

# PERMANENT OPEN RESTAURANTS

SPRING 2021



# Permanent Open Restaurants

- New program under DOT to include both sidewalk and roadway cafes
- Program that balances all needs of the street and sidewalk
- Use what has worked under Sidewalk Café Program and Emergency Open Restaurant Program to develop guidelines for the Permanent Program

# Pre-Covid

1,022 Sidewalk Cafes



100 Small Sidewalk Cafes



102 Enclosed Cafés



25 Street Seats



# Creation of Open Restaurants Program

During the summer of 2020, New York City revisited its rules, and in many cases suspended them to allow restaurants to serve diners outdoors due to restrictions on indoor dining

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
- Did not require a participation fee
- Eliminated lengthy DCWP review process





# What We've Learned :

## Successes

- No geographies off limits
- Program easy to access, encouraging participation
- With addition of roadway seating, more options for restaurants

## Challenges

- Clarity, consistency and communication of rules
- Issues with FDNY turning radius, safety signage being blocked by restaurants
- Compliance and enforcement
- Balancing the long-term interests of all sidewalk and street users



# Background

- 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, including a text amendment, to allow more locations to be eligible for roadway and sidewalk seating

## 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



# Vision for a Permanent Program:

- Both Sidewalk & Roadway seating administered and enforced by DOT
- Available throughout city
- Allow for removeable tables & chairs
- Subject to clear path & other siting criteria
- Both sidewalk and roadway seating require DOT revocable consent
- Continued rules of operation (sound, hours of operation, etc.)





# Components of Sidewalk Café Seating

- All restaurants with ground floor space eligible to apply for year-round access
- Must be ADA compliant
- Hours of operation consistent with DCWP –Midnight S-Th, 1am Fri & Sat
- Subject to clear path and siting criteria/distance from obstructions



Removable tables & chairs

Removable barriers

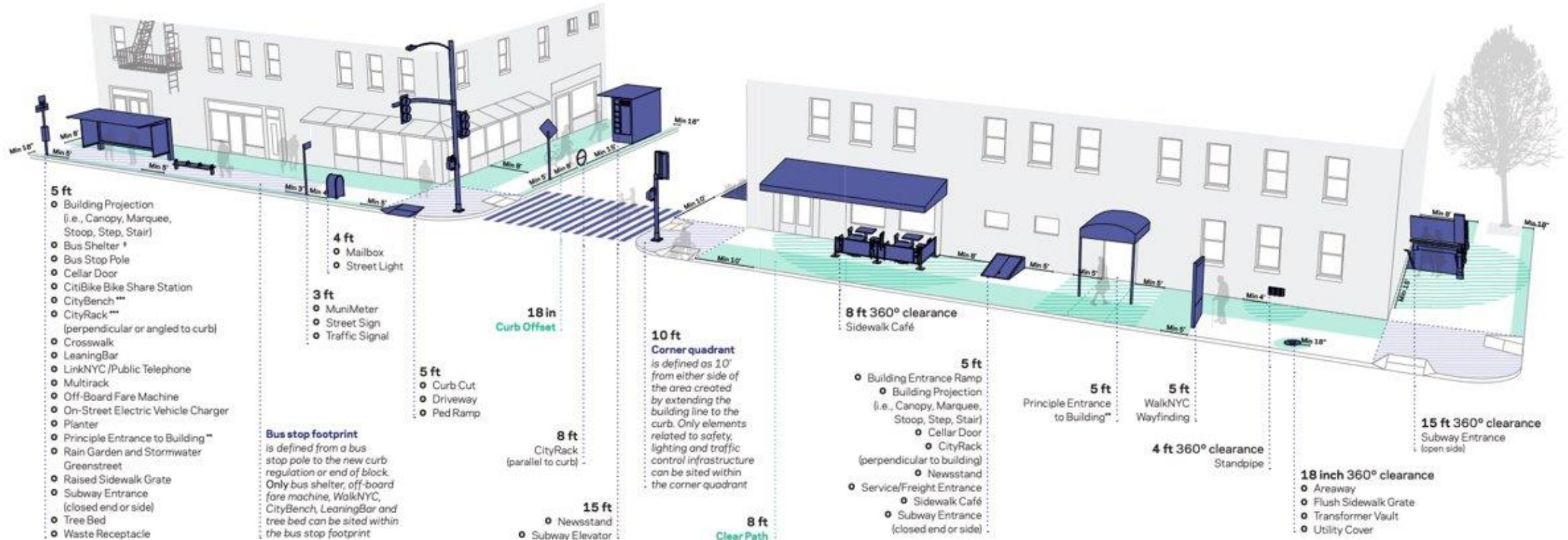
Seating against building wall



# Managing conflicts with other Sidewalk Furniture

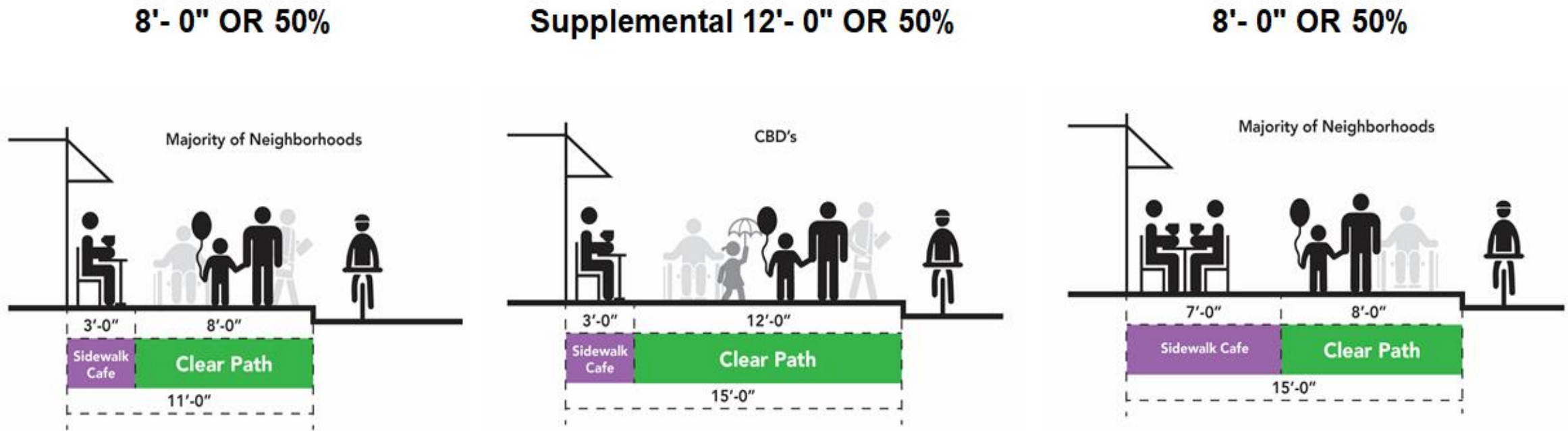
New rules incorporate DCWP siting criteria, with modest revisions and additions

Full list Available on DOT website





# New Clear Path Requirements



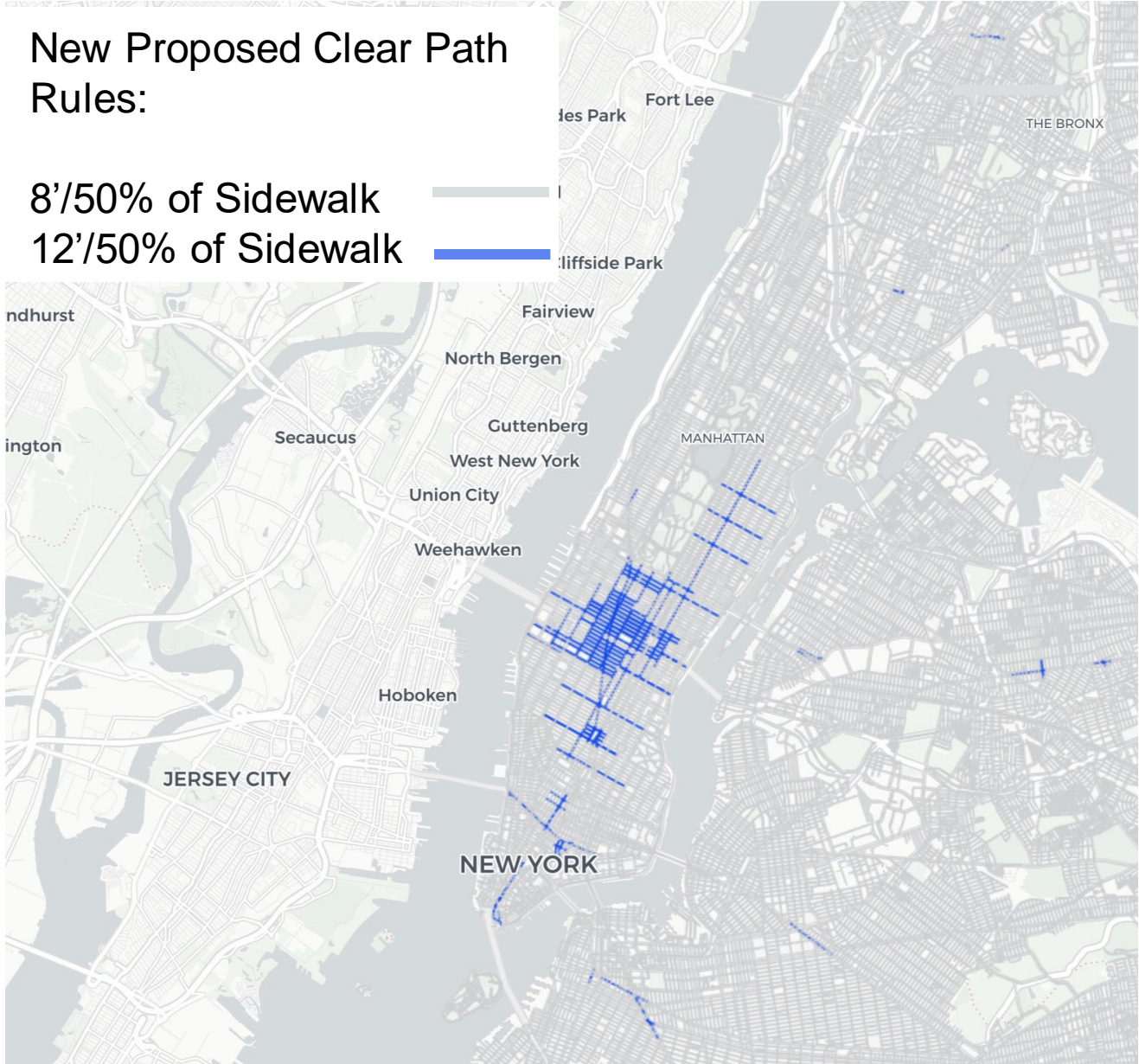
- New waiver for restaurants to go down to 6' clear path for those that cannot meet clear path requirements to be reviewed by DOT and Mayor's Office for People with Disabilities (MOPD)



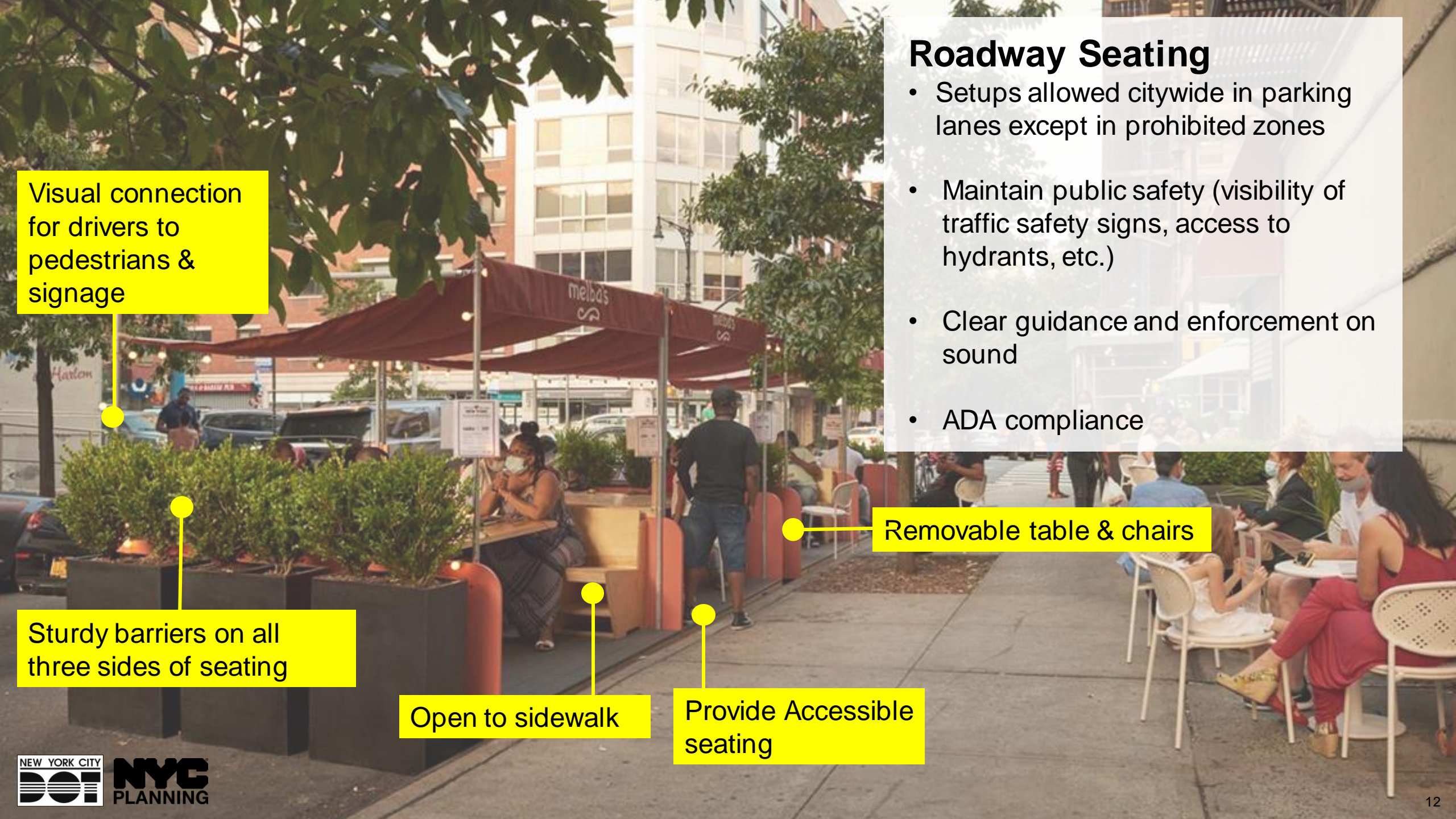
# Clear Path Requirements

New Proposed Clear Path Rules:

- 8'/50% of Sidewalk
- 12'/50% of Sidewalk







Visual connection  
for drivers to  
pedestrians &  
signage

Sturdy barriers on all  
three sides of seating

Open to sidewalk

Provide Accessible  
seating

Removable table & chairs

## Roadway Seating

- Setups allowed citywide in parking lanes except in prohibited zones
- Maintain public safety (visibility of traffic safety signs, access to hydrants, etc.)
- Clear guidance and enforcement on sound
- ADA compliance



# Seasonality

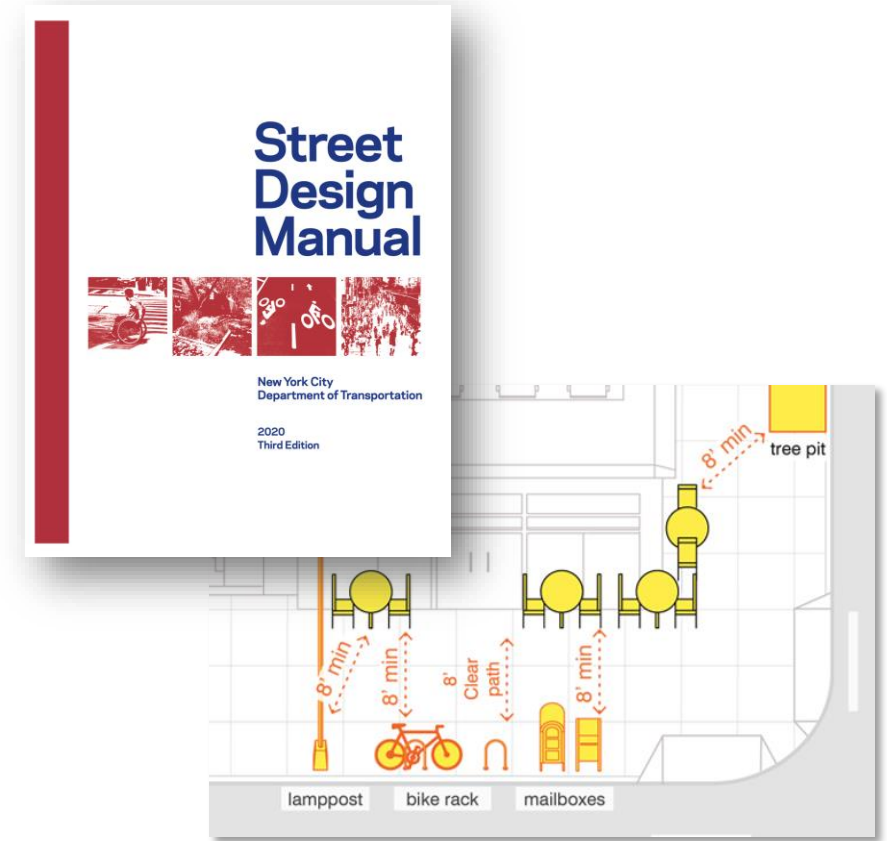
- Allow other city operational needs to continue (e.g.: snow cleanup of streets and sidewalks)
- Safety considerations regarding seasonality (outdoor heaters needed in colder seasons)
- Options are being explored for waiver that allows for winter months





# Application & Administration

- Unified DOT Office overseeing sidewalk and roadway café programs
- More detailed, upfront design guidance package with detailed visuals
- Streamlined application process with online filing
- Shorter than pre-Covid review periods, while retaining required public reviews
- 4-year license windows with periodic compliance checks & ability to fine or remove bad actors



# 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
- Remove other zoning text that enables sidewalk cafes
- Grandfather existing enclosed cafes

2

## Changes to the Sidewalk Café Program

Via Local Law & CAPA

- Transfer control of sidewalk cafes from DCWP to DOT, enabling a unified program
- Update design requirements and streamline lengthy review
- Create new clear path requirements and waivers to protect pedestrian right of way

3

## Creation of a Roadway Café program

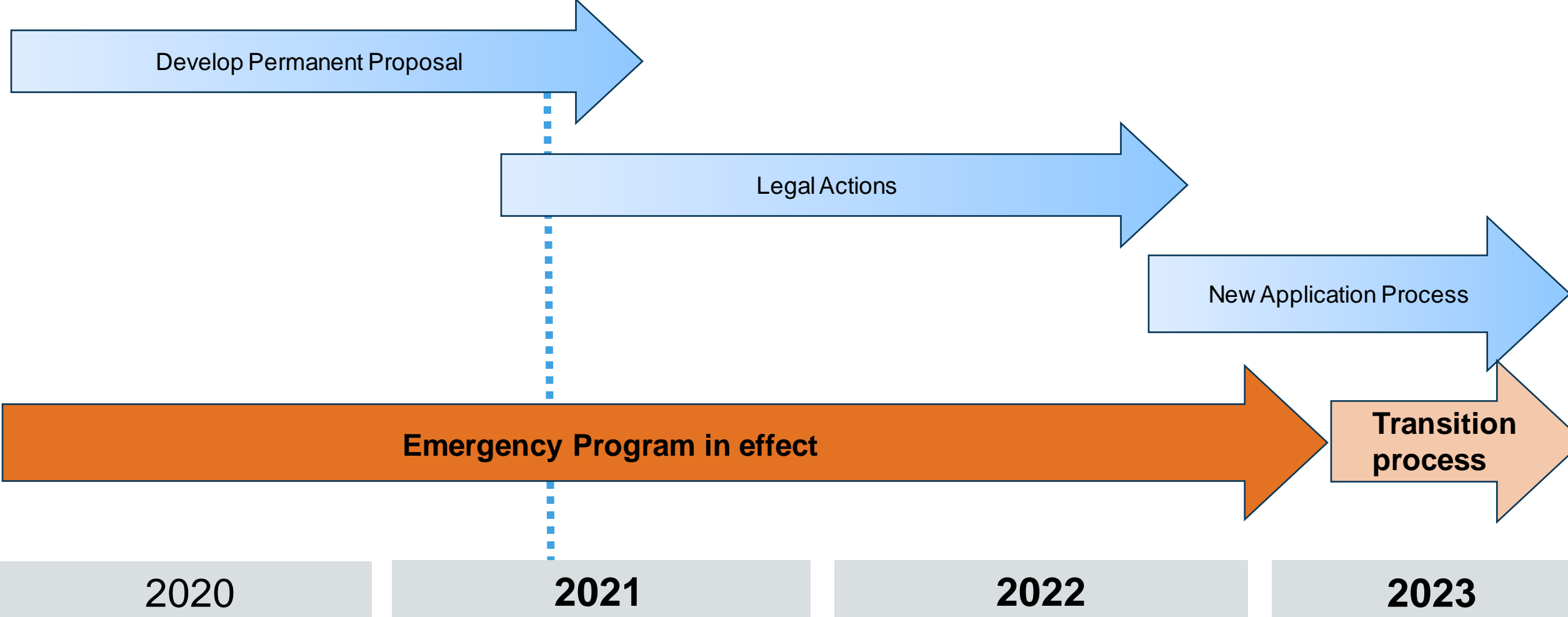
Via Local Law & CAPA

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



# Multiple legal steps will be needed to enact the full permanent program:

The emergency program expected to remain in effect and allow restaurants to maintain their spaces uninterrupted through at least winter 2022



# COVID-19 has helped reimagine the way New Yorkers utilize our streets and curb space

DOT will be welcoming public input: [nyc.gov/openrestaurants](https://nyc.gov/openrestaurants)





THANK YOU

[WWW.NYC.GOV/OPENRESTAURANTS](http://WWW.NYC.GOV/OPENRESTAURANTS)

