



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

**LOWELL D. KERN**  
Chair

**JESSE R. BODINE**  
District Manager

June 10, 2020

Hon. Bill de Blasio  
Mayor, City of New York  
City Hall  
New York, NY 10007

Hon. Corey Johnson  
Speaker, New York City Council  
224 W. 30<sup>th</sup> Street, Suite 1206  
New York, NY 10001

**Re: Open Streets for Dining**

Dear Mayor de Blasio and Speaker Johnson,

Manhattan Community Board 4 (MCB4) urges the City temporarily allow restaurants and retailers impacted by store capacity limits to utilize roadway space for their operation. This would follow the recently launched Open Streets program, except this allowance would grant use of the roadway (“dining lane”) for restaurants and retailers who need additional space to resume their operation, while complying with COVID-19 distancing requirements. To ensure the allowance does not create new distancing challenges, this program must be structured in a way that reserves an appropriate (12-ft) amount of sidewalk space without any obstructions for proper distancing for pedestrians.

We also recommend that specific provisions be adopted for food vendors to provide for an equitable and orderly allocation of public space, while providing 12-ft of non-obstructed sidewalk space for pedestrians.

The COVID-19 public health emergency has created a unique set of hardships for residents and merchants. In order for businesses to resume their operations and save many jobs, while complying with COVID guidelines, it is necessary that additional space be made available to these operators. Manhattan Community District 4, especially on Eighth and Ninth Avenues, has limited amounts of sidewalk and a large concentration of eating and drinking establishments.

Manhattan Community Board 4 ratified this letter at its June 3<sup>rd</sup> Full Board meeting and voted with 47 in favor, 1 against, 1 abstaining and 0 present, not eligible, to support the program conditionally with the following guidelines we feel are necessary for the program to succeed, while complying with COVID-19 directives and maintaining quality of life for surrounding residents:

1. Program duration: The program would begin this season and last until October 2020 - to be evaluated and re-approved for next season depending on the state of COVID-19 and economic conditions.
2. Location: the dining lane can be located on a parking or moving lane on the avenues. In MCB4, dining lanes would not be authorized on plazas, parks, sidewalks, side streets, construction zones or bus boarding areas. Exceptions for side streets must be approved by the Community Board. The area allocated to each merchant should be limited to the width of their storefront and marked on the ground.
  - In MCB4, the following locations have been identified:
    - Seventh Avenue – one dining lane from West 14<sup>th</sup> to West 26<sup>th</sup> Streets
    - Eighth Avenue – one dining lane from West 14<sup>th</sup> to West 24<sup>th</sup> Streets. There should be no installation north of West 23<sup>rd</sup> Street. A large residential community fronts the avenue from West 24<sup>th</sup> to West 30<sup>th</sup> Streets; the corridor with heavy pedestrian commuter volumes extends from West 30<sup>th</sup> to West 48<sup>th</sup> Streets; a fire house and residential sector lies north of West 47<sup>th</sup> Street
    - Ninth Avenue – one dining lane from West 14<sup>th</sup> to West 42<sup>nd</sup> Street and two dining lanes from West 42<sup>nd</sup> Street to West 48<sup>th</sup> Street, one on each side, as both sides of the avenue have a large concentration of restaurants. Some sections of the avenue above West 48<sup>th</sup> Street are under construction and should not be included
    - Tenth Avenue – one dining lane from West 14<sup>th</sup> to West 59<sup>th</sup> Streets
    - West 14<sup>th</sup> Street from Sixth to Eleventh Avenues, which includes the Meatpacking District and the areas freed up by the Busway installation
    - West 46<sup>th</sup> Street (from Eighth to Ninth Avenues, known as Restaurant Row.)
3. Restaurants must keep the sidewalk free of all obstructions so there is enough space for pedestrian distancing (12-ft minimum between any real obstructions measured perpendicularly to the property line). If there is not enough space for pedestrian distancing the operators should:
  - relocate sidewalk cafes and take-out lines to the dining lane if there is one
  - remove menus, A-frames, serving tables, and storm enclosures
  - deposit garbage in the dining lane after closure, which will also provide easier access for sanitation
  - all deliveries should be scheduled to be completed two hours before opening time
4. Hours and method of operations: 10a.m. to 10p.m. during the week, 11p.m. on weekends; There will be no music, no smoking and other stipulations of the method of operation for the establishment apply.

5. Establishments are responsible for the safe operation of the outdoor premises:
  - physical distancing: patrons must be spaced according to then applicable distancing guidelines and wear masks if standing or moving. There should be no service, including alcohol service, to standing patrons. All service will be to seated patrons only. Staff should wear masks and gloves at all times.
  - provide tables, chairs, a movable ADA ramp and Department of Transportation (DOT)-approved barriers to separate patrons from the traffic.
  - provide security, using paid detail.
6. Post installation, a review process with the local community board should be required if the operation or the location of a specific establishment is problematic as expressed by neighbor or customer complaints.
7. Consideration should be given to how public space will be allocated between restaurants to ensure equitable opportunity.
  - food vendors, in particular (not food trucks), should be directed to set up their operations on side streets only, in the parking lane – not on the sidewalk – in a space located 20-ft to 50-ft from the limit of the pedestrian crossing. This would ensure that restaurants and food vendors do not compete for roadway space and would free up space on the crowded and narrow sidewalks in midtown for pedestrian distancing where 12-ft is required.
8. Mechanisms should be put in place to prevent landlords from capitalizing on this amenity (charging a rent premium)

We look forward to working with your offices in these next steps towards reopening the city that will benefit the businesses in our district.

Sincerely,



Lowell D. Kern  
Chair  
Manhattan Community Board 4



Frank Holozubiec  
Co-Chair  
Business License & Permits Committee



Burt Lazarin  
Co-Chair  
Business License & Permits Committee



Christine Berthet  
Co-Chair  
Transportation Planning Committee



Dale Corvino  
Co-Chair  
Transportation Planning Committee

Cc: Hon. Jerry Nadler, U.S. Congressman  
Hon. Brad Hoylman, NYS Senator  
Hon. Richard Gottfried, NYS Assembly Member  
Hon. Linda B. Rosenthal, NYS Assembly Member  
Hon. Helen Rosenthal, NYC Council Member  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Laura Anglin, Deputy Mayor for Operations  
Hon. Vicki Been, Deputy Mayor for Housing and Economic Development  
Ed Pincar, Manhattan Borough Commissioner, DOT  
Lily M. Fan, Commissioner, State Liquor Authority  
Lorelei Salas, Commissioner, Department of Consumer Affairs  
Jonnel Doris, Commissioner, Small Business Services