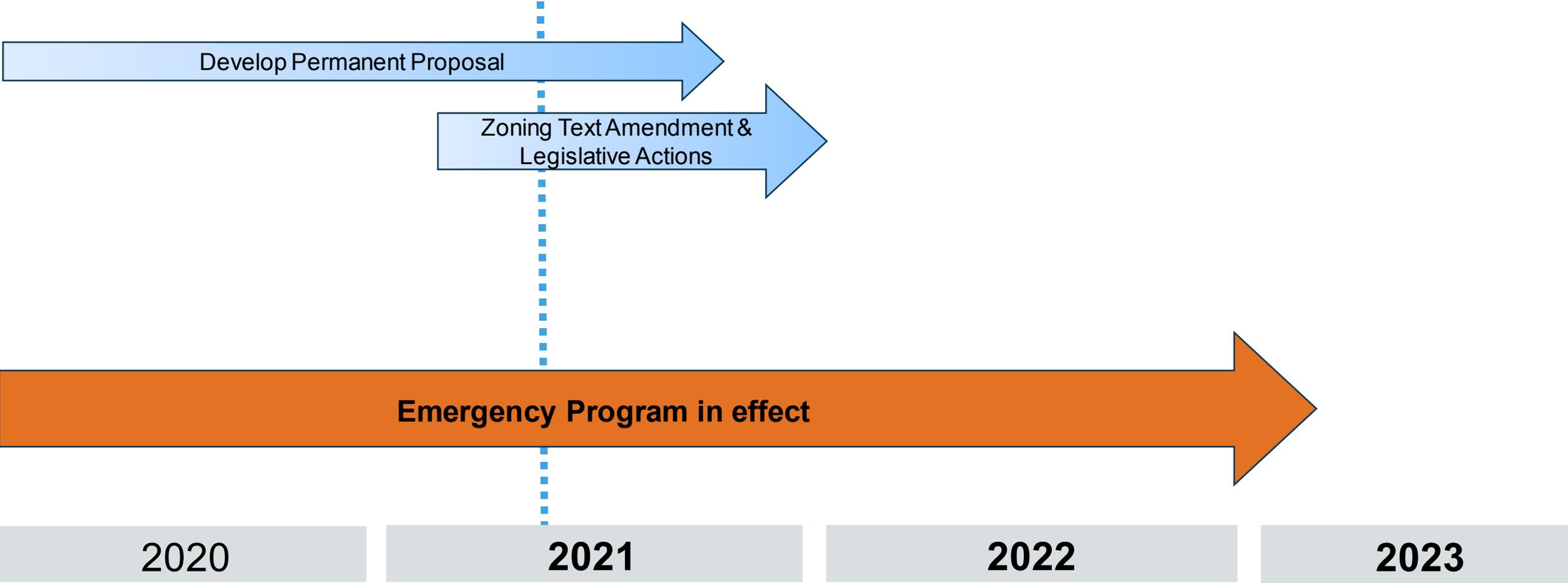
De Blasio: NYC Outdoor Dining Will Become "Permanent And Year-Round"

BY BEN YAKAS
SEPT. 25, 2020 12:15 P.M. • 242 COMMENTS

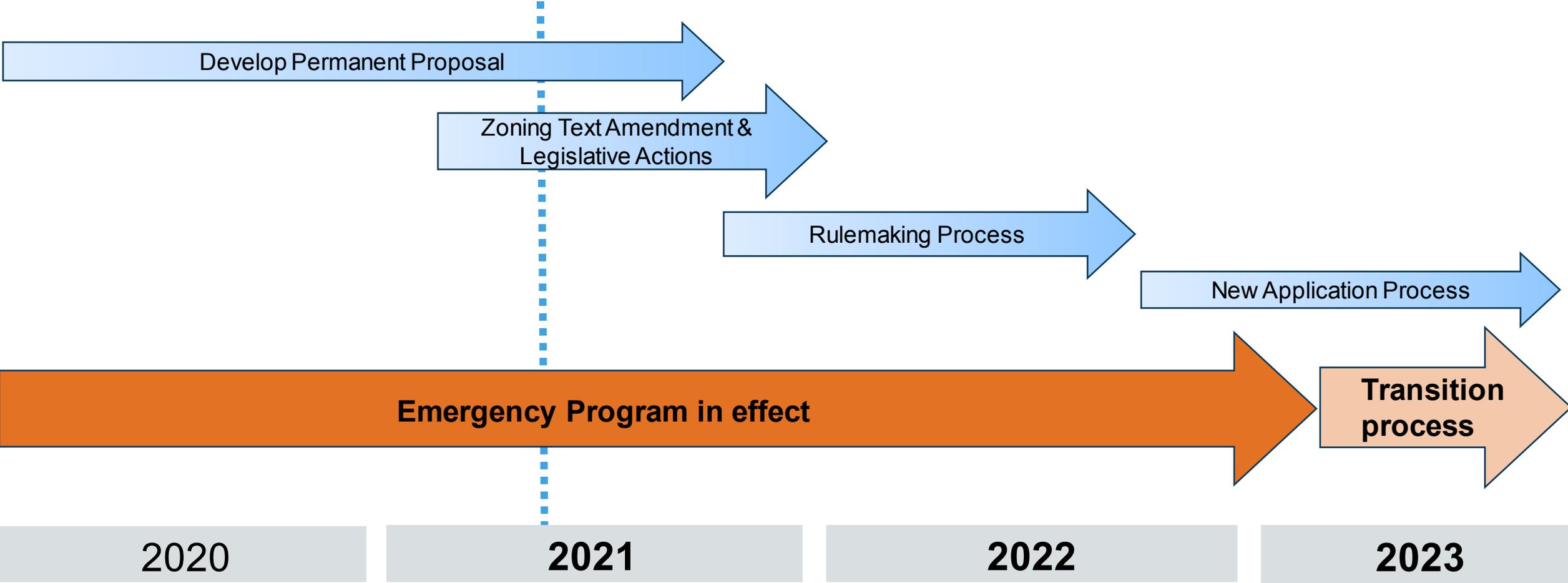


SCOTT LYNCH/GOTHAMIST

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



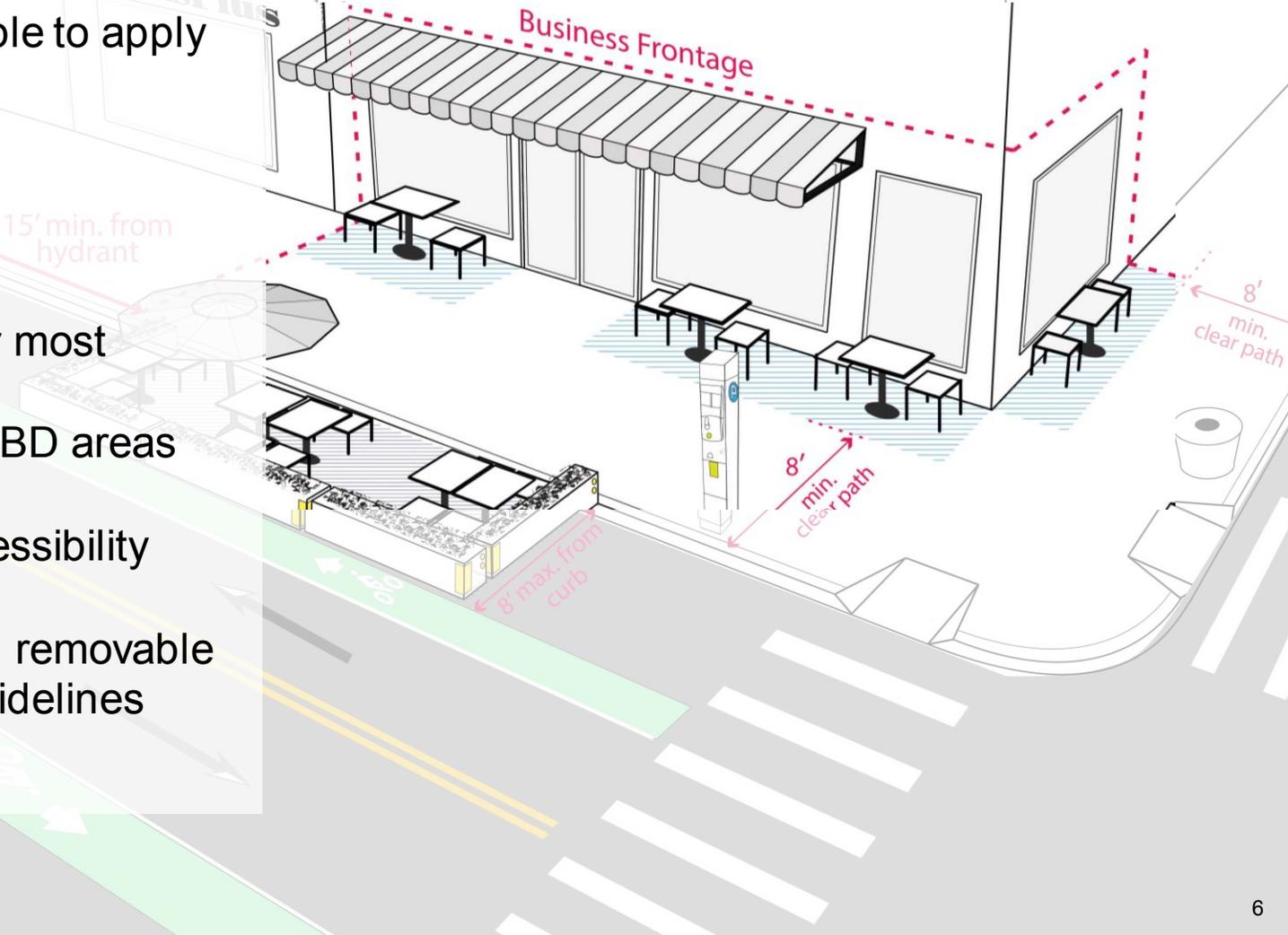
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The Permanent Open Restaurants program will continue to offer both types of seating:

Sidewalk Seating

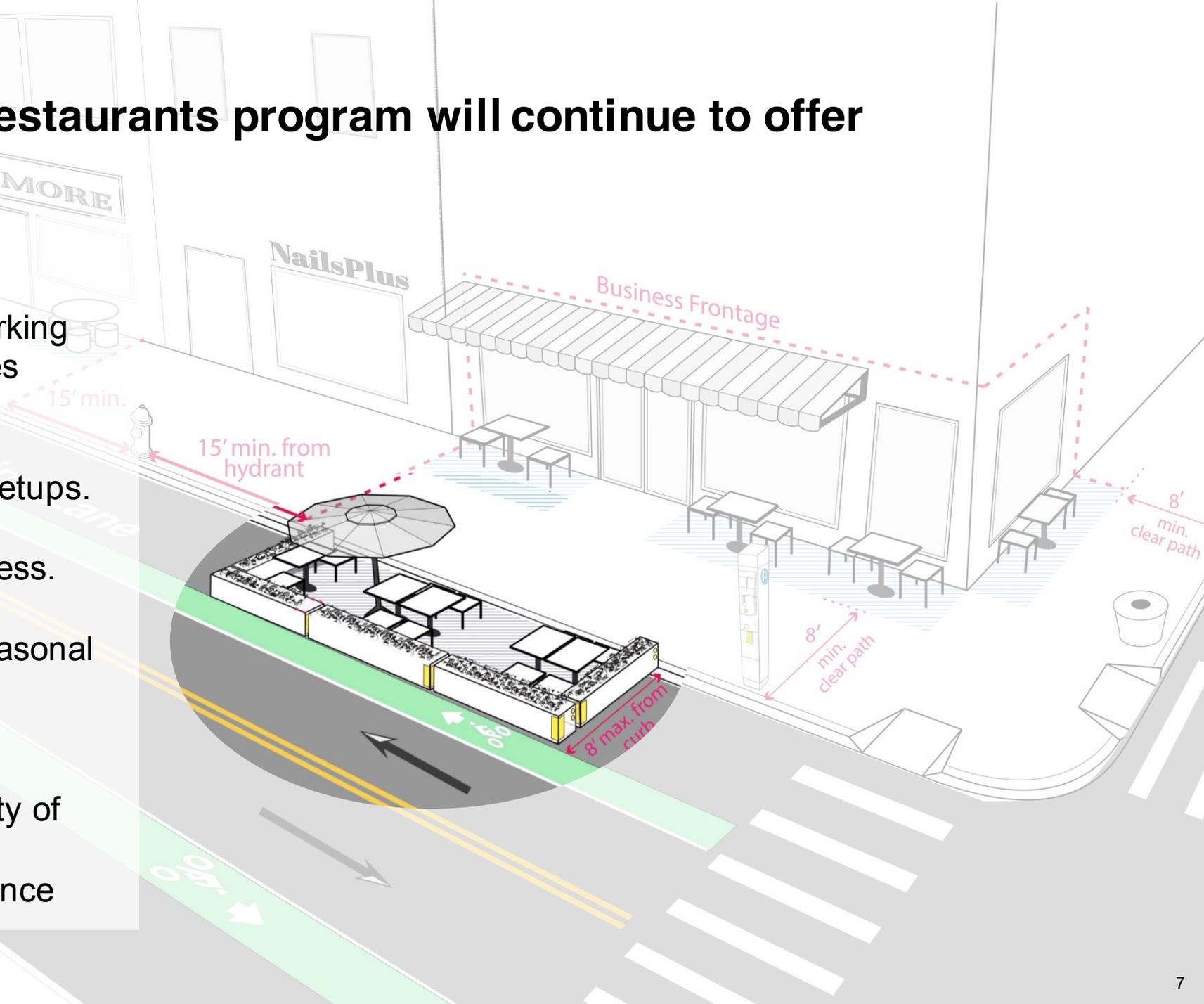
- All restaurants with ground floor space eligible to apply for year-round access
- Seating will be against the building, except where blocking standpipes, access points
- Subject to 8'/50% clear path requirement for most locations
 - 12' supplemental requirement in CBD areas
 - Waiver available for restaurants demonstrating accessibility and pedestrian needs can be met
- Anticipated to be generally unenclosed, with removable setups & ADA compliant. Specific design guidelines developed in rulemaking process



The Permanent Open Restaurants program will continue to offer both types of seating:

Roadway Seating

- Setups allowed citywide in parking lane except in prohibited zones
- Anticipated to be generally unenclosed, with removable setups. Specific design guidelines developed in rulemaking process.
- Anticipated to be generally seasonal in nature to allow for critical infrastructure work as needed
- Maintain public safety (visibility of traffic safety signs, access to hydrants, etc) & ADA compliance



3 main actions are needed to facilitate the future program:

1

Removal of Locational Prohibitions through Zoning

- Expand universe of allowed geographies for sidewalk cafes
- Gets zoning out of the way – allowing for streamlined review by DOT for sidewalk conditions
- Removing other zoning text that enables sidewalk cafes
- Grandfathering existing enclosed cafes

2

Changes to the Sidewalk Café Program

- Transfers control of sidewalk cafes to DOT, enabling a unified program
- Eliminating lengthy design review for sidewalk cafés
- Creates new clear path requirements and waivers to protect pedestrian right of way while allowing restaurants flexibility

3

Creation of a Roadway Café program

- Establish design guidelines, season, fee structure, and application review process for new program
- Requires Local Law & Rulemaking

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Pre-COVID: Eligible Sidewalk Café Locations



Unenclosed Sidewalk Café

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



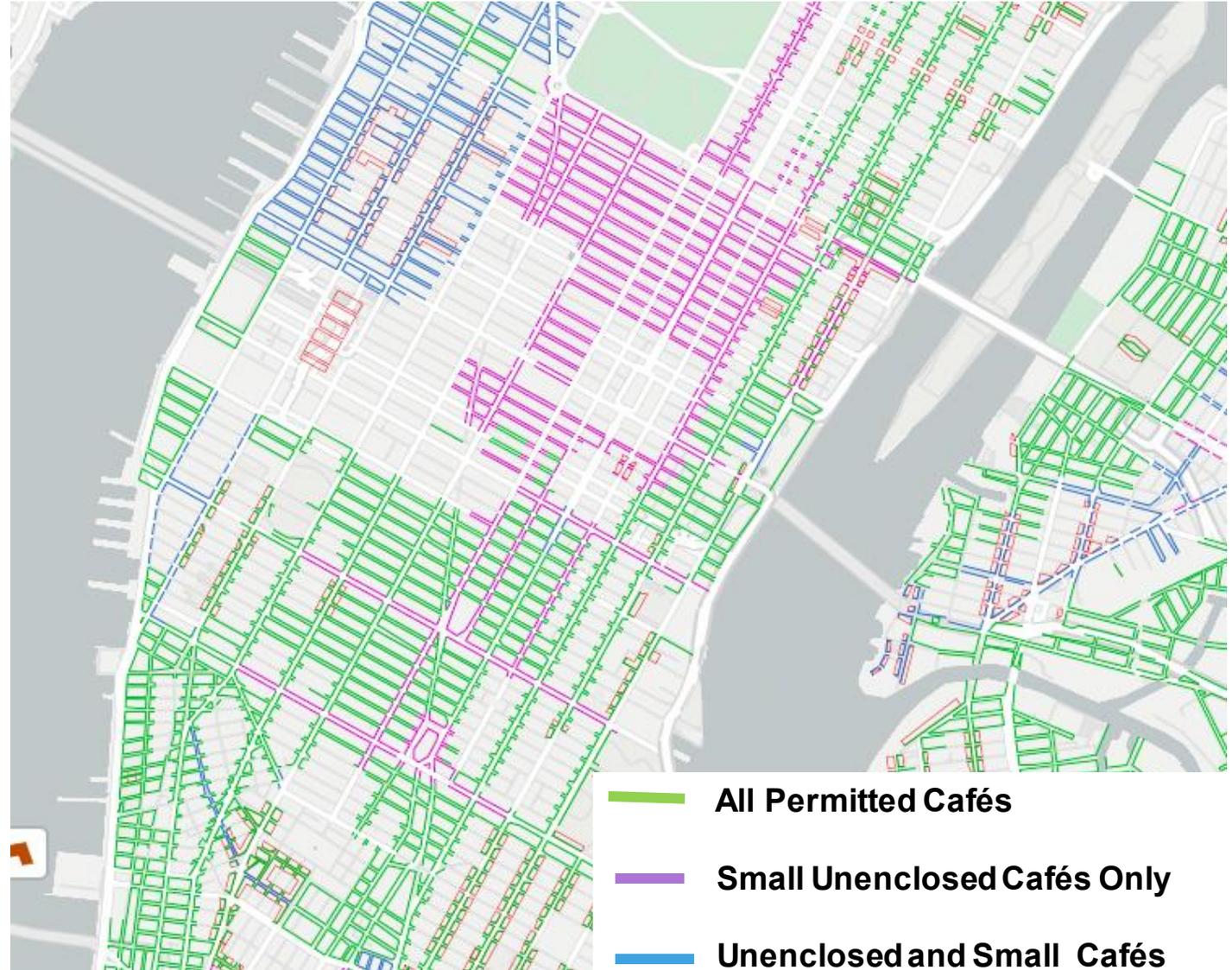
Small Unenclosed Café

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



Enclosed Sidewalk Café

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



Proposed Newly Eligible Sidewalk Café Areas



Residential areas

Locanda Vini & Olii, Clinton Hill

- Commercial mid-blocks
- Certain special districts
- Under elevated rail lines
- Other CBDs
- Grandfathered restaurants in residential districts



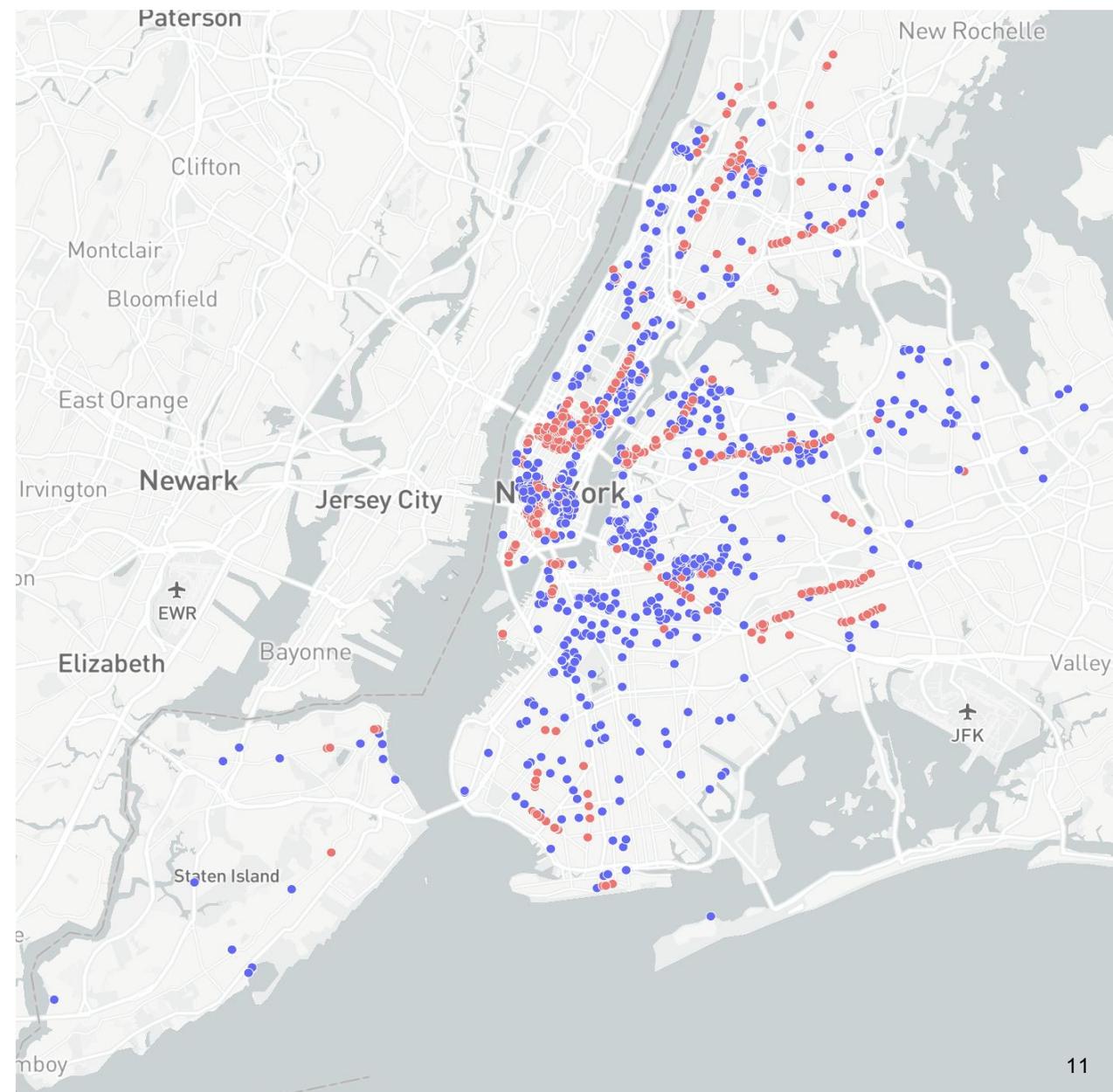
Under elevated rail lines

L'imprimerie, Bushwick



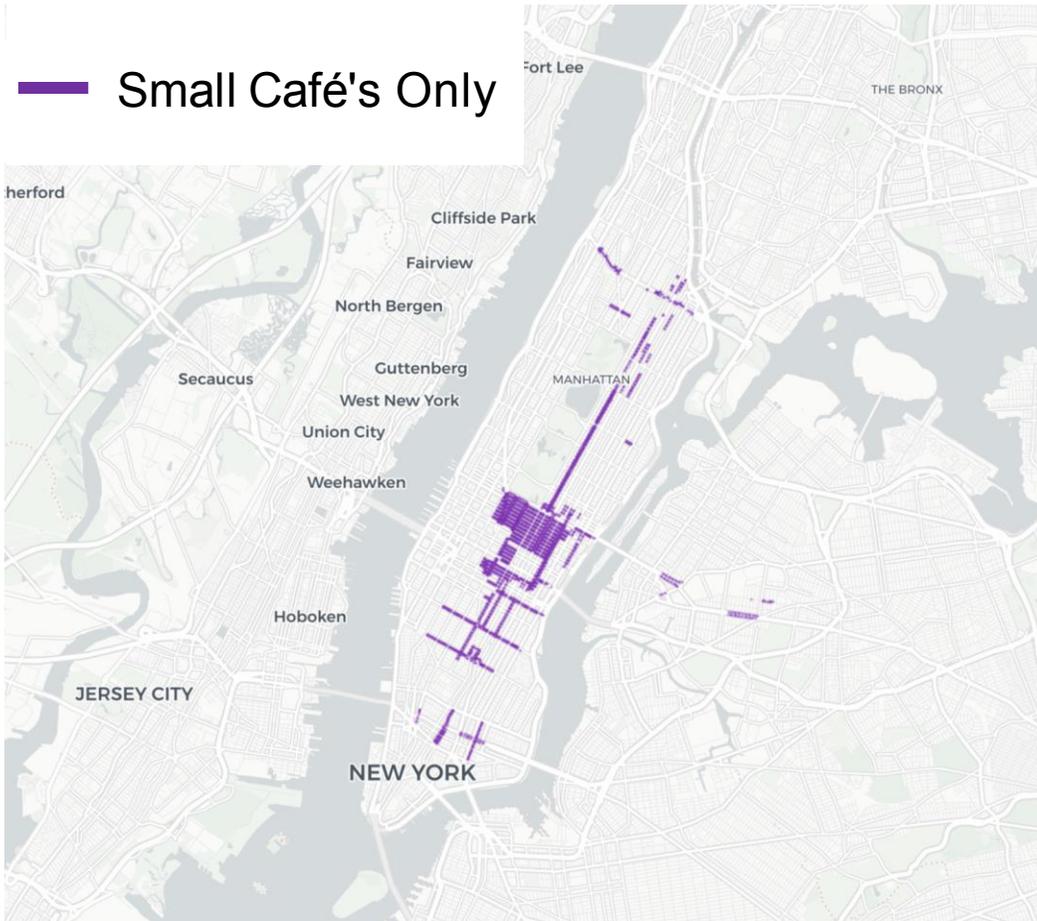
Certain special districts

Broome Street Bar, Soho



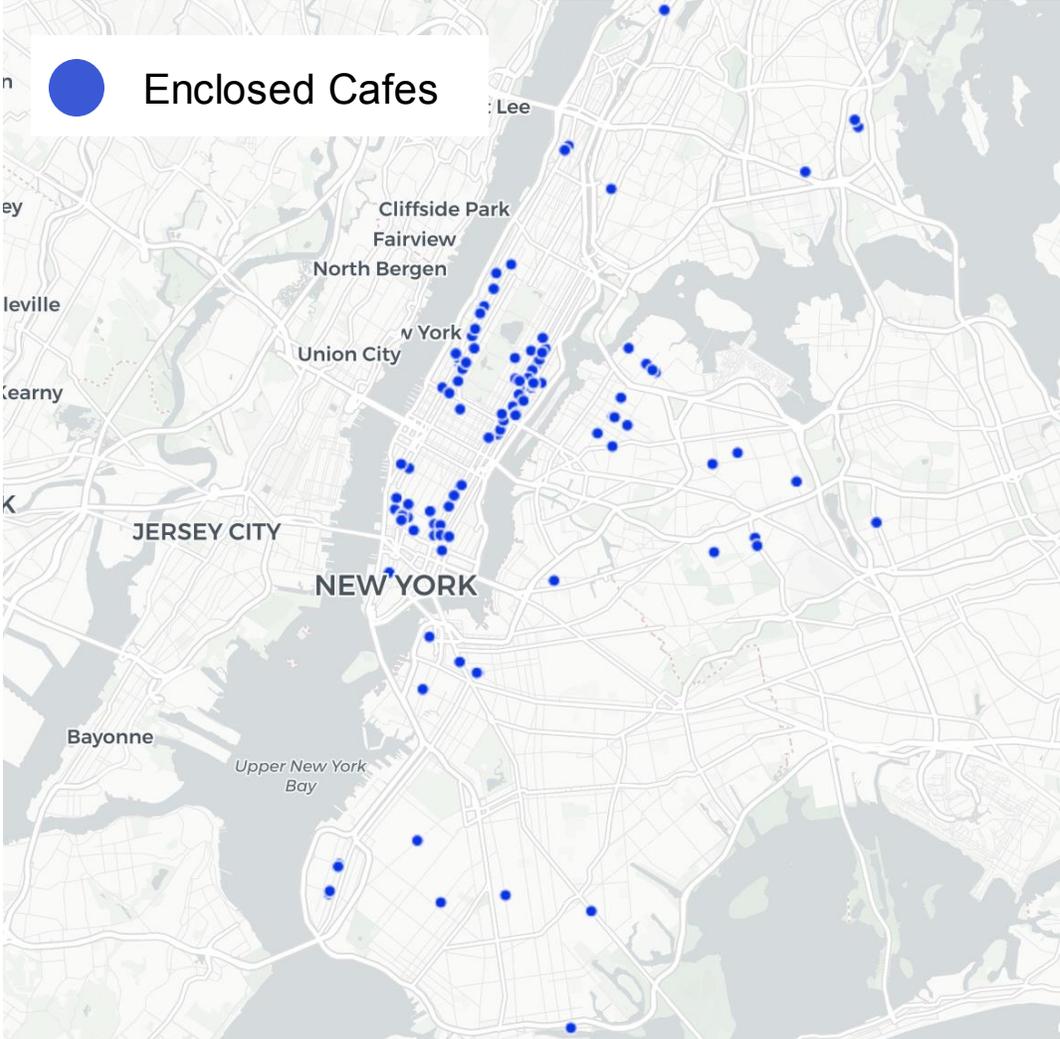
Simplifying Café Types: Small Cafes

Areas where small cafes only were allowed:



Beyoglu, Upper East Side Manhattan

Simplifying Café Types: Enclosed Cafes



Changes to Sidewalk Café Program

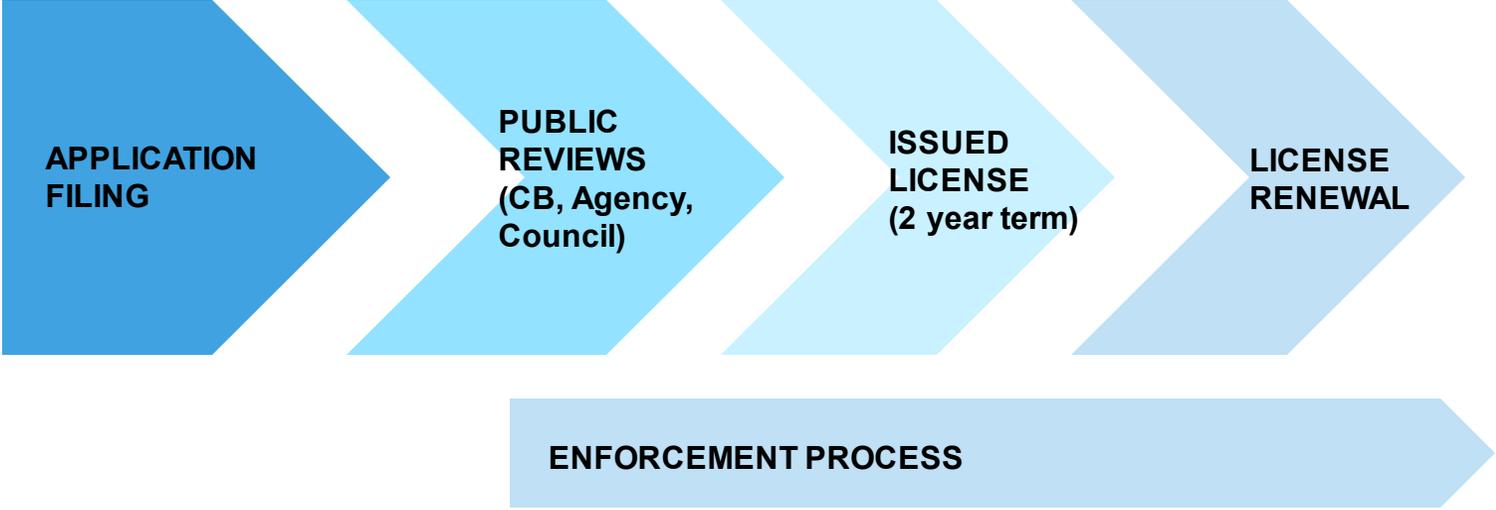
2

Changes to the Sidewalk Café Program

- Transfer agency control to DOT
- Updated application requirements
- Simplified review periods
- Extension of 2-year license periods to 4, with annual review by DOT
- Expanded clear path requirement
- Updated Design Guidelines

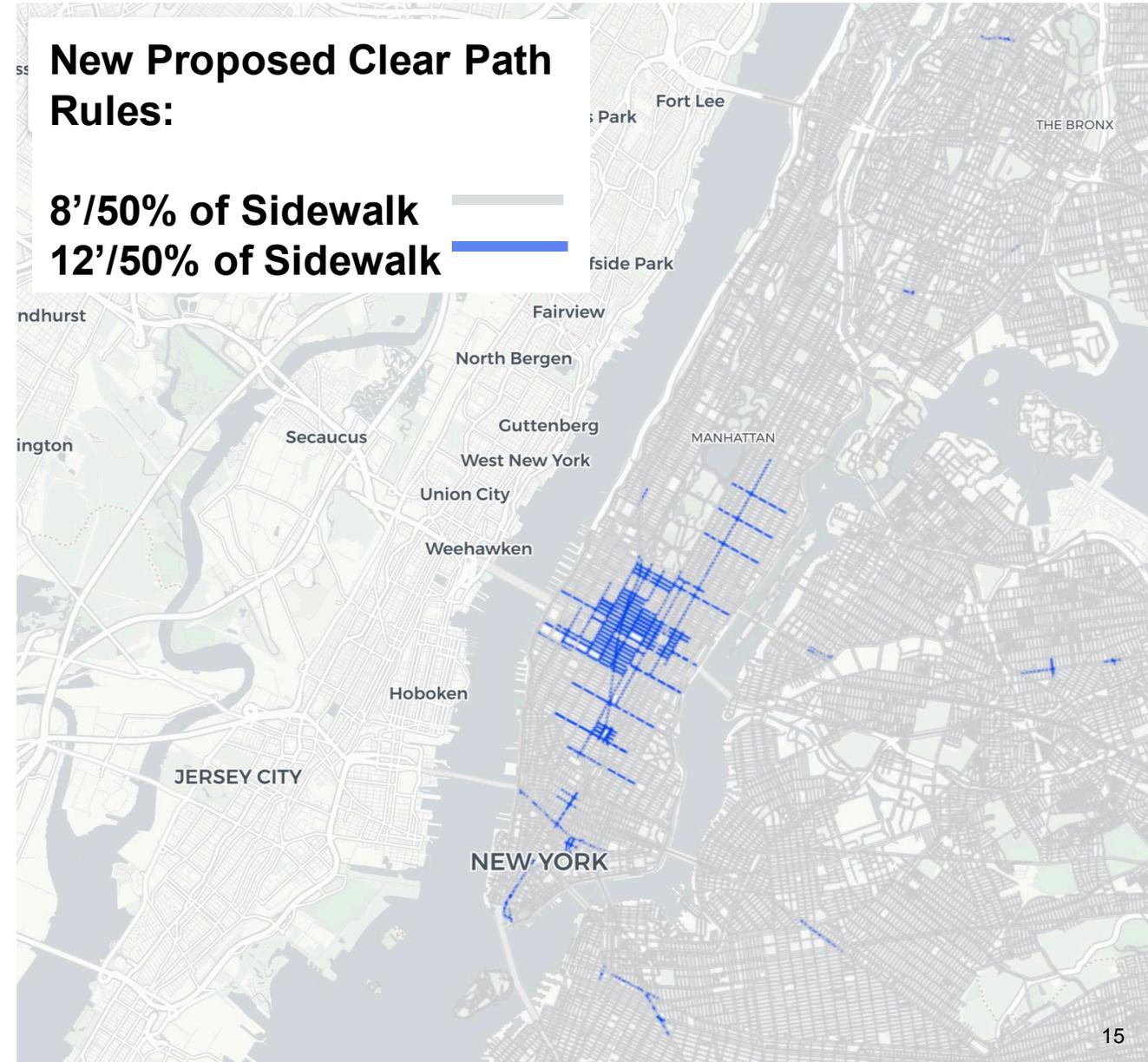


License Application Process Unenclosed Sidewalk Café (including Small Unenclosed)



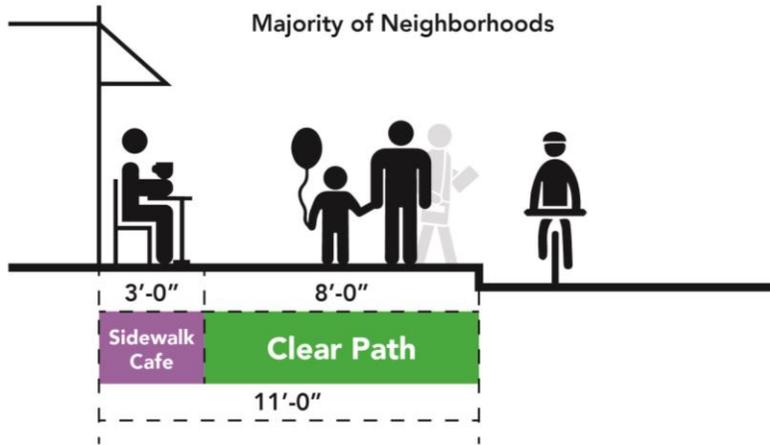
Updated Clear Path Requirements

- In most conditions, the existing clear path rule will remain in place – 8', or 50% of sidewalk width, whichever is wider.
- To address new conditions created by the removal of zoning barriers, the city will propose supplemental clear path requirements of 12' (or 50%) in select CBD corridors.

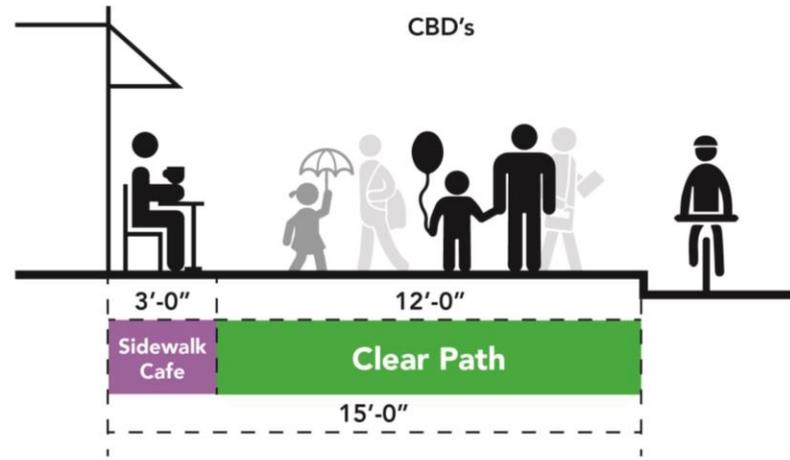


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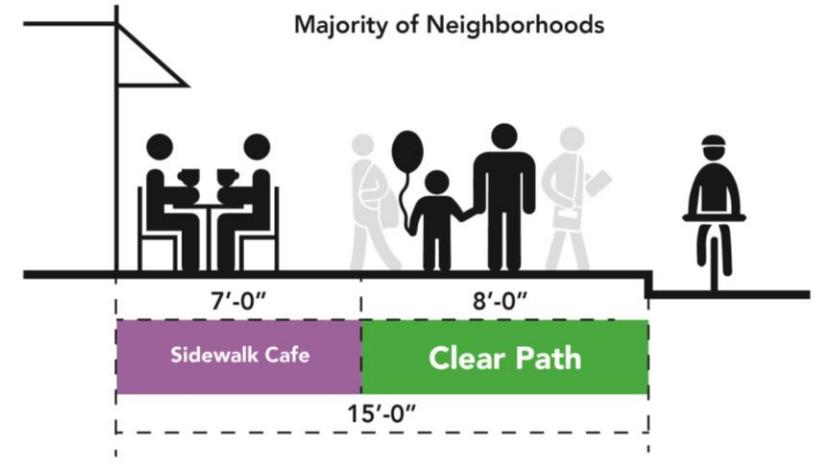
8'- 0" OR 50%



Supplemental 12'- 0" OR 50%



8'- 0" OR 50%



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