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COMMUNITY BOARD 12-MANHATTAN

DINING OUT LICENSING MANUAL

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I. Introduction

The purpose of this Dining Out Licensing Manual (this “**Manual**”) is to provide applicants for authorization to establish a *Sidewalk* or *Roadway Café* with the information necessary to appear before and receive an opinion from Community Board 12-Manhattan (“**CB12M**” or the “**Board**”) on their application.

In New York City, restaurants and bars (together with any other legal entity required to submit an application for outdoor dining facilities, “**Establishments**”) are required to submit an application to the local community board, as each requires, following the submission of a request for authorization from the New York City Department of Transportation (“**DOT**”) and every four years after receiving a license to renew it. If licensed, Establishments may erect and operate their Dining Out structure from April 1 to November 29 each year.

Where alcohol is involved, Establishments [must separately apply](#) under their alcohol-related license for an alteration and provide notice at least 30 days prior to this separate decision being rendered.

For CB12M, the DOT’s forwarding of a Dining Out application will trigger a request by the Establishment for application materials, followed by the consideration of the Board’s Licensing Committee. The Licensing Committee meets monthly to deliberate on applications presented to it by Establishments. This Manual provides a comprehensive guide for Establishments to review as they prepare for their submission to CB12M. This Manual does not provide detailed information about other aspects of DOT licensing process, except that it provides useful links to resources that may provide that additional detail.

II. Scope

CB12M is a community board with authority granted under the Chapter 70 of the [New York City Charter](#). CB12M represents the Washington Heights and Inwood neighborhoods of Manhattan (New York County). This district runs from 155th Street to 220th Street / Ninth Avenue – “river to river,” meaning both the eastern and western borders of Manhattan. This Manual applies to any Establishment that is located within the description of the district.

In New York, the legal requirements regarding licensing related to the Dining Out NYC program are set forth in Local Law No. 121 of 2023 and in the DOT’s implementing rules, which could be found [here](#). Under this authority, CB12M will have 40 days to review Sidewalk Café applications and 30 days to review Roadway Café applications.

III. Community Board 12-Manhattan

Upon the forwarding of an application by the DOT to CB12M, CB12M will communicate with the relevant Establishments about the associated next steps. CB12M requires that Establishments for any application provide the following materials for consideration by its Licensing Committee. The members of the Licensing Committee may ask any question

related to these materials for their edification, and failing to provide a response at a meeting of the Licensing Meeting *could* result in a recommendation to withdraw or a vote to object the application.

In addition to the application materials forwarded by the DOT, which include the renderings and other details about the Dining Out structure, each Establishment must submit the following materials.

a. CB12M Materials for All Applications

For all applications submitted to the Board with respect to a Dining Out-related application, Establishments must submit the following materials by the deadline set by the Board's office upon receipt of the application from the DOT.

i. *Applicant Questionnaire Form*

Establishments must complete all applicable fields of the Applicant Questionnaire Form (the "**Questionnaire**") for submission to CB12M. If it is determined at the relevant meeting of the Licensing Committee that the Questionnaire is not complete because one or more applicable fields were left blank at the time of submission, the Licensing Committee may exercise appropriate discretion as follows:

- If the missing field is necessary for the Licensing Committee to render a decision, the Licensing Committee shall recommend withdrawal of the application and resubmission for the following month.
 - The Establishment may proceed with a vote, to which the members of the Licensing Committee enter as they please.
- If the missing field is not necessary for the Licensing Committee to render a decision, the Licensing Committee may proceed with a stipulation requiring the Establishment to update and re-submit the Questionnaire by the Friday prior to the general meeting of the Board for that month.

Once the form is complete, the Owner of the Establishment must print their name on the last page and sign the form. While the form calls for a wet-ink signature in blue or black ink, the Board will also accept electronic signature (see [here](#) for New York's Electronic Signatures and Records Act, or "**ESRA**," and the implementing regulations by OTI with further details). The Questionnaire will be deemed incomplete if the Owner does not print and sign the Questionnaire by the deadline and when submitted. CB12M will ask the Establishment to return during the following month's meeting in this case.

If the Establishment is being represented by an agent – including legal counsel – before CB12M, this representative must also print and sign their name on the last page of the Questionnaire. If the representative does not print and sign their name on the Questionnaire by the deadline and when submitted, the representative ***may not*** speak on behalf of the Establishment at the meeting. For the avoidance of doubt, signatures will not

be accepted at the relevant meeting of the Licensing Committee to bypass this requirement.

The Questionnaire is available on CB12M's website in [PDF](#) and [Word](#) format.

Establishments should come prepared to answer questions about their Questionnaire's responses. Common questions include whether the hours of operation are appropriate for the proposed business, whether the staffing and security plan is sufficient for the proposed operations, and information about disclosed violations and penalties.

ii. CB12M Public Hearing Notices

Establishments must post on or around the entrances to their Establishments the CB12M Public Hearing Notice, which contains the name of the Establishment and the relevant details of the meeting of the Licensing Committee where the Establishment's application is being considered. There are two postings – one in the English language and one in the Spanish language – and ***both*** must be posted. These postings must be visible to any passerby on the sidewalk.

If the Establishment uses a gate to secure their premises, the Establishment must move the postings to the outside of the gate when the gate is closed; conversely, the Establishment must move the postings to the entrance when the gate is opened.

For the application to CB12M, Establishments must submit a photograph of the postings. One or more photographs may be necessary to demonstrate that the postings were presented in both languages. It must be easily demonstrable from the photographs that the postings are viewable by the public without needing to step into the Establishment. Grainy photographs are not acceptable for the application.

If the Establishment fails to submit one or more photographs proving the postings were made and in both languages by the deadline and at submission, the application will be deemed incomplete. The Licensing Committee will typically recommend withdrawal of the application; however, if the Establishment chooses to proceed with a vote, the members of the Licensing Committee may enter their votes as they please. An Establishment may not provide photographs at the meeting in the effort to make their application complete.

iii. Health Inspection Card (if available)

If available, the Establishment must submit a copy of its most recent health inspection card as provided by the New York City Department of Health and Mental Hygiene (“**DHMH**”). DMHM makes information about health inspections publicly available on [ABC Eats](#); thus, Establishments should come prepared to answer questions about the findings of their inspections and especially if the grade is less than an “A.” The Licensing Committee wishes to ensure that Establishments in the district can operate safely and soundly, and negative findings regarding food service is indicative of the likely quality of service to be rendered for the Dining Out structure.

The Licensing Committee understands that DMHM is operating with a backlog and does not need to be reminded of this fact each month. If asked during a meeting of Licensing Committee about a missing health inspection card, the answer that one has not yet been issued suffices, provided that ABC Eats confirms this assertion.

iv. Optional but Encouraged: Letter of Intent

Establishments are strongly encouraged to submit a letter addressed to CB12M containing a brief statement describing how the café supports community needs and DOT rules. While this letter is not a requirement, the letter could minimize the number of questions posed to the Establishment and the relevant meeting of the Licensing Committee.

b. CB12M Materials for Applicants for a New License

For applications for a new Dining Out license submitted to the Board, Establishments must submit the following materials in addition to those set forth in Section III.a.i above.

i. Statement of Proposal

The Establishment must submit a statement of proposal, containing the following details related to the proposal for a Dining Out structure:

- Name and Address of the Establishment
 - The Dining Out structure's separate name, *if applicable* (e.g., the name of the restaurant is "Peggy's Restaurant" and the Dining Out structure is called "Peggy's Patio").
- Owner's Name, Email, and Phone Number
- Agent's Name, Email, and Phone Number, *if applicable*
- Proposed Number of Tables and Chairs
- Proposed Hours of Operations
- Deviations from Normal Operations
 - The Dining Out structure's details that differ from normal operations, *if applicable* (e.g., the indoor seating area offers a different menu than the Dining Out seating area).

The Licensing Committee may reject an application if these details are not provided in the statement of proposal. There is no established form for the statement of proposal, but a simple Word document-style should suffice.

Establishments should come prepared to answer questions about the statement of proposal. Common questions include whether the premises are accessible by the standards set forth in the Americans with Disabilities Act (ADA), whether the restrooms are easily accessible by customers patronizing the Dining Out structure, and whether the table-and-seating arrangement conforms with the occupancy limits set for the Dining Out structure.

If the Establishment seeking a new license fails to submit a statement of proposal by the deadline and at submission, the application will be deemed incomplete. The Licensing Committee will typically recommend withdrawal of the application; however, if the Establishment chooses to proceed with a vote, the members of the Licensing Committee may enter their votes as they please. An Establishment may not provide the statement of proposal at the meeting in the effort to make their application complete.

ii. Photographs of Existing Layout

The Establishment must submit photographs of the existing sidewalk or roadway (as applicable to the type of application) and restaurant frontage. The photographs should be numerous enough to provide a clear picture to members of the Licensing Committee about what the area looks like without the Dining Out structure. Grainy photographs will not be accepted.

If the Establishment seeking a new license fails to submit photographs by the deadline and at submission, the application will be deemed incomplete. The Licensing Committee will typically recommend withdrawal of the application; however, if the Establishment chooses to proceed with a vote, the members of the Licensing Committee may enter their votes as they please. An Establishment may not provide the photographs at the meeting in the effort to make their application complete.

c. CB12M Materials for Applicants for Renewals

For applications to renew a Dining Out license submitted to the Board, Establishments must submit the following materials in addition to those set forth in Section III.a.i above.

i. Statement of Changes

The Establishment must submit a statement of changes, containing any details related to the Dining Out structure that have changed since the Establishment first appeared before the Board when it initially applied.

ii. Health Inspection Card (if available)

If available, the Establishment must submit a copy of its most recent health inspection card as provided by the DMHM. DMHM makes information about health inspections publicly available on [ABC Eats](#); thus, Establishments should come prepared to answer questions about the findings of their inspections and especially if the grade is less than an "A." The Licensing Committee wishes to ensure that Establishments in the district can operate safely and soundly, and negative findings regarding food service – which is mandatory for most alcohol service – is indicative of the likely quality of service to be rendered for alcohol.

The Licensing Committee understands that DMHM is operating with a backlog and does not need to be reminded of this fact each month. If asked during a meeting of Licensing

Committee about a missing health inspection card, the answer that one has not yet been issued suffices, provided that ABC Eats confirms this assertion.

iii. (EFFECTIVE SEPTEMBER 2026) Good Neighbor Sign

Eff. September 2026: The Establishment must submit a photograph displaying the posting of the CB12M Good Neighbor Sign (available via email to cb12m@cb.nyc.gov or at the Board's office). The Good Neighbor Sign must be visible to any patron and contain information for contacting management of the Establishment with complaints.

If the Establishment seeking a renewal fails to submit a copy of its posted Good Neighbor Sign by the deadline and at submission, the application will be deemed incomplete. The Licensing Committee will typically recommend withdrawal of the application; however, if the Establishment chooses to proceed with a vote, the members of the Licensing Committee may enter their votes as they please. An Establishment may not provide the copy of the Good Neighbor Sign at the meeting in the effort to make their application complete.

IV. Important Considerations for the Licensing Committee

Beyond what is covered in the above sections, the Licensing Committee will also factor in other pertinent details for each application, including the following factors. DOT provides resources on its website, including [eligibility criteria](#), that should be reviewed by all Establishments.

a. Police Input

CB12M solicits the input of its local New York Police Department precincts (*i.e.*, the 33rd Precinct and the 34th Precinct) as applicable to each application. Such input includes criminal history taking place at the location of the Establishment, as well as recorded 311 complaints related to the Establishment. While the input of these precincts is not dispositive in the Licensing Committee's consideration, the input is strongly considered by the Licensing Committee when rendering its decision.

b. Community Input

CB12M is an advisory board serving the interests of the community, as described in Section II above. Thus, CB12M solicits the input of members of the community for each application. While the input of community members is not dispositive in the Licensing Committee's consideration, the input is reviewed and weighed by the Licensing Committee, as appropriate, depending on the content and tenor of the input.

c. Accessibility, Hours, and Quality of Life

CB12M is an advisory board serving the interests of the community, as described in Section II above. Thus, CB12M has a particular interest in (1) seeing that members of its community

benefit from the addition of an Establishment and (2) that the Establishment is capable of operating in a safe and sound manner. To accomplish these goals, the Licensing Committee is empowered to probe about the operations. In addition to the information provided in the above sections, the Licensing Committee is likely to ask about:

- Accessibility – whether the Dining Out structure is fully accessible to all members of the community.
- Hours – whether the Establishment closes the Dining Out structure at an appropriate time and within limits.
- Quality of Life – whether the Dining Out structure negatively impacts the quality of life for nearby residents.

V. Licensing Committee Voting Process

Unless withdrawn, each Establishment appearing before a meeting of the Licensing Committee will receive a vote by the Licensing Committee. The Licensing Committee must reach quorum (which is at least a majority of the voting members) to vote on matters. See Chapter 70 of the New York City Charter; see *also*, Section 10.7 of the CB12M Bylaws.

Of the voting members, a majority of those present must vote “Yes” for the Licensing Committee to recommend a non-objection to the Board. If a majority of those present vote in combination “No” and “Abstain,” the Licensing Committee recommends an objection to the Board. A voting member that has a conflict of interest may not vote, and the number of members voting will change by minus one when determining the outcome. In such a case, the voting member must state for the record what their conflict of interest is. Chapter 68 of the New York City Charter specifies the meaning of “conflicts of interest.”

The Licensing Committee may stipulate their non-objection on certain actions. Common stipulations include (1) posting of certain signage, like no-double-parking and a good neighbor sign; and (2) posting of management’s information to submit complaints to. The Licensing Committee may set deadlines for submitting proof that a stipulation was satisfied, and failure to meet the deadline will result in changing the Licensing Committee’s recommendation from a non-objection to an objection.

The Licensing Committee presents its recommendations to the next general meeting of the Board, where the final recommendation made to DOT is determined. When the vote is entered, the Chairperson of the Board will sign a letter addressed to DOT containing information about the Establishment, the proposed structure, and the Board’s recommendation.

VI. Confidentiality of Materials

CB12M is a governmental agency and is subject to New York’s Freedom of Information Law (Public Officers Law §§ 85 *et seq.*). When submitting materials, Establishments are required to request confidential treatment of their application materials to protect the possibility of disclosure. See Public Officers Law §§ 87(2)(d), 89. A failure to request

confidential treatment may subject application materials to disclosure if a person makes a request to CB12M pursuant to the Freedom of Information Law.

As follows, Establishments are encouraged to include the words “Confidential Treatment Requested” on all materials for which they seek such treatment, and to provide to CB12M a note stating that the Establishment is seeking such treatment under the applicable provisions of the Public Officers Law and why.

VII. Acting as Agent

It is common for Establishments to hire a representative or attorney to act as agent on their behalf. Unless otherwise provided in the application materials, Establishments appearing before CB12M may be represented by such agent. However, the responsibility for the application ultimately rests with the Establishment and its principals. Therefore, if an agent is unable to adequately answer a question about the application, the Licensing Committee may count such failure to answer against the application, which could be considered as part of their vote and recommendation.

It is equally as important that agents are clear to Establishments about the services they offer. It is unlawful in New York to hold oneself out as an attorney without being barred in the State of New York – this is commonly referred to as unauthorized practice of law. See New York Judiciary Law § 487. Presenting one’s services as legal services, or promising treatment of materials as being privileged, is not lawful if the person rendering the services is not admitted and registered in New York. If an agent is not admitted and registered in New York as an attorney and is suspected of violating this law in CB12M meetings, CB12M reserves the right to report such information to the Manhattan District Attorney’s Office.

VIII. Related Information and Questions

The Executive Committee of CB12M may review applications under certain circumstances, including failure of the Licensing Committee to reach quorum.

Establishments should direct questions about this Manual and the Licensing Committee’s process to cb12m@cb.nyc.gov, where they will be appropriately routed or fielded. Please visit the Board’s website [here](#) for additional details about this process, as well as DOT’s website [here](#) for additional information about applying for a Dining Out structure-related license.