



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

630 9<sup>th</sup> Avenue, Suite 208  
New York NY 10036  
tel: 212-736-4536

<https://cbmanhattan.cityofnewyork.us/cb4/>

**LESLIE BOGHOSIAN MURPHY**  
Chair

**JESSE BODINE**  
District Manager

April 17, 2026

NYC Council Speaker Julie Menin  
444 East 75th Street  
New York, NY 10021

NYC Council Majority Leader Shaun Abreu  
500 W. 141st Street  
New York, NY 10031

NYC Council Member Lincoln Restler  
410 Atlantic Avenue  
Brooklyn, NY 11217

Michael Flynn Commissioner  
NYC Department of Transportation  
59 Maiden Lane, 38th Fl.  
New York, NY 10038

**Re Intros 2026-655/1336: Outdoor Dining**

Manhattan Community Board 4 (MCB4), by a vote of 37 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, opposes Intro 655 and 1336, except for the extension of roadway dining to year-round operations that we would support, subject to the following conditions being incorporated into the law and the Department of Transportation (DOT) protocols.

While many enjoy outdoor dining, MCB4, over the last 6 months, held multiple public hearings where we listened to concerns of our communities of residents and small businesses. The residential community is extremely frustrated with the lack of enforcement of the bad operators, who do not respect the terms of their license or consent. They also point out the platforms' potential for rats and garbage accumulation. And our good operators and small businesses wait 18 months for their licenses and spend excessive funds to build, rent the space, and dismantle the roadway cafes. It seems that the current program does not serve well either part of the community. Our recommendations reflect the balance between these groups.

### **Conditions for support of a 12-month roadway operation:**

- Approve the extension only for establishments without uncured summonses. All others should be required to apply to the community board for the extension. The community board decisions should be binding.
- Implement systematic and balanced inspections by DOT personnel of both sidewalk and roadway cafes instead of relying on a 311 reactive system that does not achieve resolutions. We suggest adopting a system similar to the proactive restaurant inspections by the Department of Health, which has been very effective at weeding out bad operators.
- Establish, inspect, and enforce new cleanliness standards that require cleaning under the platforms at least twice a year.
- Create and enforce design guidelines to prevent misuse of the structures during the winter season as well as a protocol for operators to promptly dismantle abandoned structures with commensurate fines for noncompliance.
- Streamline the application process to deliver a license within 6 months of application. This could be achieved by spelling out clearer guidelines. Reduce the overall cost to ensure smaller restaurants are also able to participate in the program
- Include the community board stipulations in the license. Installing a roadway or sidewalk café depends on hyper-local understanding not only of the environment but also of the applicant's history. The community board has that knowledge, and the DOT should take advantage of it, just like the SLA does.
- We applaud the inclusion of snow removal on the sidewalk and roadway surrounding the structure as the operator's responsibilities. If the DOT requests that structures be removed, prepare a clear plan for implementation and appropriate fines for non-compliance. 25

### **Opposition to the following proposals included in the intros.**

- the proposed change to the clear path definition for sidewalk cafes that currently differentiates between high pedestrian volume corridors and local streets; This would further limit the pedestrian clear path to 8 ft—or 50%—without any distinction for pedestrian crowding. The current regulation calls for an 8 ft clear path on 97% of New York City sidewalks. The other 3% are regional and global corridors where the volume of pedestrians is very significant and more space is needed for safe and unobstructed pedestrian circulation. Examples in our district include 8th and 9th Avenues, which are used by thousands of commuters to reach the bus terminal and Penn Station and tourists. It would be a major step backward for pedestrian safety to further limit clear paths on the 3% of New York City sidewalks where the volume of pedestrians is very significant and more

space is needed for safe and unobstructed pedestrian circulation on these. Instead, we propose clarifying how to measure clear path (radius) to avoid bottlenecks.

- The approval of any cafes for retail food establishments. Today, deliveries, sandwich boards, shopping carts, food displays, stoop enterprises, and trash cans heavily clog the sidewalk outside food outlets. These components will be forced into the clear path rather than vanish. In addition, food establishments do not have the staff to supervise the outdoor space, maintain it clean, and enforce their boundaries.
- The extension of cafes in front of adjacent properties: the residents—especially those on lower floors—will be subjected to continuous noise.
- The opening of roadway cafes before 10 AM, as this change will have the potential to create noise disturbances for neighbors.

We recommend that, going forward, your evaluation of the law includes representatives of the communities located within the most congested part of the city who are fluent and deal with every day the practical consequences of these decisions. Our community is ready to work with you to make this program more effective if the above proposals are included in the bill.

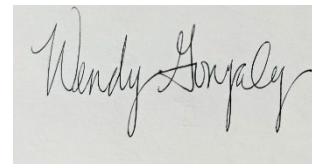
Sincerely,



Leslie Boghosian Murphy  
Chair



Frank Holozubiec  
Co-Chair  
Business License & Permits  
Committee



Wendy Gonzalez  
Co-Chair  
Business License & Permits  
Committee

CC:

Hon. Hon. Brad Hoylman-Sigal, Manhattan Borough President  
Hon. Gale Brewer, NYC Council  
Hon. Tony Simone, NY State Assembly  
Hon. Linda Rosenthal, NY State Assembly  
Hon. Deborah Glick, NY State Assembly  
Hon. Erik Bottcher, NY State Senator  
Hom. Liz Krueger, NY State Senator  
Hon. Jerry Nadler, NY State Congress

Hon. Daniel Goldman, NY State Congress