This presentation was given to the City Planning Commission on June 21st, 2021. A video recording of the presentation can be accessed at the following link: https://www.youtube.com/watch?v=157G2BmBPQE
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
   - Removing other zoning text that enables sidewalk cafes
   - Grandfathering existing enclosed cafes

2. **Changes to the Sidewalk Café Program**
   - Via Local Law & CAPA
   - Transfer's control of sidewalk cafes to DOT, enabling a unified program
   - Revise design requirements and streamline lengthy design review
   - Creates 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
How this will affect Sidewalk Cafes: Allows any restaurant anywhere in city can potentially apply to DOT for a sidewalk café, based on its sidewalk conditions.
Background: 27,000 Restaurants in NYC (as of March 2020)
Background: History of Sidewalk Café in NYC

Timeline:

- **1970**: All sidewalk cafes to get a revocable consent & go through ULURP.
- **1976**: Additional amendments each time a Special District was added.
- **1980**: Streamline application process, Article Chap. 4 created to replace ULURP process.
- **2000**: Addition of Small Cafés.
- **2010**: 2010
- **2020**:
Pre-COVID: Eligible Sidewalk Café Locations

Unenclosed Sidewalk Café
- 8’ clear path, or 50% of sidewalk
- Max 2’-3’ fence or barrier
- Siting Criteria from street infrastructure
- Any furniture or shading must be removable

Small Unenclosed Café
- Located in higher volume areas
- 4’-6” depth for café space

Enclosed Sidewalk Café
- 8’ clear path, or 50% of sidewalk
- Requires 50% of wall to be transparent
- Distance from other enclosed cafes must be 15’ to 40’
Pre-COVID: Eligible Sidewalk Café Locations

- **Small Only**
- **Unenclosed Only**
- **Residential Areas**
- **Specifically Prohibited**

Visit the details at zola.planning.nyc.gov
Pre-COVID: Sidewalk Café Locations

Sidewalk Café type per Borough

- **Unenclosed**
- **Small Unenclosed**
- **Enclosed**

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COVID-19 Pandemic and the Effect on the NYC Restaurant Industry

Employment in the sector dropped a total of 64% from Q1 2020 to Q2 2020, with losses concentrated in Manhattan.

Monthly Employment in Restaurants, 2020

60 notable NYC restaurants and bars that permanently closed over the last year

https://statistics.labor.ny.gov/lsqcew.shtm
Suspension of Zoning & Dining Rules to allow Open Restaurants

Executive Order 126, in effect as of June 18th 2020, suspended:

• All Zoning Resolution text related to sidewalk café regulations and facilitating outdoor dining

• Admin Code rules requiring application and procedures to obtain outdoor café licenses through DCWP

• Street sweeping rules and other associated street rules to allow roadway dining

Citywide use of Open Restaurants

KEY STATS

11,500 Restaurants participated

Including 5,920 Restaurants outside Manhattan

10,000 Restaurants used the sidewalk
"It has been a lifesaver," said Peter Madonia, the chairman of the Belmont Business Improvement District, who expects most of the restaurants to continue to offer outdoor dining in the winter and beyond.

"It was a game changer for us in terms of making sure the fabric of our community – the restaurants and retail stores – are vibrant again."

- NY Times quote September 2021
Sidewalk Cafes are limited by Zoning

- In 2020, over 2,500 restaurants participated in outdoor dining that would not have been eligible or limited in some way.
- The Zoning proposal will allow for sidewalk cafes in these areas if they can meet the sidewalk conditions.

Sidewalk Cafes are limited by zoning if:

- **Specifically Prohibited**
  - Certain special districts
  - Commercial mid-blocks
  - Under elevated rail lines
  - Other high traffic areas

- **Grandfathered restaurants in residential districts**

- **Limited by small café designation**
Under Elevated Railways
Certain Special Districts

Love and Dough, DUMBO

El Gran Mar de Plata, East New York
Certain central business district areas
Grandfathered restaurants in Residential Districts
Simplifying Café Types: Small Cafes

Areas where small cafes only were allowed:

Small Café's Only

Osteria Laguna, Midtown East Manhattan
Simplifying Café Types: Enclosed Cafes

West Side Restaurant, UWS Manhattan
Other Zoning Text Technical Cleanup

1. Definitions and Cross references
2. Removing text that precludes operable windows that service outdoor restaurants
3. Removing enclosure provisions in certain text
4. Clarifying sidewalk widening text to ensure no conflict with Open Restaurants
Multiple legal steps will be needed to enact the full permanent program – with the emergency program remaining in effect and allowing restaurants to maintain their spaces uninterrupted through at least winter 2022.

- Develop Permanent Proposal
- Zoning Text Amendment & Legislative Actions
- Rulemaking Process
- New Application Process

90 Day Referral to Community Boards and Borough Presidents
**Deadline Sept 27th**

- Emergency Program in effect
- Transition process

2020 | 2021 | 2022 | 2023
Questions