



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

September 30, 2020

Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Bill de Blasio
Mayor
City Hall
New York, NY 10007
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Andrea Stewart-Cousins
NY State Senator
28 Wells Avenue, Building #3
Yonkers, NY 10701

Carl E. Heastie
NY Assembly Member
1446 East Gun Hill Road
Bronx, NY 10469

Corey Johnson Speaker,
New York City Council
250 Broadway, 18th Floor
New York, NY 10007

Dear Governor Cuomo, Mayor de Blasio, Senator Stewart-Cousins, Assembly Member Heastie, City Council Speaker Johnson:

Manhattan Community Board 4 (MCB4) recognizes the critical role restaurants play in the economic life of our district and city. Their presence helps define Chelsea and Hell's Kitchen. They provide not only jobs for our residents and other New Yorkers, but often are local gathering spots where we meet and socialize with our friends and neighbors creating those bonds bringing us together as a community. In this letter, we outline some

¹¹¹ The current comment period ends before the next MCB4 Full Board meeting and this letter is subject to ratification by the Full Board members on Wednesday, October 6, 2020

of the issues confronting restaurants and discuss ways to help promote them as they continue with street dining and resume dining indoors.

The hospitality industry, particularly restaurants with 144,200 less jobs in August than last year, has been decimated by the pandemic. A recent survey by the NYC Hospitality Alliance found that of 450 restaurants queried, 87% could not pay their full rent. Over one-third (34%) did not pay any rent at all. This is a critical time for restaurants. The Executive Committee of MCB4 by a vote of 13 for, 0 against, 0 abstain, and 0 none supports the resumption of indoor dining which begins September 30 and the continuation of outdoor dining year-round. Both measures will financially reinvigorate this important part of our local economy and help heal our communities.

Indoor Dining

For indoor dining to be successful for the businesses involved and not create new pandemic hot spots, the conditions set by the Governor and Mayor must be enforced vigorously.

- initial operation at 25% capacity moving to 50% in November if health conditions support it.
- tables six feet apart.
- masked service staff.
- masked diners except when seated.
- no bar service except for drink preparation.

In addition, MCB4 believes communications from the state and city should be coordinated and clear. To maintain control of capacity, we strongly suggest seating for indoor dining be by reservation only.

Consideration must be paid to the special circumstances of restaurant employment. Some employees may not currently be able to work in an indoor dining environment. If called back by their employer and they refuse to return because of health concerns, they would not be eligible to collect unemployment insurance. The state and city must consider this and provide alternative means of support for these employees.

Air filtering and venting is critical to indoor dining in the pandemic and MCB4 would like the state and city to offer financial assistance to those businesses needing to upgrade their HVAC systems.

Outdoor Dining

At the same time as indoor dining is resuming, MCB4 urges the City Council, as requested by the Mayor, to extend the outdoor dining program year-round. This program has bolstered restaurant industry revenues, proved extremely popular among patrons, and has contributed to a new street sense and enhanced community in our district.

MCB4 supports this outdoor dining extension to year-round and wants inclusion of certain procedures and practices.

- A safe separation of diners and pedestrians should be established on the sidewalk or, if not possible, a separate walking lane should be created immediately in each corridor or street where outdoor dining is authorized.
- Any all year-round outdoor dining program should recognize that the principal and overriding purpose of our sidewalks is to provide pedestrian routes through the city. Their ability to do so should not be compromised by street or sidewalk outdoor dining.
- Existing measures needed to ensure safe pedestrian passage, and the flow of vehicle traffic, must be enforced and as the program evolves their efficacy should be periodically evaluated. In any evaluation, consideration should be given to widening where possible the unobstructed area of the sidewalk from 8 to 12 feet.

To facilitate the outdoor dining program in the colder months of the year as the program becomes year-round, the city should make available grants to restaurants to purchase outdoor heaters if they already do not have them, either electrical heaters for the street or propane heat lamps for the sidewalk. The environmental impact of these propane heaters needs to be studied before their use becomes extensive in any mature program.

To avoid over-crowding and excessive noise in the outdoor dining program, MCB4 urges the city's DoT to adopt the current SLA requirements.

- all service on sidewalks and roadways be to seated patrons only.
- no standing and drinking should be tolerated.
- only full-service restaurants should be included in the program.
- no alcohol only bar service.
- there should be no music outdoors.

Looking past the current emergency conditions, permanent outdoor dining should be either entirely on the sidewalk or entirely in the roadway, but not both. MCB4 stated in a July letter to DoT that its preference is for dining on the sidewalk (adjacent to a restaurant) with a continuous walking lane in the roadway.

It is critical that the permits for outdoor dining given to restaurants be time limited with periodic renewals. They also must be revocable upon notice. The latitude given to DoT to deny any installation or revoke a permit should support the department's flexibility to manage the program for the public benefit.

Permits should be free until the Covid restrictions are lifted and the restaurant industry is moving towards recovery. In a future with outdoor dining a permanent fixture of the street scene, MCB4 believes the city should generate appropriate revenue from the use of its public spaces.

Restaurants are hurting, closing down all around us, many people are losing their jobs and livelihoods. MCB4 believes that the resumption of indoor dining and making permanent year-round outdoor dining will help restore financial health to this critical neighborhood defining industry.

Sincerely,



Lowell D. Kern
Chair

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. Antonio Reynoso, NYC Council Member
Hon. Gale A. Brewer, Manhattan Borough President