

COMMUNITY BLUEPRINT FOR OUTDOOR DINING

When pandemic lockdowns required a massive emergency intervention for the restaurant industry, we were all in. But restaurants have been serving indoors at full capacity for nearly two years. The pandemic emergency is over. Pre-pandemic there were almost 1,200 sidewalk cafés. Now there are more than 10 times that number. Such unregulated expansion is now the source of a lingering disaster. Bigger is not better. **Supersizing the restaurant & bar industry is wrong for New York** – and threatens residential neighborhoods and their small businesses. **Now it's time to reimagine outdoor dining to serve all New Yorkers as we rebuild our city.** Here's how our communities see that working:

1. End roadbed dining now. Take down the sheds, remove the decks. Sanitation street sweepers haven't cleaned restaurant-filled streets in more than two years. The firefighter rank-and-file reports what their bosses can't – that response times are up where dining blocks the streets. **Sunset all roadway setups now, then roll out citywide street cleaning and rat abatement programs.** Fine non-compliant operators and remove remaining dining setups at their owners' expense.

2. Distribute outdoor dining across the boroughs and neighborhoods equitably. Some neighborhoods have just a few outdoor dining set-ups, while others – Williamsburg, Astoria, the Village, and the Lower East Side – are saturated beyond endurance. To avoid saturation in residential areas, ensure no block has more than one or two licenses. **Limit the number of café licenses in each community board district to 100, or the number pre-pandemic, whichever is greater.** This creates 5,900+ outdoor dining sites – 5X the pre-pandemic number of sidewalk cafés – and gives restaurants new incentives to open in the outer boroughs.

3. Stop heating and air-conditioning the outdoors in a climate emergency. New York City declared a climate emergency! So has France, where they've banned all outdoor heaters because of the effect on the climate. We must take climate change seriously and do the same. Seasonal open-air dining makes sense. Heating and cooling the outdoors does not.

4. Restaurants are businesses, not charities. Treat them as such. Let the outdoor dining program pay for itself by getting the fees right for both prime and small neighborhood real estate. All fees and consent agreements should be sliding scale based on fair market value: expensive for most of Manhattan and significantly discounted elsewhere.

5. Quiet the restaurant noise in residential areas. Keep the alcohol-fueled din of outdoor dining out of our homes. Noise is a public health issue. Require bars and restaurants to contain crowd noise and music behind closed doors and windows. In residential & mixed-use areas, outdoor dining should close at sunset. School-age New Yorkers need quiet to do their homework. And all of us need quiet to sleep.

6. Give pedestrians, wheelchair users, and others a clear path of at least 8 feet or 50% of the sidewalk, whichever is greater. On a 12-foot sidewalk that leaves four feet for service and dining. On a 20-foot sidewalk, that leaves 10 feet for service and dining. Limit sidewalk dining in areas with high pedestrian traffic as the sidewalk cafe regulations in the Zoning Resolution did.

7. Regulate the program. Fine and shutdown bad operators. The Department of Consumer Affairs (now DCWP) ran a well-managed sidewalk café program, while the Department of Transportation has notoriously looked the other way under their emergency "self-certified" program. Bring back the DCWP, provide adequate staffing for our enlarged program, and we'll have a world-class program.

8. Let our community boards do their jobs. The excesses of pandemic-era outdoor dining have created strife between restaurants and their neighbors. Restore a civil process to our communities. Give community boards at least 45 days to review applications and allow neighborhood input.

9. Ensure that New York's outdoor dining program is environmentally sound. Prepare an environmental impact statement to disclose significant environmental impacts so that they can be mitigated.

10. Give public space back to the public. Don't let restaurants cut to the front of the line for curbside and sidewalk use. Consider genuine, non-commercial community needs – loading zones used by all businesses and residents, bike parking for non-rental bikes, new solutions for trash removal, and residential and visitor parking permits. And while we're at it, let's add more trees—our streets can use the shade and the beauty of more trees.

Let's rebuild New York City for a post-pandemic and climate-friendly future that serves all New Yorkers and our many visitors.