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SIDEWALK CAFÉ DESIGN AND REGULATIONS GUIDE

You are not permitted to operate a sidewalk café until you receive approval from the Department of Consumer Affairs (DCA). You are not permitted to operate unless you have personal and property liability insurance for the sidewalk café at all times.

Note: This guide is intended as a plain language summary of the design and operations requirements for New York City sidewalk cafés. Please see Title 20 of the NYC Administrative Code, Sections 20-223 through 20-227.1 and Title 6 of the Rules of the City of New York, Sections 2-41 through 2-58 for more information.

THREE TYPES OF SIDEWALK CAFÉ

A “sidewalk café” is a portion of a legal restaurant that operates on the public sidewalk. There are three types:

- **Enclosed Café:** An enclosed area on the public sidewalk in front of the restaurant that is constructed predominantly of light materials such as glass, plastic, or lightweight metal.
- **Unenclosed Café:** An outdoor area on the public sidewalk in front of the restaurant that contains removable tables and chairs.
- **Small Unenclosed Café:** An unenclosed sidewalk café containing no more than a single row of removable tables and chairs next to the building. The tables and chairs can occupy no more than 4 feet, 6 inches of the public sidewalk.

ZONING RESTRICTIONS

The Department of City Planning allows cafés to exist in certain portions of the City. Please refer to the Sidewalk Café **Street Guide** for more information.

SIDEWALKS AND SIDEWALK SAFETY

Sidewalks are used by people to stroll, shop, or go to or from work. The sidewalks of New York City were originally designed for four- and five-story buildings. They now accommodate 40-story towers. In fact, sidewalks have



become smaller as the demands of motorized vehicles have grown. In the crowded streets of pedestrian malls, which are closed to vehicles, shoppers accept pedestrian congestion, and some walkers even enjoy it.

But certain vital arteries have congestion problems that can slow down the life of the City. On these streets, cafés are not viable options.

Sidewalk safety – There is a need to prevent situations that would be uncomfortable and downright dangerous to pedestrians. This need is especially great when sidewalk cafés, which consume large portions of the sidewalks, are imposed upon public thoroughfares already occupied by other obstructions.

CLEAR PATH REGULATIONS

8-foot clear path – All sidewalk cafés must maintain a minimum clear path of eight (8) feet between the outer limit of the café and any object near the curb, including the curbstone. Traffic signs, parking meters, and trees with grating flush to grade will not be considered an obstruction to the 8-foot clear path requirement. Sidewalk cafés must maintain a nine (9) foot clear path to an intersection, with no exceptions.

Larger clear path – When a sidewalk is wider than 16 feet, the amount of clear path must be 50% of the distance from the building to the curb line.

Obstructions – These are fixtures and sidewalk “furniture”—fire hydrants, bicycle racks, traffic lights, mailboxes, benches, planters, and so on—that cannot interfere with clear path. These include fixtures installed by the City, federal government, private business, and civic groups with City approval.

Service aisle – A minimum 3-foot wait service aisle is required in all cafés (enclosed, unenclosed, and small unenclosed). The aisle is necessary to ensure that no public space is used by the café to service its clientele. It also makes sure that the café is disabled-accessible, as required by the Americans with Disabilities Act.

Everyone and everything used in the operation of the sidewalk café must be contained within the approved café space. Waiters cannot serve diners from the public sidewalk, only from the designated wait service aisle.

State Liquor Authority – If the applicant holds a State Liquor Authority license to serve alcohol in the restaurant premises, the applicant must provide waiter service.

Cleanliness and Orderliness – The applicant must make sure the sidewalk café is kept clean and clear of any trash or refuse. No loud or unnecessary noises are permitted from the café, including musical instruments or sound reproduction devices within the café.



The applicant is responsible for the good conduct of its patrons. Lack of courtesy to neighbors can lead to penalties. Tables and chairs must be quietly taken in for the night.

ACCESS TO PERSONS WITH PHYSICAL DISABILITIES

Sidewalk cafés must be accessible to persons with physical disabilities and in full compliance with the Americans with Disabilities Act. At least one door into the café or restaurant must be a minimum of three (3) feet wide. In addition, a non-skid ramp may be required if there is a change in grade.

PLANS AND COORDINATED DISTANCES

All permanent items found on the surrounding sidewalk within 20 feet in either direction from the café must be displayed on the plans. Known as **sidewalk furniture**, these items include, but are not limited to, those listed below. You must show on your plans and maintain in your café the following minimum clearances to these adjacent (non-clear path) obstructions. (Please see the section **Clear Path Regulations** for separate requirements.)

- Subway entrance (except flat end) 15'
- Sidewalk cafés (enclosed only) 15'
- Bus stop (with shelter at open end) 15'
- Other authorized object (over 15 square feet) 15'
- Fire hydrants/standpipes 10'
- Traffic lights 9'
- Telephone booths/kiosks 8'
- Mailboxes 8'
- Lampposts 8'
- Street trees (from fencing and guards) 8'
- Bicycle racks (including all bicycles) 8'
- Benches (only for enclosed cafés) 5'
- Subway entrance/bus stop (at closed end) 5'
- All other legal street furniture (15 square feet or less) 5'
- Cellar door (unless closed, locked, and reinforced) 3'
- Transformer vaults 3'
- Subway grates 3'
- Siamese connections 3'



SIGN DISPLAY

DCA License – All applicants must prominently display their DCA Sidewalk Café license in the window or doors that look onto the street, so that inspectors, the public, and the local community will all be aware of the correct operating conditions.

DCA Complaint Sign – Applicants must also display the DCA complaint sign, so that any member of the public will know where to write or call about any problems with the café.

SETUP REGULATIONS

Café Setup – The sidewalk café, when in use, must be set up with the same items that were approved by DCA when the license was granted. Items include tables and chairs and, in some cases, railings and decorative accessories. Applicants cannot use unapproved hanging plants or “bus tubs” where dirty dishes can be stored. Storage is not allowed in an enclosed or unenclosed sidewalk café.

Table Count – Applicants may operate with fewer tables and chairs than the number DCA approved. However, applicants must state the maximum number of tables used. Businesses may not operate with more tables and chairs than their license states. Every freestanding table used by the café counts as one, even when connected or combined with another table.

RAILINGS, FENCES, AND PLANTERS

All items must conform to the rules and regulations set forth by the City. All freestanding planters, fences, or railings must be:

- Self-supporting
- No taller than 30 inches
- Easy to remove from the sidewalk

These items are not permitted in small unenclosed cafés.

VALENCES, CANOPIES, AWNINGS, AND HEATERS

Certain items, such as permanently affixed canopies, may be allowed without a sidewalk café, but may require modification if a sidewalk café is to be added. All awnings over sidewalk cafés must be retractable. With the exception of canopies approved by the New York City Department of Buildings or the Landmarks Preservation Commission, no items can extend over the edges of the café. Restrictions include, but are not limited to, umbrellas and valances.



No advertising is permitted on the sidewalk café other than the name of the establishment on the valance of an awning.

Portable gas heaters are permitted in unenclosed sidewalk cafés, subject to review and approval by the Department of Buildings and the Fire Department.

OPERATING HOURS

Unenclosed and Small Unenclosed Sidewalk Cafés may be open:

- Sunday: 10 a.m. to midnight
- Monday-Thursday: 8 a.m. to midnight
- Friday: 8 a.m. to 1 a.m. Saturday
- Saturday: 8 a.m. to 1 a.m. Sunday

Enclosed Cafés may be open:

- Sunday: 10 a.m. to 4 a.m. Monday
- Monday-Saturday: 8 a.m. to 4 a.m. the following day

INSPECTION CHECKLIST

To learn what DCA inspectors look for and help avoid violations, read Inspection Checklist: Sidewalk Café, included in the Sidewalk Café license application packet and available online at www.nyc.gov/BusinessToolbox.