

NYC Open Restaurants – Supplemental FAQ

Is there a central NYC website where all restaurant reopening guidelines and resources are available?

Yes. All restaurant reopening guidelines and resources can be found at nyc.gov/restaurantreopening.

I already have a Sidewalk Café permit. Do I still need to apply to the Open Restaurants program in order to utilize my outdoor space?

Yes. The pre-COVID-19 Sidewalk Café licensing operation has been temporarily suspended, so you must complete the Open Restaurants application to use your sidewalk or curb lane space for outdoor seating.

Am I allowed to serve alcoholic beverages in my outdoor dining areas under the Open Restaurants program?

Yes, but only if you are already licensed by NYS Liquor Authority. You must first submit all business information on the Open Restaurants application [here](#), and adhere to all State operational [guidelines](#).

Am I still allowed to sell alcohol for take-away and delivery?

As of June 29, the SLA continues to allow the sale of alcoholic beverages for off-premise consumption through July 26, 2020. All to-go alcohol orders must be accompanied by the purchase of food. As of July 16, all restaurants and bars are subject to new requirements that they must only serve alcohol to people who are ordering and eating food, and that all service at bar tops must only be for seated patrons who are socially distanced by six feet or separated by physical barriers. The State Liquor Authority has released accompanying [guidance](#).

Will there be inspections to ensure that I abide by all outdoor dining health and safety guidelines?

Yes. Citywide enforcement of State reopening requirements focuses first on education and is primarily complaint driven, but failure to comply can result in a violation subject to a \$1,000 fine or other enforcement. Restaurants can also lose their Open Restaurants entitlement if they fail to abide by NY Forward mandates.

Can customers use my rest rooms? Are there specific requirements for the use and maintenance of rest rooms for customers?

Yes, if your business had to provide rest room access to customers pre-COVID-19 then you must continue to provide access when seating outdoors. A cleaning and sanitizing plan for your restrooms should be a part of your mandatory [NY Forward Safety Plan](#). In addition, NYC Health has recommended guidelines [here](#).

How do I ensure that my outdoor seating area is fully ADA compliant?

Restaurants must provide accessible seating in all areas available for outdoor dining. Because at least 5% accessible seating must be located in the curb lane area, an accessible ADA ramp must be provided at the curb.

Who is responsible to pick up trash left from operating my Open Restaurants outdoor seating? Can I use public trash receptacles?

No, you may not use public trash receptacles. All trash generated by the business' operation must be removed by the business' private carting company.

Can you be more specific about the Open Restaurants 11 p.m. nightly closing time?

All outdoor dining under Open Restaurants must shut down completely no later than 11 p.m. nightly. Service must end and all diners must vacate your outdoor premises by this time.

If you are utilizing *private* outdoor space for dining to which you previously had rights, then the closing time for that space remains the same as it was pre-COVID-19 as stipulated by your Community Board agreement or county hours and all municipal ordinances.

The NYC subway system shuts down nightly 1 a.m. – 5 a.m., so how can I ensure my late-night staff can get home safely?

NYC has created the Essential Connector program to help essential workers commute between the hours of 1 a.m. and 5 a.m. Pre-registration is required, sign up [here](#). Other overnight travel options can be found [here](#). Since the safety of your employees should be a top priority, it is suggested you factor this into your operational planning and communicate clearly with your staff.

Am I allowed to play amplified music outside?

No, music cannot be played in your outdoor seating areas. Only ambient music emanating from your indoor space is permissible as long as all DEP Noise Code for commercial music ([here](#)) are followed.

Can candles be placed on my outdoor tables?

Because the issuance of new FDNY Open Flame permits is temporarily suspended, FDNY is temporarily allowing the use of candles on outdoor tables. The candles must be placed into a candle holder that is taller than the candle flame to avoid fire hazard.

Do I need to put up physical barriers around my outdoor seating?

Yes, barriers are required around the perimeter of your curb lane seating to clearly demarcate this area from traffic lanes. Please see specific DOT guidelines for barriers required around *roadbed seating* [here](#).

Does my staff have to be tested for COVID-19 before returning to work?

No. Instructions regarding staff health and safety from New York State can be found [here](#). Instructions from the NYC Department of Health can be found [here](#).

How do I know if the curb lane in front of my business is eligible for outdoor seating use?

Following is a list of NYC street signs with a legend indicating whether or not your curb lane is eligible for seating in the Open Restaurants Outdoor Dining Program:



Yes. You may use a parking space for dining if this is the sign in front of your business.



Yes. You may use alternate side of the street parking spaces in front of your business for outdoor dining.



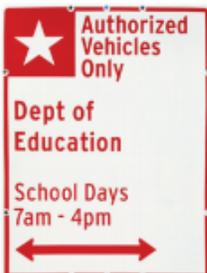
No. You may not use the roadway in front of your business if there's a No Standing Anytime sign.



Yes, with restrictions. You may use the roadway space during the hours No Standing is not in effect. You must remove all barriers, seating and ramps during the hours No Standing is in effect.



No. You may not use the roadway in front of your business if there's a No Stopping Anytime sign.



No. You may not use the roadway in front of your business if it's in a bus stop.

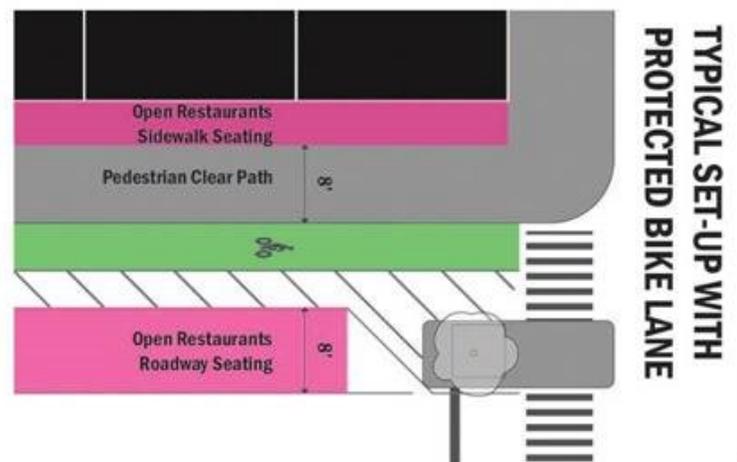
No.

Yes. You may use the roadway in front of your business.

Yes, with Restrictions. You may use the roadway during the hours not included on the sign. Some parking spaces are reserved all the time for Authorized Vehicles and those spaces may never be used by your business. All barriers, seating and ramps must be removed during the hours listed on the sign.

21. Can I apply for roadway seating if there is a bus stop or bike lane in front of my business?

Yes, you may apply. However, roadway seating may not be placed in a bus stop, bus lane, bike lane, taxi stand, Car Share parking space, or vehicular moving lane. Roadway seating may be set up in a floating parking lane in front of an approved business per the diagram below.



My ground floor restaurant has two frontages since it is a corner location or is an L-shaped store. Do I need to complete a separate Open Restaurants application for each location?

No. You should submit only one application by combining the lengths of both seating areas into one Total Length (ft) entry. Since your width will be the same on both sides, just use that number for the Total Width (ft) entry.

I am filling out the SLA requirements on the Open Restaurants application. What is the *Name of Certificant* and is it different from the *Licensee*?

Yes, they are different. The Certificant is the owner of the business whose name is on the liquor license, and the Licensee is the name of the business.

Where do you suggest I source the materials and furniture I need for my outdoor dining setup?

A directory of local vendors that either rent or sell the various items needed to set up your outdoor seating area can be found [here](#).