



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

May 28, 2020

Hon. Bill de Blasio
Mayor, City of New York
City Hall
New York, NY 10007

Hon. Corey Johnson
Speaker, New York City Council
224 W. 30th Street, Suite 1206
New York, NY 10001

Re: Open Streets for Dining

Dear Mayor de Blasio and Speaker Johnson,

Manhattan Community Board 4 (MCB4) urges the City temporarily allow restaurants and retailers impacted by store capacity limits to utilize roadway space for their operation. This would follow the recently launched Open Streets program, except this allowance would grant use of the roadway (“dining lane”) for restaurants and retailers who need additional space to resume their operation, while complying with COVID-19 distancing requirements. To ensure the allowance does not create new distancing challenges, this program must be structured in a way that reserves an appropriate (12-ft) amount of sidewalk space without any obstructions for proper distancing for pedestrians.

We also recommend that specific provisions be adopted for food vendors to provide for an equitable and orderly allocation of public space, while providing 12-ft of non-obstructed sidewalk space for pedestrians.

The COVID-19 public health emergency has created a unique set of hardships for residents and merchants. In order for businesses to resume their operations and save many jobs, while complying with COVID guidelines, it is necessary that additional space be made available to these operators. Manhattan Community District 4, especially on Eighth and Ninth Avenues, has limited amounts of sidewalk and a large concentration of eating and drinking establishments.

Manhattan Community Board 4, at its Executive Committee meeting, voted unanimously¹ to support the program conditionally with the following guidelines we feel are necessary for the program to succeed, while complying with COVID-19 directives and maintaining quality of life for surrounding residents:

1. Program duration: The program would begin this season and last until October 2020 - to be evaluated and re-approved for next season depending on the state of COVID-19 and economic conditions.
2. Location: the dining lane can be located on a parking or moving lane on the avenues. In MCB4, dining lanes would not be authorized on plazas, parks, sidewalks, side streets, construction zones or bus boarding areas. Exceptions for side streets must be approved by the Community Board. The area allocated to each merchant should be limited to the width of their storefront and marked on the ground.
 - In MCB4, the following locations have been identified:
 - Seventh Avenue – one dining lane from West 14th to West 26th Streets
 - Eighth Avenue – one dining lane from West 14th to West 24th Streets. There should be no installation north of West 23rd Street. A large residential community fronts the avenue from West 24th to West 30th Streets; the corridor with heavy pedestrian commuter volumes extends from West 30th to West 48th Streets; a fire house and residential sector lies north of West 47th Street
 - Ninth Avenue – one dining lane from West 14th to West 42nd Street and two dining lanes from West 42nd Street to West 48th Street, one on each side, as both sides of the avenue have a large concentration of restaurants. Some sections of the avenue above West 48th Street are under construction and should not be included
 - Tenth Avenue – one dining lane from West 14th to West 59th Streets
 - West 14th Street from Sixth to Eleventh Avenues, which includes the Meatpacking District and the areas freed up by the Busway installation
 - West 46th Street (from Eighth to Ninth Avenues, known as Restaurant Row.)
3. Restaurants must keep the sidewalk free of all obstructions so there is enough space for pedestrian distancing (12-ft minimum between any real obstructions measured perpendicularly to the property line). If there is not enough space for pedestrian distancing the operators should:
 - relocate sidewalk cafes and take-out lines to the dining lane if there is one
 - remove menus, A-frames, serving tables, and storm enclosures
 - deposit garbage in the dining lane after closure, which will also provide easier access for sanitation
 - all deliveries should be scheduled to be completed two hours before opening time

¹ Subject to Ratification at MCB4's June 3rd Full Board meeting.

4. Hours and method of operations: 10a.m. to 10p.m. during the week, 11p.m. on weekends; There will be no music, no smoking and other stipulations of the method of operation for the establishment apply.
5. Establishments are responsible for the safe operation of the outdoor premises:
 - physical distancing: patrons must be spaced according to then applicable distancing guidelines and wear masks if standing or moving. There should be no service, including alcohol service, to standing patrons. All service will be to seated patrons only. Staff should wear masks and gloves at all times.
 - provide tables, chairs, a movable ADA ramp and Department of Transportation (DOT)-approved barriers to separate patrons from the traffic.
 - provide security, using paid detail.
6. Post installation, a review process with the local community board should be required if the operation or the location of a specific establishment is problematic as expressed by neighbor or customer complaints.
7. Consideration should be given to how public space will be allocated between restaurants to ensure equitable opportunity.
 - food vendors, in particular (not food trucks), should be directed to set up their operations on side streets only, in the parking lane – not on the sidewalk – in a space located 20-ft to 50-ft from the limit of the pedestrian crossing. This would ensure that restaurants and food vendors do not compete for roadway space and would free up space on the crowded and narrow sidewalks in midtown for pedestrian distancing where 12-ft is required.
8. Mechanisms should be put in place to prevent landlords from capitalizing on this amenity (charging a rent premium)

We look forward to working with your offices in these next steps towards reopening the city that will benefit the businesses in our district.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Frank Holozubiec
Co-Chair



Burt Lazarin
Co-Chair

Business License & Permits Committee



Christine Berthet
Co-Chair
Transportation Planning Committee

Business License & Permits Committee



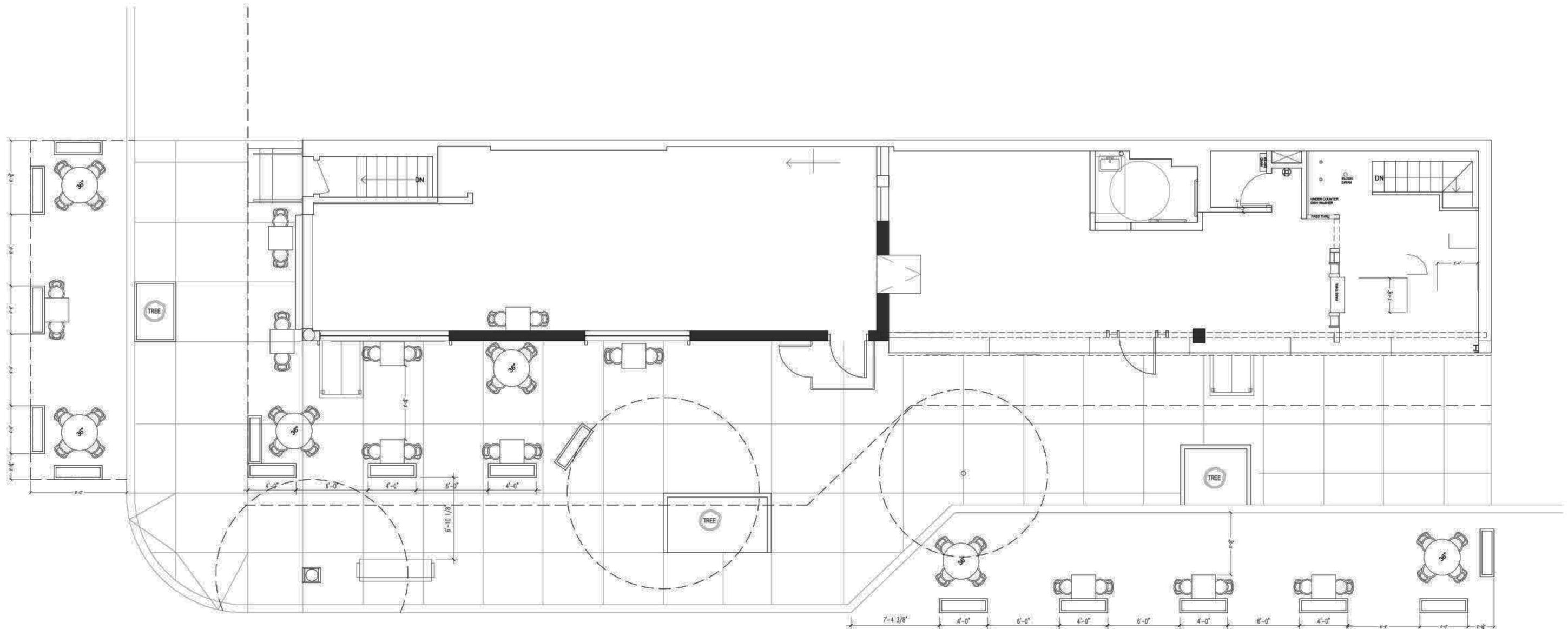
Dale Corvino
Co-Chair
Transportation Planning Committee

Cc: Hon. Jerry Nadler, U.S. Congressman
Hon. Brad Hoylman, NYS Senator
Hon. Richard Gottfried, NYS Assembly Member
Hon. Linda B. Rosenthal, NYS Assembly Member
Hon. Helen Rosenthal, NYC Council Member
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Laura Anglin, Deputy Mayor for Operations
Hon. Vicki Been, Deputy Mayor for Housing and Economic Development
Ed Pincar, Manhattan Borough Commissioner, DOT

1. Will community board approval for outdoor seating still be required, if so will there be more meetings as the window for outside dining in new york is short and typically can not wait for 1 month long approval waiting times under the new rush of covid 19 regulations.
2. Will more then one restaurant on the block need to agree to install street seating for another to be taken into consideration?
3. Will there be a prorated amount for the fees usually associated with outdoor seating or cafes.
4. Could a letter from the community affairs officer in your precinct be taken into consideration for swift approvals based on their inside knowledge of the establishments and their clientele and if they would or would not pose a risk to the community?
5. With looting happening right now and the mayor stating we are opening on monday how could we possibly start construction again on new projects without the fear of being looted and with all protections from the "pause" order in effect?
6. Will there be a way for our utility companies to allow us to pay a discounted rate if we are a business being forced to operate at limited capacity and volume? Possibly by doing a comparison of was revenue was at the same time in 2019 versus 2020? (DEP, CONED, National Grid, Verizon, Optimum, Spectrum)
7. Can DOT circumvent the streat seating program approvals to avoid the long 7 month waiting period on approvals?
8. How can we get the city and BIDS to help those of us who have obstructions which do not allow for the full 12 foot sidewalk width.
9. Break on sales taxes or payroll taxes or corporate taxes, or real estate taxes to owners of our commercial rental properties which is a cost in addition to rents.

Thank you for your time and consideration.

Celene Rosado
Sweet Brooklyn Bar



Revision	Description	Date
EML Design Studio Brooklyn, NY 11205		
CHEZ OSKAR 373 DECATUR BROOKLYN, NY 11233		
Project		
Title 373 DECATURE STREET SIDEWALK PALN		
Drawn by EML	Checked:	File:
Drawing Number A-100	Revision	Scale 1/4" = 1'-0"
		Date 5/9/2020

1 SIDEWALK PLAN

SCALE: 1/4"=1'-0"



Written testimony submitted to New York City Council by:
Charlotta Janssen, owner of Chez Oskar, a staple in Brooklyn for over 21 years
June 4, 2020

To Whom It May Concern:

I have organized and am working with a coalition of nearly 28 local Brooklyn food establishments in an effort to save our businesses, and we are still growing. None of us can survive much longer without quick, decisive, and inclusive action.

Regarding Council Member Reynoso's bill, 1957-2020 permitting outdoor dining: while we are grateful the Council Member is pushing the Mayor to think outside of the box and act, this is not the best solution. We need a low-barrier solution, which gets us open in Phase 1 through outdoor dining. If we do not open in June, many of us will not survive the winter, and the economic crisis will deepen.

All food establishments should be granted access to adjacent outdoor spaces such as sidewalks and portion of the street immediately, regardless of commercial overlay issues, and without bureaucratic red tape. Any outdoor seating, inclusive of rear yard seating, that was operating pre-COVID should be reinstated in Phase 1. The Council should be clear in this legislation about when outdoor table service will be available. Given current trends, Phase 3 would start at best, July 6. We cannot wait that long.

We should be opened outside with table placement consistent with sidewalk café regulations, further modified for COVID-19 spacing, with parking lanes using similar spacing. The NYPD can lend out its steel barriers and DOT can supply orange barrels. This process should not have permitting review or requirements.

These moves ensure that restaurants do not have to spend more money creating outdoor space, and empowers the City to be a partner in opening by providing perimeter resources.

Waiting for City agencies to establish rules around sidewalk and street use, health and hygiene protocol, and processing hundreds of applications is too complicated for the urgency of the moment, and results in a risk of too much time being spent on bureaucracy. Just one bottleneck at Department of Consumer Affairs could be the difference between life and death for too many restaurants.

Now more than ever we need outdoor seating. Sidewalk cafes and outdoor dining spaces bring a lot of benefits: slow down traffic, make streets safer, add jobs to economy, and revenue to the city.

Neighborhood retail zoning in Bed-Stuy since the comprehensive citywide 1961 rezoning had left many commercial establishments as legal-non-conforming uses. While this happened in an era prior to the blossoming of coffee shops, cafes, bars, and restaurants, the industry is growing, providing jobs and opportunity, and non-conformance has precluded these places to utilize outside space –whether it be as sidewalk cafes or rear yard table service.

Many of these places are located along commercial thoroughfares; yet, do not have the opportunity to realize outdoor dining income due to merely being a legal-non-conforming establishment. This has stifled economic activity, and will continue to do so without

establishment. This has to stifle economic activity, and will continue to do so without government action.

Commercial thoroughfares pay commercial rents and deserve consideration for zoning changes to enable ongoing outdoor dining possibilities, even beyond the hoped for interim emergency response to utilize sidewalks and part of the street. Without City intervention, this system serves to enrich zoning attorneys.

I have attached a map of our community in Stuy Heights. Only the green outlined sidewalks are allowed to have sidewalk cafes- they are few and far between. I have also attached a proposal for my sidewalk to serve my community as safely as possible while keeping my staff safe, at a capacity that will allow me to hopefully survive.

We welcome the decisive language Brooklyn Borough President Adams used to include all of us regarding use of sidewalks and streets for outdoor dining & his awesome offer to partner for permanence.

We thank Council Member Reynoso for the bill he is proposing for outdoor seating.

A huge and very special thanks to Jeffrey Wright for his amazing initiative, "Brooklyn For Life!" to save us and get us to do what we do best: SERVE FOOD! Brooklyn for Life has helped us all slow down our downward spiral a little, as well as helping us mentally by being part of connecting us with and feeding the tireless frontline workers serving our communities. Link to Brooklyn For Life effort: <https://www.gofundme.com/f/meals-for-brooklyn-hospital-staff>

Any indecision on this will kill small businesses. We are weary of being used as window dressing. COVID-19 is our common enemy, and saving our city's economy and our mental health, while flattening the curve is our common goal.

For context, I am submitting the following to the record: further narrative, map of our community in Stuy Heights, a rendering of what outdoor dining space could look like for my restaurants, a letter sent June 1 to Mayor Bill de Blasio on reopening from our coalition

During the COVID-19 crisis, we have been working with Brooklyn For Life! To provide to-go/delivery service and hospital trays to feed first responders, doctors, and nurses. We are doing everything we can to support flattening the curve: we wear masks and gloves, have air purifiers with HEPA filters installed throughout the restaurant, and keep hand sanitizer on or near all common surfaces, and I provided my staff with Vitamin D3 liquid for preventable measures.

Our staff is ready to get back to work and off of unemployment.

This is what we propose:

1) Include Restaurants/Bars/Cafes for outdoor dining ASAP:

The shutdown was sudden and traumatizing. We need to un-traumatize safely together with our community, while protecting our staff. Studies show that outdoors is the safest place to be and congregate socially distant:

<https://www.nationalreview.com/corner/coronavirus-transmission-chinese-study-shows-covid-more-likely-spread-indoors/>

<https://thehill.com/policy/healthcare/494348-new-study-finds-few-cases-of-outdoor-transmission-of-coronavirus-in-china>

<https://www.vox.com/future-perfect/2020/4/24/21233226/coronavirus-runners-cyclists->

Further Studies show that Vitamin D is vital to fight any respiratory diseases and that D deficiency is prevalent in fatal COVID-19 cases:

<https://www.healthleadersmedia.com/nursing/covid-19-epa-releases-list-registered-disinfectants>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3308600/>

https://www.who.int/elena/titles/commentary/vitamind_pneumonia_children/en/

https://torino.repubblica.it/cronaca/2020/03/26/news/coronavirus_studio_dell_universita_di_torino_assumere_piu_vitamina_d_per_ridurre_il_rischio_di_contagio-252369086/

<https://www.thailandmedical.news/news/covid-19-supplements-new-study-shows-vitamin-d-could-be-linked-to-covid-19-mortality-and-infection-rates>

Each small business: Cafe/Bar/Restaurant needs a minimum of 10 seats or the full length of our sidewalks including parking spaces. Give us a real tool to survive. PPP & EIDL didn't serve any of us small businesses. We are still dying on the vine, getting killed by bills

2) Give all Restaurants/Bars/Cafes outdoor dining space regardless of zoning issues including parking spaces

We want to open outdoors only and as soon as possible to process collective trauma. Some of us though don't have commercial overlays. Covid19 didn't discriminate between any of our businesses - don't discriminate between those with and those without commercial overlay. Now more than ever we need outdoor seating. I have attached a map of our community in Stuy Heights. Only the green outlined sidewalks are allowed to have sidewalk cafes. They are few and far between. I have also attached a proposal for my sidewalk to serve my community as safely as possible while keeping my staff safe at a capacity that will allow me to hopefully survive.

3) NO RED TAPE

Give us comprehensive guidelines to implement. Any permit process, any red tape will kill small businesses. PPP & EIDL cut most of us out after using us for window-dressing. We are broke & have no \$ for attorneys or architects, but we can do math, we love our community & will work with police: we each need a minimum of 10 chairs per establishment or the length of our stores along with parking spaces (side streets included (our season is from April to July - we need to catch up to survive the winter).

4) Third party delivery apps need more capping & retro actively.

San Francisco passed a better bill over a month ago. Did slow walking a way too high cap on 3rd party delivery services to the finish line really help anyone? There are no bad actors among us. Some of us are just more desperate than others. Lack of decisive action and lack of leadership turn some of us into bad actors - because we all need to survive. The real "bad actors" here are 3rd party delivery platforms: Seamless, Grubhub, UBER Eats Who made a killing off our corpses and had no mercy. Shutting down was traumatizing. Reopening needs to be unified, in dialogue & healing.

5 We need rent & utility vouchers ASAP:

None of us sleep. We are paying our utilities out of our pocket and from credit cards. Before COVID-19 we already worked for razor thin profit margins - now there are no profit margins, we are all spiraling downward, some faster than others. Our bills are piling up. Vouchers & sidewalk cafe permits are valuable tools rather than the band-aids received for our gashing financial wounds. Those have disappeared.

6) Give Us Tools To Survive - No Band-Aids - Start An Inclusive Conversation For Reopening

Give us emergency interim tools we can easily implement - utility vouchers, rent vouchers, outdoor sidewalk and street areas seating (without red tape), real caps on 3rd

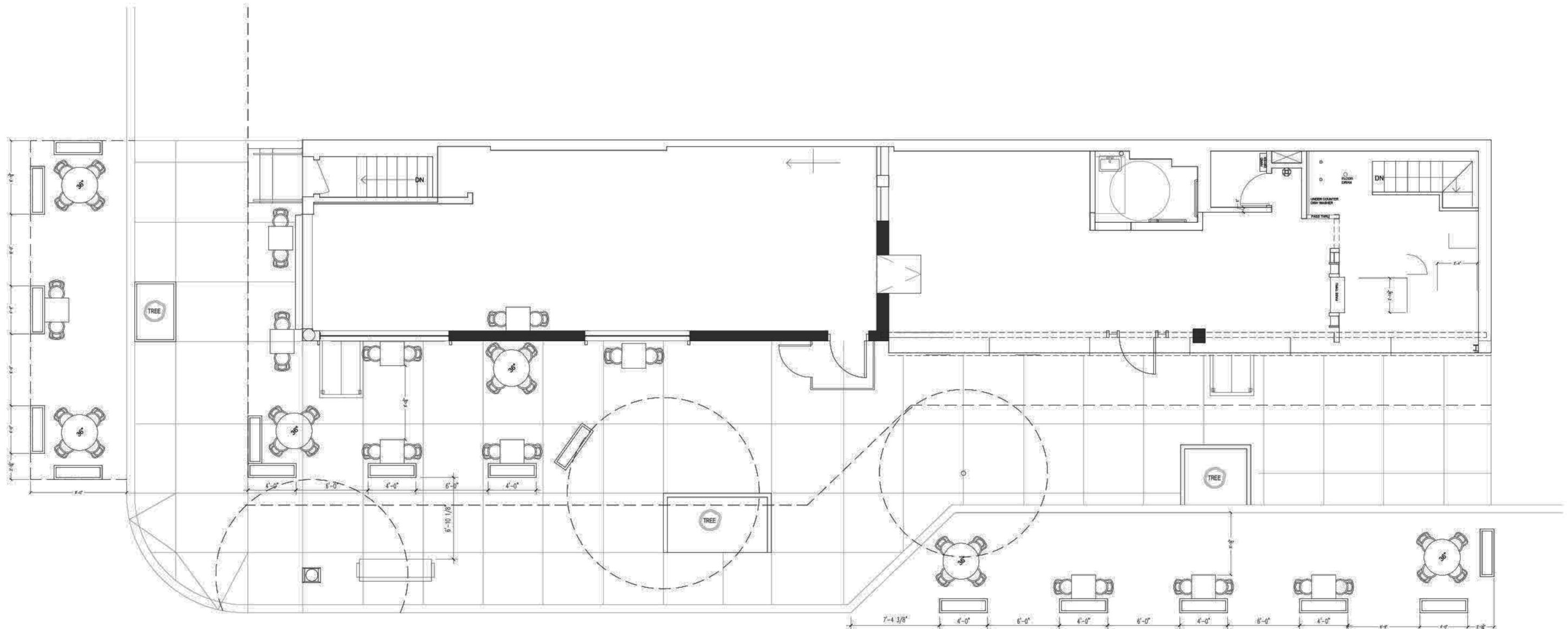
vouchers, outdoor sidewalk and street areas seating (without red tape), rear caps on 5th party delivery apps retroactively: tools that don't discriminate and are inclusive of all of us who were hard hit. We do not need divisive talk: health vs. business. We need decisive leaders with whom we can work out safe guidelines in dialogue. None of us became business owners by being mindless minions.

Charlotta Janssen

Owner of Chez Oskar

"Le Funky French Bistro De Brooklyn"

310 Malcolm X Boulevard, Brooklyn NY



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May 15, 2020

Honorable Bill de Blasio
Mayor of the City of New York
City Hall
New York, NY 10007

Re: Proposed issuance of immediate Executive Order that would allow dining establishments to bring outside seating to adjoining sidewalks and curbside parking lanes

Dear Mayor de Blasio:

I am writing regarding the urgent crisis being experienced by those whose livelihoods depend on the solvency of New York City's eating and drinking establishments. I urge you to issue an immediate Executive Order that allows all such establishments to bring outside seating to adjoining sidewalks and curbside parking lanes.

As you are aware, this industry employs many people in limited floor space, including many low-wage earners who do not have enough resources to withstand the loss of a paycheck. In addition, this industry supports many indirect jobs, such as the suppliers of food and beverages who are in similar financial circumstances. The cycle even includes many landlords who depend on the rents received to pay off mortgages and property taxes. Unfortunately, the shutdowns to prevent the spread of COVID-19 are threatening the very existence of these establishments.

In response to New York PAUSE, many restaurant operators have had to weigh total suspension of operation with merely sustaining operation as take-out venues. Neither are healthy economic options. Even when New York PAUSE is lifted, establishments would likely be meeting social distancing standards that would significantly reduce functional dining capacity, as science is

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Mayor Bill de Blasio

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Page 2

dictating separation when patrons would remain seated for the typical amount of time to enjoy dining out.

This Executive Order should be without regard to the New York City Zoning Resolution (ZR) zoning district designation and should be through no earlier than October 15th. Sidewalk seating should be consistent with the clearances established to comply with an approved sidewalk café, though maintaining six feet between chairs of adjacent tables. As there would be no guarantee that such seating would be extended beyond the Executive Order, steps should be taken to minimize any need for out-of-pocket expenses to be incurred. Establishments should be encouraged to bring tables and chairs from within the establishment to the sidewalk and designated sections of the curbside and/or bike lane-adjacent parking lane.

As for establishing the perimeter of the curbside parking lane seating area, I would recommend that the New York City Department of Transportation (DOT) coordinate the provision of traffic warning barrels to be placed at the nearest point between the oncoming travel lane. Additionally, I would urge that the New York City Police Department (NYPD) coordinate the provision of its metal barrier fence sections used for controlling event spacing to form the enclosure. This set-up would create temporary and quickly-deployed seating in the model of DOT's existing "Street Seats" program.

As there is always the possibility of an operation resulting in quality-of-life impacts, the affected community board, City Council member, and local NYPD precinct command should have oversight to cease specific establishments from continuing operation according to such an Executive Order.

Should you have any questions, please contact my director of land use, Richard Bearak, at (718) 974-0885.

Thank you in advance for considering this matter.

Sincerely,

A handwritten signature in cursive script that reads "Eric L. Adams".

Eric Adams
Brooklyn Borough President

EA/rb

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https://www.who.int/elena/titles/commentary/vitamind_pneumonia_children/en/

https://torino.repubblica.it/cronaca/2020/03/26/news/coronavirus_studio_dell_universita_di_torino_assumere_piu_vitamina_d_per_ridurre_il_rischio_di_contagio-252369086/

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Charlotta Janssen

Owner of Chez Oskar

"Le Funky French Bistro De Brooklyn"

310 Malcolm X Boulevard, Brooklyn NY

Lionel Guy-Bremond,
Owner of Cafe Paulette
(1 South Elliott place, Brooklyn NY 11217)
and Petit Paulette
(136 Dekalb ave, Brooklyn, NY, 11217)

Brooklyn, June 2nd 2020

To whom it may concern,

I am the owner of 2 restaurants in Fort Greene, Brooklyn for 7 years now.

.We are located right across the street from Fort Greene Park.

Since we opened in 2013, I have been trying to apply for a sidewalk cafe permit, like most restaurants and bars already have 1 block away, and all along Dekalb ave. Unfortunately, the block where I am, is zoned as residential, even though my spaces are "grandfather". In order to be approved, I would need to change the zoning into a commercial zoning which is impossible and extremely expensive and a long process.

There are only 3 apartments on the entire block, and probably the best view in all of NYC. Also, the sidewalk is very wide, approximately 17 ft, which is more than enough to put a few tables outside, without bothering foot traffic and neighbor's tranquility.

In this crisis, we are now operating as a to go/delivery restaurant, and our sales have gone down 90%. I received the PPP which keep us afloat for now and could save jobs.

With the strict restrictions we will have to follow once we reopen to the public, and a loss of at least 50% of our regular incomes since we will only have 50% capacity, the only solution is to be able to use the sidewalks and have customers eat outside, and enjoy the location, quietness and peacefulness of our location.

We are more than happy to do so with restricted hours and limited seating.

Please hear me out, and understand the emergency situation we are dealing with. Not only it will save my business and 10 jobs, but it will also bring hope to the community. As a neighborhood restaurant, we stayed open since day 1 of the lockdown to keep serving our community, even though we lost a lot of money by doing so. Everyone has been extremely supportive as we are doing our job with integrity and kept doing what we do best.

Please let me know if you would like to meet in person to discuss further.

Best regards,
Lionel Guy-Bremond

June 2nd

Intro 1957 Testimony

Hello, my name is Heleodora Vivar Flores. I am a street vendor in Washington Heights, and have been for a very long time. I have been fighting for the right to work in the streets as a vendor for over 15 years.

Today I want to talk to you about who street vendors are. We are mostly immigrants, veterans and seniors who need busy streets in order to survive, and so we've been really struggling during this time. As small business owners and workers, we contribute approximately [\\$293 million](#) to the city's economy each year, except for maybe this year due to COVID.

We are part of the same system of food and small businesses in NYC as restaurants. All small businesses are struggling, and we must find a way for restaurants and vendors to share space, without risking getting rid of or displacing street vendor small business owners who contribute so much to NYC. To be clear, we are in support of sidewalk dining for struggling restaurants, but the difference in how street vendors, who are mostly women of color, undocumented people, and very low-income, are being treated, is discriminatory against our smallest businesses.

Restaurants opening should not mean erasing the street vendors like me who also make New York City great.

Thank you for your time,

Heleodora Vivar Flores



RE: City Council Int 1957-2020 Temporary Space for Outdoor Dining

June 3, 2020

Dear Honorable City Council Members,

I am writing on behalf of my businesses, the Washington Square Hotel and North Square Restaurant at 103 Waverly Place in Greenwich Village. My family has owned the hotel since 1973 and I opened North Square Restaurant in 1992. As an independent family owned business, we have certainly faced many challenges over the years, including 9/11 and the 2009 financial crisis. However, nothing has gravely impacted our two businesses, as the Covid 19 pandemic. The hotel has managed to limp through the past few months with a skeleton staff and virtually no guests. North Square, in compliance with City and State guidelines shut down on March 18th and just reopened on May 28th for take-out and delivery. To date, we are operating at a substantial loss from the modest take-out and delivery business.

We expect our dining room will be able to open in phase 3, albeit at a greatly reduced capacity which is going to put an even more pronounced strain on our miniscule margins. In addition, there is no way to predict what appetite there will be for on premise dining until there is a vaccine or a treatment for the virus. Being able to increase our dining capacity by having a temporary outdoor seating is critical for our long term survival. In addition the added outdoor seating would provide expanded employment opportunities for our staff members still out on furlough.

We applaud Council members Reynoso, Gjonaj, Rivera, Cumbo, Powers, Van Bramer, Lander, Ayala, Richards, Salamanca, Kallos, the Speaker (Council Member Johnson), Constantinides, Holden, Vallone, Brannan, Dromm, Koslowitz and Moya for sponsoring Int. No 1957-2020 and strongly urge the entire City Council to pass this bill. It's our only chance to get our vital restaurant industry back on its feet.

Thank you,

Judy Paul
CEO

Washington Square Hotel and North Square Restaurant

FNA FETE NATURE ARCHITECTURE

140 Jackson Street, Unit 1C

Brooklyn, NY 11211

(T) 347.623.0702

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02 June 2020

New York City Council

RE: Intro 1957 Public Hearing and Testimony

Our case studies are visualizations for a quick, easy, and sanitary way to implement vendor stations in Open City Streets. These 100 miles of Open Streets seek to provide a reprieve from being sequestered in our apartments for months on end and a convivial place to safely experience the urban outdoors while relaxing with food and drink. This is an exciting experiment that we hope will lead to permanent car-less streets for people to enjoy.

If you have ever attended a block or community garden party, you know that they are about the most memorable events of city living. The 7pm Emergency Worker cheer, is another example of bonding community together. We have all experienced a tumultuous 2020 from the pandemic and its consequential economic downturn to a call to action to fight against racial and economic injustice. The new normal must include equity for all and a chance to come together with our fellow New Yorkers. We are hoping this experiment in opening the streets to the public instead of prioritizing cars, will be part of the new normal.

We need to dance in the streets – safely-distanced. As A Pattern Language by Chris Alexander said in a chapter titled Dancing in the Street - “Why is it that people don’t dance in the streets today? All over the earth, people once danced in the streets; in theater, song, and natural speech, ‘dancing in the street’ is an image of supreme joy.”¹ Open Streets in our neighborhood reminds us of that block party – a way to be safely-distanced in a wide open street but still enabling us to check in with neighbors – to dance, to play, and to eat together.

“Many of our habits and institutions are bolstered by the fact that we can get simple, inexpensive food on the street, on the way to shopping, work, and friends”²

Our study of Open Streets is focused in the Greenpoint / Williamsburg / Bushwick area of Brooklyn because that is where we work and reside. Our two case studies look at how the Open Street can accommodate vendors - small business people that are vital. An equitable city needs to have a welcome place for street vendors who are providing a convenience to the public while also providing a living for their families.

In addition to the architecture firm Rockwell Group's renderings³ for restaurants making use of outdoor spaces to help their businesses, we wanted to show a vision of an Open Street that

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incorporates spaces for the public that include both vendors and restaurants. Street Vendor Project, with Fete Nature Architecture's renderings, is providing a vision for how the Open Streets can successfully and safely accommodate street vendors.

Vendors are a vital part of the city. As the New York Times article titled "These Are the Things That New Yorkers Achingly Miss"⁴ we note that New Yorkers really miss their favorite street vendors. A few examples include: "The lamb over rice from the food cart by my office, at Seventh and 49th," said Chris Meredith of East Harlem or "the coffee-cart guy on West 40th Street who remembers you take it black". We think the trolling and hating on street vendors needs to stop and instead we must embrace and respect one another just as we see that essential workers are what has brought us to this day.

NYC Women Vendors, as per a study released in October 2019, are particularly vulnerable to harassment and lack of access to places to sell their products such as fruit, water, juices, churros, and tamales.⁵ They are the caretakers and providers for their family and have had no access to the Economic Impact Payment through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). They also are more often vending in the Boroughs outside of Manhattan and we wanted to help assure they have a place in our Open Streets in Brooklyn.

¹*A Pattern Language, Chris Alexander, Sara Ishikawa, Murray Silverstein, with Max Jacobson, Ingrid Fiksdahl-King, Shlomo Angel, Oxford University Press, NY, 1977, p319.*

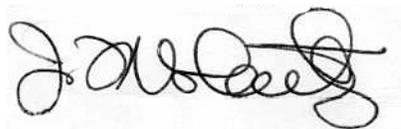
² Ibid, p455.

³*Here Are NYC Outdoor Dining Mock-Ups Shown to City Council, Eater NY, Erika Adams, May 28, 2020, 3:18pm*

⁴*These Are the Things That New Yorkers Achingly Miss, Michael Wilson, New York Times, May 09, 2020.*

⁵*Vulnerable In Itself – Results and recommendations from a study of women street vendors in New York City, Street Vendor Project, Urban Justice Center, September 2019.*

Fete Nature Architecture, PLLC



Julie Torres Moskovitz, AIA, LEED AP, CPHC/T

Justin Pollack
174 West 76th Street
New York, NY 10023

Intro 1957-2020

Testimony of Justin Pollack

June 4, 2020

Dear Members of the City Council Committee on Consumer Affairs and Business Licensing, Speaker Johnson, and Councilmember Reynoso,

Thank you for the opportunity to provide testimony on Intro 1957-2020, which creates temporary outdoor dining locations for restaurants in public spaces, as well as additional locations for food vendors. On behalf of investment professionals citywide, I am writing to ensure that street vendor small businesses are explicitly included in the open streets plans.

I am glad to see that the City Council is exploring the use of public land to benefit small businesses, but I would like to remind everyone that some small businesses are already on the street. Vendors and restaurants are part of the same food ecosystem in New York City. All small businesses are struggling, and we must find a way for restaurants and vendors to share space without forcing them to battle one another. While I support sidewalk dining for struggling restaurants, this expansion should not come at the expense of incumbent street vendors, who are principally city residents from minority and low-income communities. Opening restaurants should not be used as a pretext to destroy the jobs of our local street vendors.

As an investor in private businesses for over 20 years, including in multiple restaurants, I have directly observed the benefits of keeping vendors as part of the neighborhood streetscape. Street vendors bolster safety, food choices, and neighborhood engagement.

We must ensure the COVID-19 recovery plan includes street vendors whose come from communities that have been disproportionately impacted by both the health pandemic and the resulting economic crisis. Please do not ignore our smallest businesses, particularly those led by women of color, undocumented New Yorkers, senior citizens, people with disabilities, formerly incarcerated, and military veterans, who collectively are some of the best chefs in New York City. A truly just recovery for small businesses will also extend to these tax-paying, job-creating street vendors.

Thank you for the opportunity to testify.

Justin Pollack

Thank you Chair Cohen and thank you to Members Brannan, Chin, Koo, Koslowitz, Lander and Yeger for taking time to review my testimony.

My name is Martin Samoylov. I live in southern Brooklyn, I'm a proud pedestrian and know my neighborhood's sidewalks.

In areas like mine, many sidewalks are already extremely narrow. And since the area is suburban-style, many residents are dependent on their cars. Local politicians and activists have been preventing bike lane expansions, so most cyclists must bike by the curb alongside parked vehicles, though some choose to illegally use the sidewalk.

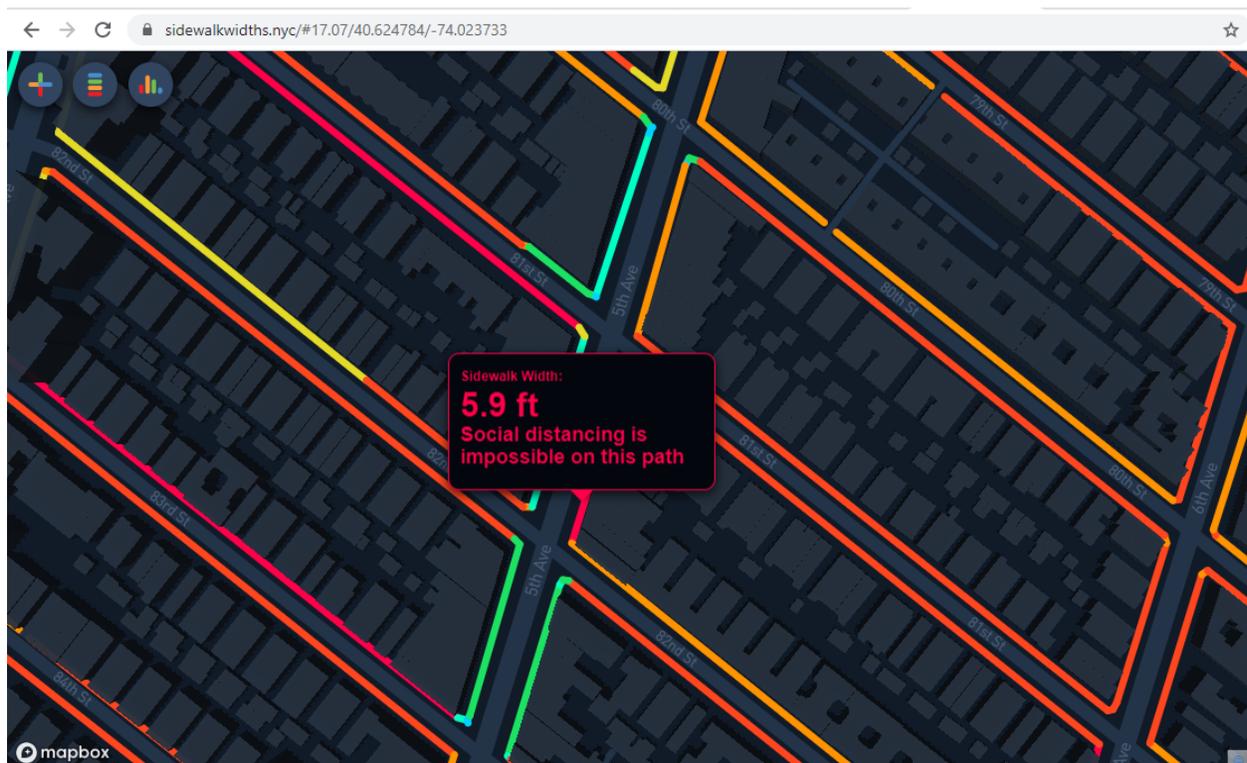
A recent website called sidewalkwidths.nyc visually demonstrated how narrow our city's sidewalks truly are. Many of the sidewalks around my block are just five, six, seven, eight and nine feet wide. Since social distancing requires a six feet distance, walking safely during a pandemic is already a very difficult challenge in such areas.

And southern Brooklyn is not alone. While Manhattan and North Brooklyn may have nicely maintained and perfectly wide sidewalks, many parts in the outer

boroughs do not. This includes commercial zones, where sidewalks are also often below or barely above twelve feet of width.

Even in a place such as Bay Ridge, where there are many restaurants, there are also many sidewalks next to them which are below twelve feet of width.

The below is an example of a commercial street in Bay Ridge (5th Avenue between 82nd and 83rd Streets) which is just 5.9 feet wide.



Adding sidewalk cafes onto areas as these would make it extremely difficult for pedestrians to socially distance. Similarly, taking away parking and using the curbs for restaurant space would bring cyclists right next to restaurant patrons.

I understand you did not intend to cause danger to pedestrians or cyclists with Intro 1957, but that is unfortunately what this bill would do.

On outdoor dining permits, the current language of Intro 1957 reads that "Within five days of receipt of an application for a temporary outdoor dining permit, the department of consumer affairs shall approve any such application from a licensed food service establishment".

That means a business in southern Brooklyn may choose to apply for such a license to expand its seating arrangement by a few seats, but as a result would bring hundreds of daily pedestrians closer to one another and the City would have no choice but to approve it. During a pandemic, such a situation is simply harmful to pedestrians and cyclists.

So I urge all of you to please reconsider Intro 1957 and seek other ways to provide relief and opportunity to our local restaurants. Ways which do not inadvertently hurt pedestrians and cyclists.

Thank you.



Intro 1957-2020

**Testimony of Matthew Shapiro,
Legal Director Street Vendor
Project**

June 4, 2020

Dear Members of the City Council Committee on Consumer Affairs and Business Licensing,

Thank you for the opportunity to provide testimony on Intro 1957-2020, which creates temporary outdoor dining locations for restaurants in public spaces, as well as additional locations for food vendors.

The Street Vendor Project (SVP) is a membership-based organization of over 2,000, mostly immigrant, street vendors who work in NYC's public spaces selling food and merchandise. We organize vendors to have their voices heard as well as provide legal and small business assistance.

SVP recognizes that almost all small businesses are struggling now due to the consequences of the COVID-19 pandemic. This includes the City's smallest businesses, street vendors, who rely on the all but absent foot traffic for their livelihoods. Most street vendors also come from communities which have been disproportionately affected by the pandemic. The problem is clear--both restaurants and street vendors need relief.

SVP does not have any general objections to the idea of restaurants using public spaces, for outdoor dining. However, it is crucial that any proposal preserve the existing spaces used by street vendors. Any "open spaces" that DOT identifies suitable for restaurant dining must not result in any loss of existing vending spaces. If vendors are displaced as a result of this program, than any "reopening" or "recovery" will look just as unequal as the effects of the pandemic.

While we know that street vendors and restaurants have existed alongside each other for more than a century, we have also seen historically that vendors have never had the same legitimacy as restaurants and other brick-and-mortar businesses. In any potential conflict between a restaurant with a new "temporary outdoor dining permit" and a food vendor, even if the vendor has been at the location for years, the vendor will likely lose his location. At a moment when so many are struggling for work, this cannot happen.

There are several amendments to the bill that can ensure that vending spots are preserved. First, the bill should clearly state no "temporary outdoor dining permit" shall be granted for a location that includes space where a food vendor is currently operating, or has operated before the pandemic. I am sure that every restaurant that applies for a permit knows whether or not there is a food vendor usually operating within their proposed footprint, and they should have to certify this on their permit application. The actual permit should also state that food vendors must be accommodated in the public space, to avoid any inequality should a conflict arise.

Other ideas to ensure there is no loss of vending spaces should be to relegate restaurant dining to the streets as much as possible so the sidewalks are free for pedestrians and vendors. If sidewalks are used for restaurant dining, then five feet of space, the width of the largest vending cart, should be preserved from the curb, for food vendors. This could be done by allowing restaurants to use the space usually designated for sidewalk cafes, with additional space depending on the sidewalk width.

SVP also supports the proposal to add additional spaces, which are currently restricted, for food vendors. This could be on the dozens of streets that were restricted for vendors decades ago at the behest of real estate and bigger business interests. Another easy fix would be to repeal the antiquated DOT rule that prohibits food trucks from operating at metered parking spots and affording them the same rights as all other commercial vehicles. The Council could also look at amending the numerous sidewalk placement rules for vendors to make it a little easier for vendors to operate without fear of high fines and other enforcement actions.

We recognize that the City must do more to support all small businesses including restaurants and street vendors. Allowing restaurant dining on streets and plazas should be part of the plan, but more support for street vendors including the bare minimum of making sure they are not displaced is critical as the City moves towards reopening and recovery.

Thank you for the opportunity to testify today.



Dear Chair Cohen and Council Members,

My name is Mohamed Attia, I'm the Executive Director of the Street Vendor Project at the Urban Justice Center.

The Street Vendor Project (SVP) is a membership-based organization of over 2,300, mostly immigrant, street vendors who work in NYC's public spaces selling food and merchandise. We organize vendors to have their voices heard as well as provide legal and small business assistance.

There's no doubt that small businesses across NYC have been struggling during the COVID-19 pandemic, especially those businesses and individuals who were left out from all government support, including many restaurants and most of street vendors.

We're in favor of this legislation, intro 1957, and supporting the City's effort to create opportunities for restaurants to recover from this crisis by allowing them to use public space to operate their business, but we're so concerned about how this plan and policy will be implemented.

The legislation lacks the clarity of ensuring that current vending spots are protected, and vendors will not be displaced by any furniture or structure used by restaurants.

The City Council approach must be inclusive to all small businesses and ensure that supporting one group of small businesses won't hurt any others.

Many street vendors, as sole-proprietors, haven't received any aid from the government yet despite the fact that they pay their fair share of taxes like any other businesses, and haven't been able to work for so long, and the last thing they expect after this crisis, is to be displaced for any reason.

Finally, we thank all Council Members who worked on the bill and included creating additional areas for food vendors to operate, we hope that these areas will require vendors to have a food vendor license only and will not require them to have a food vending permit that the City isn't issuing more of.

Thank you
Mohamed Attia

Support of Outdoor Dining

I just wanted to start by saying thank you to the City Council for hosting this hearing to consider supporting outdoor dining in NYC.

Over the last few months, we have all been dealing with the coronavirus pandemic, and people are itching to get outside and start reopening. It started with Open Streets to allow people to stretch their legs, and now it's time for the next step, outdoor dining.

Many cities around the world and the country have already taken this step. Examples include Boston [1], Baltimore [2], Minnesota [3] and Lithuania's capital [4]. The wildest thing is that even the car-centric suburbs like Nassau County are lapping NYC [4]. This science shows that outdoor transmission is incredibly rare, and we should support people going outside, especially in those neighborhoods where people can't afford to run ACs 24/7, now that we are entering the summer.

The Mayor is clearly not acting, choosing to just start task force after task force to "study" the situation without actually doing anything. This happened with Open Streets, and that only happened due to the City Council threatening the Mayor with legislation forcing him to do something.

It is time to do that again. If the Mayor will not lead, you have to. You are the only hope that the people of NYC have right now.

Thank you.

[1]

<https://www.nbcboston.com/news/local/boston-announces-new-plan-for-outdoor-dining-bike-lanes-bus-stops/2132687/>

[2]

<https://www.baltimoresun.com/coronavirus/bs-fo-baltimore-outdoor-dining-20200528-3fs52crkcr-ekphia6yh63opg34-story.html>

[3]

<https://www.startribune.com/minnesota-cities-testing-new-plans-to-expand-outdoor-dining-during-coronavirus/570775092/>

[4]

<https://www.theguardian.com/world/2020/apr/28/lithuanian-capital-to-be-turned-into-vast-open-air-cafe-vilnius>

[5]

<https://www.newsday.com/news/health/coronavirus/nassau-downtowns-reopening-covid-19-1.44998905>

Samir Lavingia

Regarding: A Local law in relation to temporary space for outdoor dining. NYC Council Intro #1957-2020.

Dear Speaker Johnson,

I have already contacted CM Kallos who represents my district, but am also sending this to you since you are spearheading the Local Law referenced in the subject line and that you are sponsoring.

I have serious concerns about how the outdoor dining proposal would be implemented, particularly in the Upper East Side and Yorkville.

During non-pandemic times, Yorkville and the Upper East Side have an active restaurant/bar scene, which is renowned for being crowded, rowdy and noisy.

These past two weekends, even with pandemic restrictions still in place, there were large groups of people in these neighborhoods congregating on sidewalks and streets, not practicing social distancing and without face masks. Drinking exacerbates the risky behavior, which ends up impacting not only those doing it but pedestrians who had to walk by and through the crowds.

A huge swath of about 70 blocks has been proposed for outdoor dining in Yorkville and the Upper East Side. The following must be addressed:

- 1) Does this proposal include bars? Or is it just restaurants?
- 2) How many establishments will be able to set up outside on a single block?
- 3) How many consecutive blocks could be used for outdoor restaurants/bars?
- 4) The outside setup could lend itself to diners and passersby mingling and congregating, more like a block party or street fair than a sit-down meal. How to prevent that and maintain the flow of pedestrian traffic?
- 5) Who is responsible for making sure health & safety, sanitation and noise limits

are enforced in this expanded use of public space? For example:

a) People who are eating and drinking are not wearing facemasks and social distancing would have to be enforced in order to maintain health & safety.

b) Food and drink spillage in the streets and sidewalks – who is responsible for cleaning that up? How will rodents and bugs be controlled?

c) More people outdoors in social groups means more noise, especially when drinking is involved – how will that be controlled? Will there be a cut-off time for outdoor dining and drinking so that residents in surrounding buildings get some respite and can sleep at night?

6) How will buses run? The last thing that should happen is that public transportation would be negatively impacted.

7) What kind of consideration has been given to managing the heavily traveled bike lanes on First and Second Avenues? How to ensure the safety of waiters, patrons and cyclists?

8) How will non-restaurant/bar businesses on a block receive deliveries if the streets are closed off?

I look forward to hearing back from you about this.

Regards,
Sarah L Wilkins
1601 Third Avenue
New York, NY 10128
slwplace@gmail.com

June 2nd

Intro 1957 Testimony

Hello, my name is Sonia Perez. I am a mobile food vendor in Bushwick, Brooklyn. I work in front of a restaurant on Knickerbocker Ave, where I have worked for the last 1 year. I started working here because at my former location a few blocks away, the cops were so bad that I couldn't work there anymore. I have a good relationship with the restaurant owner, we sell different things, and often people eating there will take my tamales to go for a later day, or I will send people inside to buy drinks.

I have my mobile food vendors license, which means that I have gone through health and safety training about how to safely prepare food. What I don't have, however, is a permit to vend, but this is not for lack of trying. I have been trying to get my permit to vend food for over 10 years. I have been to City Hall, I have spoken at Community Board meetings, but with the current lack of permits I cannot work safely vending in the streets. But still I get been chased by police – all for trying to sell tamales in order to care for my family.

I am afraid that if this bill Intro 1957 is to pass, without there being an opportunity for vendors who have licenses but not permits to work in public space, other vendors like me will be left out from recovery plans, in the same way we have been left out of all relief. Vendors are mothers, and immigrants, and we need to be included in recovery. Please only pass this bill if vendors can be included too.

Thank you,
Sonia Perez

June 2nd

Intro 1957 Testimony

Good morning Councilmembers. My name is Sophia Laskaris, I have been a mobile food vendor for over 30 years. I migrated to the US as a child from Greece, and when my family got here in the 1950s, my parents began working as street vendors. I followed in their footsteps and became a vendor myself, and I work across the street from the South Street Seaport, where I support our city's tourism and hospitality industry.

Street vendors deal with an unjust regulatory system that criminalizes veterans, immigrant entrepreneurs and family businesses for "crimes" like selling \$1 churros - rather than uplifting the important role that street vendors play in our city's culture and economy. We struggle with a regulatory system that fines vendors for setting up near a bus stop, a building entrance, not close enough to the curb, or vending in one of the hundreds of NYC restricted streets. This enforcement can lead to property confiscation or even arrest. We never get the benefit of the doubt compared to more "legitimate" business interests.

In order for this to be fair legislation to all small businesses, we call on our city council to make sure current vending spots are protected. The DCA application and permit explicitly state that any restaurant using "open space" must accommodate any street vendor previously vending in the area used by their footprint

Thank you,

Sophia Laskaris

Testimony before New York City Council, Budget Hearings, May 21, 2020

Submitted by Susan Hapgood, Executive Director, International Studio & Curatorial Program. 917-445-5455. shapgood@iscp-nyc.org

The organization where I work, International Studio & Curatorial Program, is a 26-year old program that usually brings over 100 artists and curators from all over the world to Brooklyn to participate in our programming, each year. We are struggling to figure out the scope of the impact of COVID-19 on our institution, which is half funded by foreign governments' ministries of culture. We receive generous support from city, state and federal government agencies as well, for which we are extremely grateful.

When the pandemic hit, our small staff of seven quickly moved our public programming online, offering Instagram Live talks every two weeks, keeping our local community connected to the arts. Although our building in Brooklyn was off limits, we did not close. We have remained fully active and engaged, helping the public connect to individuals with inspiring visions, fertile imaginations. Several weeks ago, New York artist Alison Nguyen, performed as an avatar on Instagram Live; the week before, a Danish curator, Solvej Olveson encouraged us to think about forever ditching our frenetic cultural consumption, and slowing down to become more deeply and fully immersed in the arts.

ISCP is being hammered just like everyone else. Foreign countries have ongoing uncertainty about how the United States is dealing with the pandemic, about our country's alienating nationalist rhetoric, and the inadequacy of our healthcare infrastructure. Many of our cultural partners outside the US are taking a step back and taking a "wait and see" approach which may severely impact our viability. We are forecasting a major decrease in income, which threatens our institution to its very core.

Rather than shut down to wait out this horrific storm, though, we are making new plans of service to this great city. The nation's, and the city's revulsion to racism and oppression, the widening chasm between wealth and poverty, the evidence of police brutality, are all legitimately leading to widespread anger and revolt.

We are proceeding at our institution according to a new normal. Usually about one third of our participants are New Yorkers, but we have decided to raise money to roll out fully-sponsored residencies for New York-based artists of color as soon as we can. We are working intensively this month to bring in additional funding needed to do so, with the help of our board chair and our board fundraising committee. If we are successful enough, we will be announcing new residencies at ISCP by early July.

We applaud the City Council, the Department of Cultural Affairs, our District 34 Council Member Antonio Reynoso, as well as his awesome staff members Jennifer Gutierrez and Asher Freeman, in addition to Council Members Jimmy Van Bramer, Laurie A. Cumbo, and Stephen Levin. Thank you all for your hard work. We want to help this city in a time of dire need. We are strong, we are resilient, we care.

June 4, 2020

Good morning. Chairperson Cohen, members of the Committee, my name is Thomas J. Grech, President and CEO of the Queens Chamber of Commerce and I am pleased to be here today via video on behalf of the Chamber's 1,150 member businesses.

The COVID-19 pandemic has had a profound impact on businesses in Queens, particularly in the restaurant and hospitality industry. Queens is home to 6,000 of New York City's 25,000 restaurants. These businesses employ tens of thousands of Queens residents, creating economic opportunity and adding to the unique character of our neighborhoods.

Throughout the pandemic, we've seen Queens' restaurant community step up to the plate. So many establishments pivoted to offering take out and delivery, doing what they could to continue to serve their customers and keep their employees on the payroll.

But for the vast majority of restaurants, this wasn't enough. Right now, our restaurants need our support. If we don't take decisive action to help them today, I fear that many of them will never open their doors to customers again.

The reality is that COVID-19 will remain a public health risk for the foreseeable future. For the industry to get back on its feet, we need to take measures to make restaurants as safe as possible for the dining public and restaurant employees, and allow for as much social distancing as possible.

That is why we are here today to support Intro 1957, which would temporarily create outdoor dining areas that would allow for restaurants to better adhere to social distancing guidelines while serving customers.

Cities across Europe have begun using public sidewalks, streets and plazas for the creation of outdoor dining spaces, with many of them shared by several restaurants and bars along the closed street. This works effectively on Stone Street in Lower Manhattan, and there are several locations in Queens that would be ideal for this as well.

We hope that this proposal can be passed and signed into law quickly, so restaurants can begin planning to open their doors and serve customers on their premises, in a way that protects the public and their staff. The Chamber would be thrilled to work with the Council and all of the City and State agencies that would need to be engaged to make this initiative a success.

We thank Council Member Antonio Reynoso for introducing this bill, and Council Speaker Corey Johnson for his leadership. Thank you for allowing me the opportunity to speak today.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Grech". The signature is written in a cursive style with a large initial 'T' and 'G'.

Thomas J. Grech
President & Chief Executive Officer



Testimony regarding Int 1957 in relation to temporary space for outdoor dining

Re: New York City Council Committee on Consumer Affairs and Business Licensing

Date: Thursday, June 4, 2020

Good morning. My name is Brian Hoffman and I work with Turnstile Tours and have been leading food cart tours with them for close to 10 years. I am here today to let you know why we think it is imperative that street vendors be included in the open streets plans.

First off a little background. Turnstile Tours is more than just a tour company that introduces guests to delicious food. We are dedicated to advancing public knowledge about the meaning of place and to connect people to the diversity and community of New York. On our Food Cart Tours, we have introduced thousands of guests to many of this city's hard working food vendors to share their complex stories, the challenges they face daily, and the incredible food. Our guests leave with a strong connection to this important aspect of New York's culture and they understand that the street vendors are the small food businesses in areas like the Financial District and Midtown that are heavily populated with large corporations and fast food chains.

And just as importantly, we pay each vendor for their food and bring them attention and extra income. This is hugely important to us because we know the struggles these vendors deal with. They keep their prices very low to compete with other vendors on the street and if there is bad weather or some mechanical issue with their vehicle, they could lose a valuable day of work.

So imagine how hard it has been for them during this pandemic. When the lockdown order was put in effect, the ones I thought about the most were the street vendors, who are mostly immigrant entrepreneurs trying to support their families with few other job opportunities and little savings. Everybody has been hit hard by this unexpected pandemic, but the vendors have been hit on another level.

Some have continued to operate where they could both to support themselves but also to support the community. They provided a safer way for people to obtain food since going to a grocery store or restaurant for take-out have become anxiety-ridden and potentially unsafe.

A few food mobile food vendors we know took it upon themselves to help by donating food to low income areas or delivering groceries to elderly neighbors. This is not the first time street vendors have greatly helped during a crisis. In the midst of Hurricane Sandy when many restaurants were without power and food, food trucks drove into hard hit communities to supply food and water.



From what we have learned, COVID-19 is rarely spread outside. Street vendors work outside and allow New Yorkers to obtain their food quickly and move to a safer less crowded place. So it seems like an obvious solution to me that street vendors would be part of the next phase of dining.

Street vendors are part of the fabric of New York City. They provide job opportunities to new immigrants and first-time entrepreneurs, they help the tourism industry in the city as every visitor has heard about eating from a New York City food cart whether it's a hot dog, pretzel, or chicken over rice and this in turn contributes a huge amount to the city's economy, and they serve the community with affordable, accessible food.

We ask that street vendors be part of this initiative. They have worked alongside restaurants for centuries in this city and removing their sidewalk spaces would be unfair to these vendors who have already suffered huge losses during this pandemic and it would be counter-intuitive to providing New Yorkers safe and accessible food.

Thank you for your time today and please stay safe!

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature appears to read "Brian Hoffman" in a cursive style.

Brian Hoffman



**Intro 1957-2020
Testimony of Carina Kaufman-Gutierrez
Deputy Director Street Vendor Project
June 4, 2020**

Dear Members of the City Council Committee on Consumer Affairs and Business Licensing,

Thank you for the opportunity to provide testimony on Intro 1957-2020, which creates temporary outdoor dining locations for restaurants in public spaces, as well as additional locations for food vendors.

Street vendors and restaurants are part of the same small business and food ecosystem in NYC. All small businesses are struggling, and we must find a way for restaurants and vendors to share space, without risking the elimination of street vendor small business owners who contribute so much to New York City. Restaurants opening should not mean erasing the street vendors who also make New York City great.

There are approximately 20,000 New Yorkers who sell food and merchandise from the streets and sidewalks of NYC. Street Vendors are primarily low-wage immigrant workers who rely on busy streets in order to survive and are reporting income losses of 70-90%. As small business owners and workers, street vendors contribute approximately [\\$293 million](#) to the city's economy. Yet despite their critical role, street vendors have been excluded from disaster relief at every level of government, including New York City, whether it be due to their immigration status or the informal nature of their work. All small businesses are struggling in the economic fallout of the COVID-19 epidemic, and street vendors disproportionately so.

To be clear, we are in support of sidewalk dining for struggling restaurants, but the difference in how street vendors, who are primarily women of color, undocumented, and very low-income, are being treated, is discriminatory against our smallest businesses. Our concerns that vendors will be displaced from their places of operation, where they have built up clientele, have been validated time and time again. In recent years, opponents of street vending, most notably real estate and corporate interests represented by Business Improvement Districts, have used tactics of intimidation to displace vendors from their spots via private security officers or via the NYPD itself in areas where vending is perfectly legal. In other cases, businesses place new infrastructure (e.g. larger planters, bike racks), usually without permits, in areas where vendors have traditionally operated. Despite the illegal nature of these activities, they can effectively discourage vulnerable vendors who have little recourse.

As NYC considers opening streets and sidewalks to restaurants to allow for business to resume safely, The City has the opportunity to reverse course and ensure vendors who make their living serving fresh and affordable food from our city's streets and sidewalks are included all open streets initiatives. Since vendors already operate outdoors (where we know the [risk](#) of contracting COVID-19 is lower), they are uniquely situated to be part of the City's re-opening and the "open streets" initiative in several ways:

- Must make sure current vending spots are protected
- Any open spaces that DOT identifies shall not result in a net loss of any vending spaces
- Open spaces for restaurants should only be on the streets and not on the sidewalks to make sure that vending spots are not decreased
 - Sidewalk café areas and in the roadway itself – to ensure that pedestrians can walk
 - Allow restaurants to take the whole sidewalk, so vendors can operate in the roadway or parking spots
- The program must only be implemented on sidewalks where it can be ensured there is adequate space for both street vendors to operate and restaurants [A typical vending cart is 5 feet in width measured from the curb]
- Ensure the DCA application and permit explicitly state that any restaurant using “open space” must accommodate any street vendor previously vending in the area used by their footprint
- Food vendors with licenses but no permits because of the current cap on permits should be afforded the same opportunity of vending in public space
- Lift the cap on vending permits and licenses, automatically creating (or legalizing) thousands of jobs for mostly low-wage immigrant New Yorkers to provide meals to New Yorkers in socially distanced outdoor settings.

We must ensure the recovery plan includes street vendors whose come from communities that have been disproportionately impacted by both the health pandemic and the following economic crisis. It must center our smallest businesses, led by women of color, undocumented New Yorkers, seniors, people with disabilities, formerly incarcerated, veterans, and some of the best chefs in NYC. A truly just recovery for small businesses does not erase street vendor communities.

Thank you for the opportunity to testify today.

Sincerely,

Carina Kaufman-Gutierrez



Morris Park Business Improvement District

Testimony Submission on Int 1957-2020 “A Local Law in relation to temporary space for outdoor dining” to the NY City Council Committee on Consumer Affairs and Business Licensing

Morris Park BID, 966 Morris Park Avenue, Bronx NY 10462

Executive Director, Dr. Camelia Tepelus (ed.morrisparkbid@gmail.com)

The Morris Park Business Improvement District (MPBID) was established in 2018 as the 75th BID in NYC and the 10th in the Bronx. It is a solidly middle-class neighborhood that feels like a village with a commercial main street, centrally located in the borough. Morris Park is the Bronx’s largest employment center, home to more than 23,000 jobs, representing 12% of all borough jobs, primarily in the medical field.

The MPBID district is low density, alternating commercial and residential blocks stretching along 20 blocks on Morris Park Avenue including 38 block faces between Amethyst St and Williamsbridge Rd. The Morris Park BID provides supplementary sanitation to the corridor using 2 full time staff, 7 hours/day, 7 days week. The corridor is low-density, with commercial establishments at street level having residential tenants at the upper floors, and a mix of commercial blocks and fully residential blocks.

Our message to the Committee is that Morris Park business are largely **in favor** of the proposed legislation. We already see signs businesses are ready to move ahead as soon as possible, including several restaurants placing small tables outside in an ad-hoc manner, currently without seating. In today’s economic conditions, our restaurants are highly interested in having the option of using our large, low pedestrian density 15ft sidewalks to provide additional opportunities to the local residents to enjoy alfresco dining in Morris Park. We have at least 10 local businesses that potentially interested and readily available to start using outdoor dining spaces – restaurants, pizzerias, cafes, bakeries and fast food restaurants.

Having expressed our support for the proposed measure, we also recognize that the wider Morris Park area is a highly residential neighborhood with mostly one and two-story houses. Noise, excessive overcrowding, cleanliness, potential of rowdy behavior from patrons, double-parking and many other factors, unless clearly specified in the permitting process, may have a negative impact on the quality of life of our surrounding residential community, if not properly managed. We are asking the Committee and the NYC agencies including NYCDSS, DOT, Sanitation, DCWP, NYPD etc., to coordinate in providing **clear, and simple guidance for the businesses** that will take advantage of this opportunity. The guidance must be given to businesses at the time of permit issue, and it must include practical operational details that the business owners must respect:

- Allowed layout and maximum number of tables;
- Allowed area and maximum number of allowed chairs;
- Allowed timeframe for outdoors operation, during workdays and weekends; any wind, rain, or other weather conditions limitations;
- The table style and allowed seating arrangements;
- Time-limitations for customers using the outdoor sidewalk space;
- Separation of business-managed outdoor space from the pedestrian-only area of the sidewalk, through barriers, signs, planters, etc.
- Procedures of addressing public safety of patrons and pedestrians alike, in light of the current social distancing guidelines.

One other suggestion that we put forward for your consideration is that there must be a **mechanism to promptly receive and review complaints** about businesses operating these temporary outdoor spaces. In situations where there are too many justified residential complaints of non-compliance with the conditions of the permit, there should be a clear mechanism to remediate such conditions.

The Morris Park BID thanks the Committee for opening this matter for inputs, and trusts that this innovation, even though pushed by pandemic conditions, will be an experiment that is useful to envisioning an improved use of City public sidewalk space. Whether this will be a 5 months test over the warm weather months of 2020, or the beginning of a revitalization of the alfresco dining experience in the city, especially in the outer boroughs, it remains to be seen.

We believe that the Morris Park BID area is a perfect example of a low-density commercial corridor deeply embedded in the local residential community, that would highly benefit from the proposed Int 1957 legislation.

The MPBID supports this proposed legislation that we believe will support small local business over the summer, and we thanks the NYC Council for the opportunity to submit this testimony.

Respectfully submitted,

Dr. Camelia Tepelus

Morris Park BID Executive Director

A handwritten signature in black ink, appearing to read 'Camelia Tepelus', written in a cursive style.

June 4, 2020



The New York State Latino Restaurant, Bar & Lounge Association

Testimony of Arelia Taveras

Executive Director

The NYS Latino Restaurant Bar & Lounge Association

Before the

New York City Council

Committee on Consumer Affairs & Business Licensing

June 4, 2020

Regarding

Int. 1957: Expanding Outdoor Dining

I would like to start my testimony by thanking Chairman Cohen, Councilmember Reynoso, SBS, and the entire City Council and Committee Members for the opportunity to testify before you today.

My name is Arelia Taveras, as some of you know, I am the Executive Director of the NYS Latino Restaurant, Bar & Lounge Association, representing the interests of hundreds of minority-owned restaurants and nightlife establishments throughout New York City.

I am here today to voice our enthusiastic support for Intro 1957, which would create a temporary outdoor dining “space and permit” issued by the Department of Consumer Affairs & Worker Protection (DCWP). This legislation comes at a time when the restaurant and bar industries are struggling to stay in business. The COVID-19 epidemic has decimated our industry to the point where many of our members have been forced to close their doors.

The restaurant and hospitality industries have lost a lot of lives due to COVID-19, and, property as a result of “looting” damages. We are hurting. I stress that we make this outdoor dining initiative easy, accessible and affordable. Let’s remove all the barriers that could delay the expeditious processing of these permits, my underserved communities of color cannot afford it.

When Governor Cuomo issued the Executive Order in March to limit restaurant and bar service to “takeout and delivery” only, it significantly impacted our ability to earn a living.

Over the past three months, our members have been forced to adapt to a “new normal” but it has not come without consequences. Many restaurants have had to reduce staff hours or in some cases layoff employees. Others have not been able to meet their financial obligations and have been forced to shut their doors for good. Some of these minority-owned businesses were long-standing members of their communities, creating jobs and opportunities in these areas, going forward, these neighborhoods will be changed forever.

As we begin to reopen various industries and sectors throughout New York City, we must think creatively about how to allow businesses, like restaurants and bars, to operate in a safe and efficient manner that adheres to social distancing guidelines. By creating a temporary outdoor dining permit system that allows restaurants to take advantage of outdoor spaces either adjacent to or nearby safely, we achieve that goal. There are many restaurants who may have adjacent parking lots or public spaces across the street from their locations which can serve as a temporary dining space for guests. The reality is that restaurants and nightlife are not going to be fully re-opened for months to come. Intro. 1957 would allow these establishments to

begin to “churn back to life” through outdoor dining creating income generating opportunities for our restaurants.

While we support this introduction, we do have some suggestions to the bill as discussions move forward:

- **Awnings**: Many restaurants and nightlife establishments have retractable awnings that are attached to the buildings they are located in. These awnings provide shelter from sun and rain exposure for patrons and diners. Currently, these restaurants are required to apply for an entirely separate permit to utilize the awning. We are recommending that the Council consider including retractable awnings into the temporary outdoor dining permit system so that it becomes a one-stop shop for all outdoor dining requirements. This would also streamline the permitting system and make it easier for restaurants to take advantage of this program.
- **NYS Liquor Authority**: These licenses are very much tied to the physical restrictions of the restaurant and in many cases, businesses are required to notify SLA and potentially change their permits when they serve alcohol outdoors, whether it be on a sidewalk café or in a backyard setting. In the interest of efficiency, we recommend that the Council consider language that would require DCWP to notify SLA when a restaurant has been granted a temporary outdoor dining permit so that they may reflect the change on the SLA license. Today, the SLA issued some guidelines for owners, we request that the city and state interfacing process make things easier for all parties involved. That if owners have an issue, we have access to a cohesive communication process made readily available to applicant owners.
- **Outdoor Spaces**: Our Association has already begun working with our members to identify potential spaces and we look forward to working with the Department of Transportation (DOT) and DCWP to evaluate these locations.
- **Backyard Spaces**: I would like to request that backyard spaces be a main component to this permit. Some owners do not have enough frontage for dining, but, do have adjacent and backyard spaces for patron dining. We could discuss limiting hours on this use, not to disturb neighbors, but, this use is essential for our restaurant establishments.
- **Enforcement**: The city’s enforcement agencies will not be necessary to maintain order within our premises or outdoor dining spaces. It has taken too long to get here, we will not sacrifice economic survival for a moment of unrest or disturbance to our local residents.

In Conclusion, Intro. 1957 is exactly the type of lifeline our industry needs at this moment and we are thrilled that the Council is moving aggressively on this issue. We would also like to thank Speaker Corey Johnson and Council Member Reynoso for their leadership on this issue and to all participants on this outdoor dining initiative.

We look forward to working with the Council and I am happy to answer any questions you may have. We will be submitting diagrams and suggestions for dining spaces.

Thank you, again from the members of The NYS State Latino Restaurant, Bar & Lounge Association.



**Testimony of the
Greenwich Village Chelsea Chamber of Commerce
Before the New York City Council
June 4, 2020**

My name is Maria Diaz, and I am writing in my capacity as Executive Director of the Greenwich Village Chelsea Chamber of Commerce. Our organization has been representing hundreds of businesses in the Lower Manhattan area for more than 70 years. Chambers of Commerce like ours are the first level of support for the local community in this area. Many of our drinking and eating establishment members have experienced a tremendous strain on their businesses due to the pandemic.

Though New York City is moving towards Phase 1 of reopening on June 8, the reopening of restaurants is still far off, elongating the financial harm the pandemic has caused them. I am here today to advocate on behalf of our members; please allow them to operate in open spaces. Many of our restaurant members have expressed interest in this bill, and came out in huge numbers to hear Councilmembers Rivera, Powers and Speaker Johnson discuss it with our business community. Such an initiative would allow our restaurants to open and do business beyond takeout and delivery, while still implementing social distancing measures between tables in an outdoor setting.

Firstly, allowing restaurants to utilize open spaces could serve neighborhoods that have been hit hardest by the coronavirus pandemic. There is plenty of street space in NYC that can be repurposed to aid the people of the city, in addition to thousands of employees sitting at home awaiting the opportunity to serve the public. Sidewalks, streets, plazas and parking spots can all be used for outdoor service while still emphasizing ADA compliance. Our members are prepared to reopen, and we believe that the time is now. As we have just entered the month of June, the weather is getting warmer, and people do not have anywhere to sit and eat outdoors unless they purchase food for takeout and go to the park.

Secondly, allowing food establishments to utilize space on the streets is certainly feasible and would not require a great strain being placed on New York City supervisors or resources. Restaurants enforce safe and clean streets by sweeping up, overseeing the area, and already having tables outside so all that is needed is coordination with our local government. In accordance with social distancing guidelines, tables would be spaced at a distance that would allow people seated to be at least six feet apart. Furthermore, given the rise of geo-location technology, full-service dining rooms can be easily transformed into a system in which food is pre-ordered, pre-paid, and delivered outside to seated customers.

Thank you for your consideration of and allowing me to testify on this crucial matter. We appreciate your continued support to our restaurant community and city during this challenging time.

Respectfully submitted,
Maria Diaz
Executive Director
Greenwich Village Chelsea Chamber of Commerce

To Whom it May Concern,

I opened Loring Place restaurant on west 8th street almost 4 years ago and much like many businesses shuttered on March 13th. I am trying to reopen for takeaway/delivery but the revenue from that will not be enough to cover the costs associated with it.

We saw today that the city is opening the sidewalk cafe process a bit, and we wanted to say thank you.

However, the cafe restrictions are leaving out streets where sidewalk cafes are prohibited. West 8th is an anomaly in this regard. We are told that the sidewalks must be 12' wide, and ours are "only" 11'9". We have parking lanes on both sides of the street, but a sidewalk that doesn't allow a crucial revenue stream for hospitality businesses.

We'd like sidewalk cafe restrictions lifted on west 8th not only in light of Covid-19, but moving forward. We are hoping you can help.

Thank you,

Dan Kluger

DAN KLUGER
Chef/Owner

LORING PLACE
21 West 8th Street, NEW YORK, NY 10011
Phone 212.388.1831
Direct 212.907.1411
@loringplaceny

On behalf of 120 Seconds LLC (DBA: Temkin's), located at 155 Greenpoint Ave Brooklyn NY 11222, I would like to state the following.

The city- and state-mandated closure has destroyed this LLC's business and the lives of its staff.

The business has been closed since 3/16/2020. While the SLA has "allowed" togo service most bars and restaurants like this one are not designed for togo service. Pivoting to togo service would represent an added financial investment which is impossible since there are no sales since the LLC is mandated closed.

Any use of the public sidewalks in front of the business, or the yard area behind (owner by the building's owners), would be of tremendous help in this period.

This shutdown has ruined the lives of many. The shutdown needs to end so that sales can begin but as some measure of stopgap attempt at help, outside space would be good. Make no mistake, however – the opening of businesses is the only thing that will help the thousands of shuttered businesses like this one.

Ben Wiley
Member LLC
120 Seconds LLC
DBA: Temkin's

Please see attached the Palm Bay, FL process for Temporary Outdoor Dining! This is what NYC needs! It's a simple and quick approval. We need a one page application along with a sketch of the outdoor dining space showing the required clearances! All filed online and in areas where sidewalk cafes are allowed by law for an immediate approval! The plaza's and street outdoor dining spaces will take more time, so it's essential in saving the city restaurant industry the sidewalk dining be approved immediately in time for Phase 2 restaurant reopening in 2 weeks! The other part of the legislation can be approved later! Approve what is ready now and save the NYC restaurant industry! I did all the sidewalk cafe approvals in the Council Land Use Division for 26 years! Approx 13,000. If there is anyway I can help, please contact me! These days I represent restaurants going for sidewalk cafe approvals! Thank you! Pete Janosik



MEMORANDUM

TO: Lisa Morrell, City Manager

FROM: Laurence Bradley, AICP, Growth Management Director

DATE: April 30, 2020

RE: Guidelines for Outdoor Dining as a Result of COVID-19

Handwritten initials "LB" in a blue ink, enclosed within a hand-drawn circle.

COVID-19 is requiring many changes in different sectors of society. On April 29, 2020, Governor DeSantis announced his plans for a "Safe, Smart, Step-by-Step Plan to Reopen Florida." One of the components of Phase I of this plan is to allow restaurants to reopen at only 25% of their former capacity. Phase I also strongly encourages restaurants to make up some of the shortfall in capacity through the use of Outdoor Dining. The City of Palm Bay has no formal outdoor dining regulations and in the past requests for outdoor dining have been reviewed on an informal basis by Land Development staff. In order to help restaurants and expedite these requests I am proposing that requests for outdoor dining continue to be reviewed in formally by Land Development staff. However, to assist in this effort I am proposing the following:

- 1) Informal Plan Review. Restaurants that wish to do outdoor dining should submit a detailed sketch, drawn to scale to Land Development staff for review. The submission must have sufficient detail so that the staff can determine the layout and location on the site. A layout on a survey is preferred.
- 2) Tables must be at least 6 feet apart. Pursuant to state guidelines tables must be spaced at least 6 feet apart in order to meet social distancing requirements.
- 3) Layouts must do the following:
 - a. Cannot block entrances or exits
 - b. Cannot block fire lanes, hydrants or sprinkler connection points
 - c. Cannot block or impair drive aisle or back-up areas
 - d. Layouts must not entirely block pedestrian or handicapped access, especially on multi-tenant properties
 - e. Parking spaces (except handicapped parking) can be used but there must be a physical barrier or separation to protect customers from traffic (i.e., bollards, planter boxes, etc.)
 - f. Seating areas must be on a paved surface.
 - g. Seating capacity cannot exceed the maximum allowable indoor capacity of 25% as noted above.

- 4) Canopies, Tents or Awnings. Canopies, tents or awnings may be used as long as such structures receive required Building and/or Fire Department permits and meet the guidelines of #3 above. Such structures shall be open and not have side panels to allow for air flow.
- 5) Operations. Restaurants that use outdoor seating shall adhere to the following:
 - a. The outdoor areas must be maintained and free of trash and debris, thus cleaned each evening at the close of business
 - b. Music and noise should not cause a disturbance to adjacent residential properties
 - c. Lighting should be adequate for safety but should not create glare issues for adjacent residential properties.
 - d. Operating hours cannot exceed the hours of the indoor seating.
 - e. Restaurants with a liquor license shall obtain approval from the State to serve alcohol in the outside area. A copy of the State approval shall be provided to Land Development prior to the issuance of Certificate of Completion.
- 6) Reviews. There will be no fees for these reviews and Land Development will strive to expedite the reviews and endeavor to complete them within 2 business days of submission. Land Development staff will inspect each outdoor dining area once it is set up and will issue a Certificate of Completion if the area is installed according to the approved plan.

Cc: Suzanne Sherman Deputy City Manager
Patrick Murphy, Assistant Growth Management Director
Valerie Carter, Code Compliance Supervisor
Joy Barnett, Office Manager
Leslie Hoog, Fire Chief
Joan Junkala-Brown, Director of Community & Economic Development

New York City Council Committee on Consumer Affairs & Business Licensing
Testimony on behalf of the Flatiron/23rd Street Partnership Business Improvement District
Int. 1957

Members of the New York City Council Committee on Consumer Affairs & Business Licensing, good morning, and thank you for organizing this important hearing so quickly. My name is James Mettham and I am Executive Director of the Flatiron/23rd Street Partnership Business Improvement District. On behalf of the Partnership, I am speaking in support of Int. 1957 that would require the Department of Transportation (DOT) to designate spaces in the public realm for temporary outdoor dining and establish a permitting system for these spaces.

Flatiron and NoMad—two of the neighborhoods in our BID—have more than 230 restaurants, bars, and fast-casual food establishments. They are integral to the vibrancy and economic vitality of our district, but they are struggling during the COVID-19 pandemic. They need immediate help in order to reopen safely. Designating temporary curbside spaces for outdoor, socially-distanced dining, coupled with a fee-free and streamlined permitting system, will be a critical step in the recovery process.

All partners—public and private—must collaborate closely on the planning, implementation, and monitoring of this pilot project, and we applaud DOT’s commitment to working with food and beverage establishments, industry associations, Community Boards, and BIDs. We are committed to continued successful collaboration with DOT and, much like our long-standing partnership in managing the Flatiron Public Plazas, and now the temporary Broadway Open Streets initiative, believe a flexible, temporary installation of curbside dining areas are the way forward.

These spaces in the public realm, be it full streets or curbside lanes, should allow for creativity and flexibility allowing adjustments to mitigate any unforeseen operating challenges, and sunseting the legislation at the end of October will allow for testing various types of spaces and offer a timely mark for a formal debrief. While we support Int. 1957, we believe DOT pedestrian plazas, including those in Flatiron, should be reserved for public seating, pedestrian circulation, programming, and community uses like GrowNYC Greenmarkets, and not offered as part of this bill’s suite of options.

More broadly, it is important that the City and its partners continue innovating to create a better and safer New York—and the public realm is critical in that equation. We must remain mindful that our streets and sidewalks need to accommodate various functions and support multiple modes of transportation simultaneously. The City must develop a data-driven

framework for ensuring that each use—including commercial loading, safe walking and biking, free speech activities, and new challenges, like six-foot distancing in grocery store queues—is considered.

Thank you all for your consideration and for putting so much thought and leadership into an actionable plan to support not only our food and beverage establishments, but the city's vital commercial areas. The Partnership is ready and willing to work with DOT and our elected officials to address the challenges facing us in this unprecedented time, and I again thank you for your leadership as we begin to reopen New York.

James Mettham
Executive Director
Flatiron/23rd Street Partnership

6/4/2020

Dear New York City Council Members,

Thank you for the opportunity to share my thoughts regarding temporary space for open air dining.

The company I work for is called The Group NYC. We currently operate five restaurants in the city and are soon about to open our sixth.

The restaurants we operate are:

- Olio, Boucherie West Village, Omakase Room and Petite Boucherie (District 3)
- Boucherie Union Square (District 2)
- La Grande Boucherie (opening soon) (District 4)

We have been operating restaurants in New York City since 2008, and before the pandemic we employed 275 people, and estimated adding over 125 employees for our new location. Due to the disruption caused by the crises, we currently have less than 20 employees.

As you know, the coronavirus crisis provided a gut-punch to our city and small businesses, especially restaurants, as due to safety reasons we were not allowed to provide on premise dining. With only a fraction of the revenue [derived from our](#) take-out and delivery business, our operations are currently in a financially precarious position.

The city itself had the misfortune of being the epicenter of the virus, with many people leaving the city, and those left behind, understandably [wary](#) of dining out. In addition, to enable social distancing, restaurants are being asked to operate at severely limited capacity when they do reopen. This leaves a very bleak prospect for our industry.

Which is why we feel the temporary expanded outdoor dining spaces are crucial to the survival of our business and for the recovery of jobs lost in this crisis.

Moreover, the city is in the need of an uplift. This will be a great way to signal the city's resiliency and show the world that New York City is as vigorous as ever.

Specifically, we are requesting for the following areas, adjacent to our restaurants, to be enabled for temporary outdoor dining:

District 3

- Olio (3 Greenwich Avenue, New York, NY 10014): Expand sidewalk seating, and allow for restaurant seating on Ruth E. Wittenberg triangle.
- Petite Boucherie (14 Christopher Street, New York, NY 10014): Allow seating on Gay Street and/or Christopher Street
- Boucherie West Village (99 7th Avenue South, New York, NY 10014): Expand sidewalk dining, and enable dining on 7th Avenue, on the road, in the lane adjacent to bike lane. Also, on West 4th Street, if it is opened for temporary outdoor dining.

District 2

- Boucherie Union Square (225 Park Avenue South, New York, NY 10003): Expand sidewalk seating (Park Avenue South has exceptionally wide sidewalks)

District 4

- La Grande Boucherie (145 53rd St, New York, NY 10019): Additional seating on 6 1/2 Avenue (through-block galleria), between W. 53rd and W. 54th Streets. Currently much of this area is not being utilized. Also, surrounding neighbors are offices, so we request that we are provided extended hours of operations till at least 12 midnight.

Thank you for your consideration.

Regards,



Yousuf Hasan

CEO, The Group NYC

The 9th Street A-1 Block Association
402 East 9th Street ♦ New York, NY, 10009

3 June 2020

The Committee on Consumer Affairs and Business Licensing

Dear Committee Members,

We enjoy open streets for what they were intended to be for - to walk, exercise, bike - but understand the need for restaurants to use some spaces for outdoor dining during the warm weather months and the pandemic.

However, outdoor dining should adhere to current 10pm restrictions, and be a temporary measure while we are subject to social distancing guidelines due to the pandemic. In addition, back yards on residential side streets should remain off limits for commercial use.

Other dry goods businesses should also be allowed to use the sidewalks in front of their establishments, but only where space allows.

A strict boundary that permits social distancing should be defined, and use should be allowed ONLY where there is space (most of the 300 and 400 blocks of E. 9th Street are already too narrow to allow use), as our sidewalks are already so narrow it's often impossible to keep socially distanced.

Sincerely,

Kate Puls and Judith Zaborowski
Co-Chairs
The 9th Street A-1 Block Association

Inoussa Compaore
Zaca Cafe Bed-Stuy, 426A Marcus Garvey Boulevard

I am Inoussa Compaore, Chef and owner of Zaca Cafe Bed-Stuy, 426A Marcus Garvey Boulevard, Brooklyn, NY.

COVID is taking lives and my business. I did not get PPP, I did not get EIDL. GrubHub and Seamless are still taking 30 percent. I want to serve my community safely. Please Issue emergency Sidewalk dining for All Cafe/Bar/Restaurants, Regardless of Commercial Overlay Issues including street and curb space. Give us as much space as possible, so that we have a capacity to survive and protect our community. We know we need to flatten the curve.

I cannot afford an attorney or an architect. I cannot afford to wait for a DOT or a DOH process. Every day counts and every day my business dies, but I can follow clear rules. Let me put out tables and chairs while I wait so my business doesn't die.

Please use Borough President Eric Adam's language that will include those of us with no commercial overlay. We all deserve to survive and we need June to make it through the winter and Phase 1. Every day you wait you can add more empty storefronts, broke owners and unemployed restaurant workers. We are all very broke. We need rent vouchers, utility vouchers and cap the apps more - 10% maximum. 100% of our business goes to them. It's a monopoly. We are not getting breaks for our rents and the cap on delivery is still killing us.

Right now we are excluded from your bill. Please leave nobody behind. Give us outdoor dining for all as soon as possible along with rent and utility vouchers. We will win inshallah.

Inoussa Compaore

Trad Room
266 Malcolm X Boulevard
Mirei Yanagawa & Tatsumi Suyama

We own and operate Trad Room in Bed-Stuy and raise our daughter here. COVID is taking lives and our business. So far we did not get PPP, nor did we get EIDL. GrubHub & Seamless are still taking 30 percent in fees. We want to serve our community safely.

Please Issue executive orders for immediate sidewalk dining for all Cafe/Bar/Restaurants, regardless of commercial overlay issues, including street and curb space and backyards. Give us as much space possible so we can survive and protect our community. We know we need to flatten the curve.

We are thankful for this bill, but we need more help to survive. Our case is dire and we need urgent help: 2017 we applied for full bar liquor license. We got approval in 2018, but there were \$10,000 worth of DOB building violations from 2004 and our landlord refused to remedy them. We are currently in the process of getting it forgiven. Our first liquor license approval expired and we filed again and are approved now.

DOB said they could issue a temp LNO, but that was before COVID-19. We need to have a full bar liquor license and outdoor seating replicating our indoor capacity to survive. This may be happening to constituents in your district as well. Please include their needs in your emergency bill as well. We are so grateful you are addressing this so expeditiously. Our colleagues from Chez Oskar, Mamafox and Skal Coffee shared how much support this bill is receiving to save us from dying on the vine.

Please use Borough President Eric Adam's language, which will include those of us with no commercial overlay. We all deserve to survive and we need June to make it through the winter and Phase 1. Every day there are more empty storefronts, broken owners and lost jobs. We are all very broke. If you can please include rent vouchers, utility vouchers and a better cap on the apps more - 10% maximum. 100% of our business goes to them. It's a monopoly.

Mirei & Tatsumi



**Testimony from Tim Tompkins, President, Times Square Alliance
Committee on Consumer Affairs and Business Licensing
June 4, 2020**

This statement is being given on behalf of Tim Tompkins, President of the Times Square Alliance.

Good Morning Chairperson Cohen and Members of the Committee on Consumer Affairs and Business Licensing. My name is Regina Fojas, Director of External Affairs at the Times Square Alliance, and I would like to thank you for the opportunity to testify today in support of Intro 1957 of 2020. On behalf of the Alliance and our community of nearly 250 food and beverage establishments, we are so grateful that the Council is working on how we can safely support the reopening of our businesses as we work through this difficult and unprecedented health emergency.

First, I just want to briefly touch on what this epidemic has meant for Times Square's food and beverage businesses. Times Square, lacking a large residential population, lost most of our dining and drinking customers overnight – the district has virtually no visitors, no theatergoers, and only a few local employees remaining. As a result, most of our establishments closed completely rather than try and stay open offering take-out and delivery. At the height of the epidemic, 85% of our food and beverage establishments closed. Recently, we have seen some businesses start to re-open, and currently we're up to about 35% of our establishments open in some capacity, but only 18% of our full service restaurants. Several have already reached out to us with interest in how they might use outdoor space to reopen or expand into full service again.

We understand that Intro 1957 is intended to require DOT, DCA and DOH to establish guidelines for identifying spaces where outdoor dining could be appropriate, develop a simplified permitting process and establish clear guidelines for safety and social distancing that establishments can follow.

Our concern is that developing these agency guidelines and permit processes cannot happen quickly enough to meet the urgent time frame we face for getting our businesses operating.

We believe there is a much simpler, and likely much faster way to achieve the goal of getting our restaurants open as soon as we can: **The Mayor should issue an Executive Order allowing any existing public space, whether it is a sidewalk, open street, street seat or plaza to be programmed via a streamlined and free SAPO or similar special permit for outdoor dining.**

Permits could be for the allowable 29 days (or longer if this were a temporary specialized permit) and renewable or revocable should the use of a particular space for dining fail to comply with required social distancing or lead to other safety or quality of life problems. SAPO

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permits could be obtained by BIDs or other neighborhood group or by individual businesses. As we enter this carefully phased period of re-opening, now more than ever we need the City to empower partners such as BIDs and other community groups to experiment and test various scenarios.

For this to be successful, the Executive Order would also need to:

1. Craft general guidelines about what amount of sidewalk space and curbside parking space could be made available for restaurants and bars, and how businesses could configure those spaces to preserve social distance
2. Waive the prohibition against drinking alcohol outside
3. Waive the ban on engaging in financial transactions in the public right of way
4. Allow temporary permitting of sidewalk cafes anywhere they can be situated safely, including on streets where there may currently be prohibited by zoning
5. Craft clear sunset provisions for these pilot or interim activities which can only be extended by affirmative action, so that it is clear these are special circumstances.

These regulatory changes could be implemented immediately via the Executive Order, and if the City found certain locations out of compliance or not operating safely, the permit for that establishment could be easily revoked.

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ALLIANCE

Since this bill regards a novel use of our public spaces, I want to take this opportunity to make some larger points about the management and use of streets, sidewalks and plazas for the longer term. Our streets, sidewalks and plazas exist to accommodate mobility, whether by pedestrian, bike or vehicle, to allow for civic activity such as cultural events and free speech activities, recreation or programming, and to offer opportunities for limited commercial activities which enhance the public realm or offer a distinctive product or service.

The Alliance has long advocated that the City should work towards a philosophical and data-driven framework for deciding how this scarce public space is allocated for these, and for future and as yet unforeseen purposes. There must also be a nuanced understanding of the roles community partners can play in programming, maintaining and enlivening those public spaces, and the city must incentivize rather than stifle responsible community involvement and support. This means smarter and more flexible and less prescriptive policies regarding insurance, programming, partnerships and maintenance and, particularly, protection for partners from liability. This is all the more critical as we face unprecedented strain on our municipal budget and the need for partnership will inevitably grow.

The need for that flexibility and creativity has never been more critical than now, when we have a very small window to activate our streets and public spaces in service of saving our neighborhood businesses. We very much appreciate the opportunity to respond to the proposed legislation today, and look forward to continuing to work with the both the Council and the Administration to resume business, revitalize our neighborhoods and re-open our city.



Intro 1957-2020
Testimony of United for Small Business NYC (USBnyc)
June 4, 2020

Dear Members of the City Council Committee on Consumer Affairs and Business Licensing, Speaker Johnson, and Councilmember Reynoso,

Thank you for the opportunity to provide testimony on Intro 1957-2020, which creates temporary outdoor dining locations for restaurants and food vendors in public spaces.

USBnyc is a coalition of community organizations across the city fighting to protect small businesses from the threat of displacement, with a focus on owner-operated, minority-run businesses that serve low-income and minority communities. **We support the idea of opening the streets, but we want to make sure it is done in an equitable way that includes and protects street vendors and arts and cultural organizations, as well as ensuring recreational space for vulnerable neighborhood residents.**

While the Open Streets program creates valuable opportunities for small businesses to recoup revenue lost due to COVID-19 and re-employ staff, we want to reiterate the need for the program to equitably balance the needs of multiple constituencies. Will there be fees issued for violations? If so, how will those fees be assessed? How will disputes between adjacent businesses be addressed?

Neighborhood residents

We must ensure the recovery plan supports the communities that have been disproportionately impacted by both the health pandemic and the economic crisis. Given that pools and many other recreational facilities will be closed during the summer, we want to make sure that children are able to use street space to play safely, and that neighborhood residents are able to walk and access the space without being penalized. We do not want the privatization of public spaces to result in more opportunities for overpolicing and discrimination.

Street vendors

There are approximately 20,000 New Yorkers who sell food and merchandise from the streets and sidewalks of NYC. Street vendors are primarily low-wage immigrant workers who rely on busy streets to survive. As small business owners and workers, street vendors contribute approximately [\\$293 million](#) to the city's economy. Yet despite their critical role, street vendors have been excluded from disaster relief at every level of government, including New York City, whether it be due to their immigration status or the informal nature of their work. We encourage the council and DOT to prioritize streets that are wide enough to accommodate restaurants, vendors, and pedestrians; ensure current vending spots are protected, and that new open space does not result in a net loss of vending spaces. We also support lifting the cap on vending permits and licenses, legalizing thousands of jobs for mostly low-wage immigrant New Yorkers to provide meals to New Yorkers in socially distanced outdoor settings.



Arts and cultural organizations

We also believe that this open streets plan provides an opportunity to help alleviate the crisis faced by cultural performance venues and arts organizations that remain closed during this crisis but continue to pay rent. Although it may be months before audiences can be invited into performance venues, the opportunity to invite theater, music, dance and other kind of cultural programming onto the streets can provide a new source of revenues for critically struggling arts organizations, attract patrons to these newly opened streets, and provide new opportunities for joy in these difficult times.

Thank you for the opportunity to testify.

Sincerely,

United for Small Business NYC



The Garment District Alliance
209 West 38th Street
2nd Floor
New York, NY 10018

212.764.9600
garmentdistrictnyc.com

NYC Council Int 1957-2020 Hearing
Thursday, June 4, 2020
Barbara A. Blair for the Garment District Alliance

The Garment District Alliance supports Int 1957-2020, a small but important step toward ensuring the survival of our restaurants, bars, and cafes. Our local business owners have expressed to us their challenges, and they are overwhelming. Will tenants come back to patronize their restaurants if they are worried about distancing? Can they even be viable if operating at 50% capacity? We have very few residents, so with no office tenants, no tourists, no Broadway, and no Madison Square Garden, there are concerns about who will visit our businesses even if they open. Business owners feel that there are higher-level policies that must be addressed for businesses to survive, such as repeal of the commercial rent tax. However, we should also be thinking of other measures we can take at a more localized level to give businesses a boost, and open street dining is one obvious solution.

We emphatically support temporary measures to allow restaurants and bars to reallocate parking spaces adjacent to their business in order to provide outdoor seating, something that is currently impossible in the Garment District as sidewalk cafes are banned due to our narrow sidewalks and high pedestrian volumes. We envision businesses providing their own tables and chairs and maintaining and cleaning the space. There is already precedent for this through the city's existing Street Seats program, which would need to be modified to allow businesses to conduct transactions and serve food and drink, including alcohol, in the space. Additionally, we support allowing sidewalk cafes where the sidewalks are wide enough, in front of every restaurant and café for a limited amount of time with no licensing or other fees.

In talking to many of our Garment District businesses, there is huge support for this idea, though a common cause for concern was repeatedly heard that existed long before the pandemic but may become worse because of it: Homelessness. While this issue is obviously most troubling because of how inhumane it is to those who are experiencing it, the impact of mass homelessness, and often untreated mental illness on our public spaces cannot be ignored, and our restaurant owners are concerned about how they could operate outdoor seating in the current environment. The City must solve this problem. This is not a police matter, but one of political will and public health policy.

We also encourage the Council to continue considering ways to open up space on our sidewalks for easy movement and social distancing. We have frequently advocated for removing obstructions such as phone booths from sidewalks and relocating vendors into parking spaces so they do not constrict movement, and these ideas are more important now than ever.

Thank you to the Council for considering this bill and we encourage members to vote for it.

Sincerely,

Barbara A. Blair
President



American Council of Engineering Companies of New York

Testimony - June 4, 2020
Committee on Consumer Affairs
Intro. 1957 (temporary outdoor dining)

The American Council of Engineering Companies of New York (ACEC New York) is an association representing nearly 300 engineering and affiliate firms with 30,000 employees in New York State. Our member firms plan and design the structural, electrical, mechanical, plumbing, civil, environmental, fire protection and technology systems of buildings and infrastructure throughout New York City.

A substantial number of our members live and work in the City. We patronize the restaurants and bars and use the sidewalks, pedestrian plazas, streets and other spaces as everyone else. Like all New Yorkers, our members have been deeply affected by the pandemic, personally and professionally.

We thank the Committee for this opportunity to submit comments on Intro 1957, in relation to temporary outdoor dining permits for food service establishments. ACEC New York supports the Council's commendable goal and intention behind Intro 1957. We appreciate the Council's recognition that businesses are facing unprecedented times and this requires the City to calibrate its approach to fostering the private sector toward economic recovery.

Our members are anxious to see a quick recovery, including for the food establishment industry as well as our own design and construction industry. ACEC New York submits a few items for clarification and observations regarding Intro 1957 for your Committee's consideration.

We interpret the bill's language to mean it will create a permit process for temporary unenclosed outdoor cafés on sidewalks, pedestrian plazas, streets or parking lots that have been designated by NYC DOT. As temporary spaces, these outdoor dining areas will be comprised of removable tables and chairs as defined by the NYC DCA [Sidewalk Café and Design Regulations Guide](#). This means there will be no structural enclosure. We emphasize that the open and temporary nature of the way these outdoor dining spaces are to be used should be made clear in the bill's language. Only in such cases would expedited review be appropriate, as the erection of enclosed structures would require deeper safety analysis.

We note, the bill requires very substantial and critical work of NYC DOT, as the agency would be made responsible for ensuring that temporary dining spaces comply with applicable regulations to protect public safety. The [Sidewalk Café and Design Regulations Guide](#) contains design and operations requirements for sidewalk cafes developed with public safety and convenience in mind. As indicated, these newly permitted outdoor dining spaces should reflect safety, accessibility and historic preservation considerations, including zoning restrictions, sidewalk safety, clear path regulations, accessibility requirements, coordination with the Landmarks Preservation Commission and planning to account for permanent structures in proximity such as fire hydrants, subway grates, traffic lights and other equipment.

Given that the bill places responsibility on NYC DOT to identify spaces where outdoor dining would be appropriate and to take "all measures necessary to ensure protection for all street users," we recommend the agency not only identify general sidewalks, streets, plazas and other appropriate spaces, but specifically designate areas acceptable for use in outdoor dining service. It is worth noting, streets with high numbers of restaurants are often heavily traveled by vehicular, and increasingly, bicycle traffic, including ride share bringing patrons to the location, deliveries, emergency responders and carting.

Careful consideration needs to be given to which streets are appropriate for this purpose, the environmental effects if traffic is eliminated or curtailed, and how to maintain safety if some lanes remain in use. Similarly, while some blocks may have only a single restaurant on them, many have multiple, and NYC DOT will need to determine how to fairly allocate available space and should specifically designate areas within which each restaurant can operate, in order to avoid conflict and to be able to hold the appropriate operator accountable for the conduct of their business.

We also understand the intent of the bill to be that these permits will not be issued for outdoor spaces that are permanent (which would likely require review of the Public Design Commission), that will remain in place for more than a few months (potentially requiring some type of franchise or concession authorization), nor will they permit the construction of any structure and/or electrical/lighting systems without permits from DOB as required under the construction codes. The latter is particularly important, given the bill's provision allowing application plans to be prepared without the seal of a licensed design professional. While that might be warranted given the exigencies of the current emergency and the need for swift recovery, the risk of compromising safety is too great when an installation is contemplated as permanent or that includes utility or similar services, absent review by a licensed or registered design professional, as currently required for all sidewalk cafes. The bill should be amended in order to make this point clear.

We believe that permitting any longer-term or permanent space use, or for the preparation of plans that involve enclosed structures, electrical or HVAC systems, a design professional must be involved to ensure public safety and health. If temporary outdoor dining extends into cold weather months, or as the City reopens and sidewalks and streets become more active, then even more comprehensive planning and study will be necessary, such as impacts on pedestrian circulation, bus routes, proximity to road traffic, deliveries, loading docks, garbage pickups and numerous others, taking into account the actual experience gleaned from the temporary use.

We support the City Council's efforts to identify ways to restart the City's economy. Please let us know if there anything we can do as an association to assist in this process.

For further information please contact:

Hannah O'Grady
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Bill Murray
NYC Director of Government Relations, ACEC New York
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New York City Council Hearing
Committee on Consumer Affairs and Business Licensing
Al Diaz Testimony on Intro. 1957

June 4, 2020

Hello, my name is Al Diaz, thank you Chair Cohen and the committee for the opportunity to testify today. I am a Chipotle worker in Manhattan and Veteran of the US Marine Corp. and Navy. I'm here today to respectfully urge you to pass permanent protections for fast food workers as you consider Intro. 1957.

Multi-billion dollar corporations like Chipotle should not be granted free public benefits like outdoor dining without worker protections. Fast food workers earn as little as the minimum wage, these jobs are not created to sustain families. If I did not receive disability for my time serving our country, I would not be able to support my two teenage sons. In addition to low wages, our jobs are also precarious and we can lose our livelihood at any moment without reason or recourse. I have seen co-workers fired and their livelihoods ripped from them and their families simply because the manager did not like them. That is wrong.

Additionally, as COVID-19 placed my co-workers and I on the front lines of this pandemic, it became clear to us that Chipotle cares primarily about it's bottom line and not about the health and safety of its staff. There is a significant lack of training surrounding best practices with COVID and many stores, including mine, still do not have sneeze guards or shields at the registers--putting my colleagues and I at risk. I have been deployed as active military several times for our country; never did I think my life would be at risk by working at Chipotle. The difference is that my fellow Marines and Sailors were prepared and well trained, ready for anything--at Chipotle, they don't care.

Additionally, in early April I had symptoms of the coronavirus. At the time, tests were not available but I stayed home from work and quarantined. Despite the City's sick leave laws and Chipotle's internal paid sick policies, I had to fight for my sick pay.

Companies like Chipotle, who earn billions of dollars a year, should not receive a free public benefit like outdoor dining without being held accountable. Passing Introductions 1415 and 1396 would give fast food workers permanent protections like just cause. Fast food workers are essential and have been on the front lines of this pandemic. Please, don't leave us behind.

Thank you.



**Written Testimony
New York City Council
Committee on Consumer Affairs and Business Licensing
Submitted on behalf of Randy Peers
President & CEO, Brooklyn Chamber of Commerce**

Thursday, June 4, 2020

We submit this written testimony in support of Introduction Number 1957, establishing temporary outdoor dining areas for restaurants and food vendors while the temporary spacing order is in place due to the coronavirus pandemic. The Brooklyn Chamber of Commerce is among the largest and most influential business advocacy organizations in New York, having spent the last hundred years developing and promoting policies that drive economic development and advance its members' interests. We are the voice of Brooklyn's business community, offering the promotion, support and advocacy businesses need to continue creating jobs and opportunities in their communities.

Our team at the Brooklyn Chamber of Commerce has been working around the clock to help our small businesses weather the COVID-19 crisis and offer them the support, tools, and resources that they need to survive. We need our businesses to safely get back to work as soon as possible and are looking forward to our city reopening. Nonetheless, it is going to be difficult for many of our industries – particularly our vibrant restaurants – to operate safely and make enough money to cover basic expenses. Thank you for introducing this bill to help our restaurants, who have been so hard hit by this crisis and forced to transition to a new model with only takeout and delivery. Allowing them to quickly evolve further and widely offer dining services outdoors is a major step in bringing these critical community anchors, and our neighborhoods, back to life.

We look forward to working with you, Business Improvement Districts, private landlords and community members to cite potential locations for these outdoor spaces. We appreciate you setting out a fast timeline for temporary permits for outdoor dining and that there is no cost associated with them. We want you to know that we will be there alongside these restaurants, providing guidance, distributing personal protective equipment, offering grants and loans to fund sanitizing services, inventory, operations, and distancing design. We are eager to collaborate with you further over the next few months to roll out additional programs that help our businesses get back on their feet so that our city can rebuild and rebound. Introduction Number 1957 is a great first step in taking us there. Thank you for your support of New York City's small businesses.



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Gale A. Brewer, Borough President

Thursday June 4, 2020

**Gale A. Brewer, Manhattan Borough President
Testimony Before the New York City Council
Committees on Consumer Affairs and Business Licensing**

My name is Gale Brewer and I am the Manhattan Borough President. I am testifying today in favor of legislation introduced by Speaker Johnson and Councilmember Reynoso relating to the temporary expansion of outdoor dining space as a means to help our city's struggling restaurants and street vendors.

Little needs to be said about how important this legislation is for restaurants and street vendors, many of whom are standing on the precipice of financial ruin after months of declining, or no, income. Take Susannah Koteen, who owns Lido Restaurant and has proudly been serving the Harlem community on the corner of 117th Street and Frederick Douglass Boulevard for 9 and a half years. Since COVID struck, Ms. Koteen had to close her restaurant for two and a half months and although she recently opened, she is only seeing one-tenth of her usual sales. She has had to let go almost all of her staff and is desperately hoping that an expansion of outdoor dining can bring back her customers and the employees who serve them. There are far too many stories throughout Manhattan like Ms. Koteen's, and it is my expectation that this legislation will give these businesses a reprieve from failure.

I am especially encouraged by some of the finer details in this legislation, including that the permitting process will be expedited, that there will be no permit fees, and that social distancing guidelines will be clearly explained in advance.

I am also encouraged to see that food vendors are specifically included within this legislation and are being recognized as a crucial part of our food service industry. Not only should vendors play a role in this outdoor dining initiative, I believe that the City should suspend permit fees for vendors for the rest of the year, and return permit fees already paid.

There are still more details to work out, for instance whether we want each business to have its own seating or whether we want businesses to share seating, like a food court. If businesses must have their own seating, given the limited space we have and the expected outsized demand, we should ensure that local eateries are allotted enough space to be competitive. We should also include food vendors in seating arrangements, perhaps in this instance with a food court style set

up. And we have to solve the issue of commercial sanitation pick-ups in areas such as these outdoor food pop-ups.

It will be a continuing challenge to adapt our streets and habits to the new normal under COVID. We can learn from other cities that moved ahead.

In addition to the outdoor dining legislation, I am advocating for a major expansion of DOT's Street Seats program. It would allow dining in the parking lane, for businesses that operate on a street with a bus or truck route which likely prevents them from taking advantage of this outdoor dining legislation. This initiative can lead to a broader expansion of the Street Seats program and innovative ways of adapting it to outdoor dining.

Lastly, protests over racial injustice should alert us to the danger of allowing racial disparities and inequities to infect these initiatives. For example, we must ensure that sidewalk café permits are granted equitably and without fees. We also must relay, from the Governor's office, the recent (June 3, 2020)

State Liquor Authority guidance that allows for the outdoor consumption of alcohol within business premises to all parties that engage in this program. If we have learned anything from decades of racial inequity there must be no discrimination in how these new lifestyle changes and regulations are applied and observed.

The Departments of Transportation and Consumer Affairs and Worker Protection must work with community-based organizations: local restaurants, restaurant associations, BIDs, chambers of commerce, community boards, and others to ensure that each community receives a fair share of outdoor dining space. This will prevent over-crowding and help ensure that space is allocated equitably and safely.

Thank you for the time to testify in support of this important legislation. I appreciate the City's June 4, 2020 proposal and look forward to working with the Administration and the City Council to expand outdoor dining for our struggling restaurants and small businesses.

Kirk & Shawanna McDonald
The Southern Comfort
377 Marcus Garvey Blvd
Bedford Stuyvesant, Brooklyn

Imagine being born and raised in a country in South America (Guyana), though it's beautiful, you realize there has to be a better way; so you decide you want a better life for your family and you up and move to the United States and settle in the beautiful city of Brooklyn, NY! Now imagine growing up in the segregated south, being a nanny, midwife and homemaker (but never being seen as good enough). So you decide you want better opportunities for your children and you gather up the needed courage to move your family up north for equal and better opportunities .. and what better place to plant your roots than the amazing city of Brooklyn, NY! These are our grandparents story, we are the results of their dreams and aspirations!

Kirk & Shawanna McDonald, proud parents of Jazmine, Sanaa and Kirk Jr. own and operate The Southern Comfort (a Soulfood and Seafood Restaurant) in BedStuy, Brooklyn. Words cannot express how excited and scared we were when we decided to open our first brick & mortar establishment. People thought we were crazy! Kirk was a seasoned direct furniture salesman and mover, Shawanna wrote Information Technology procedures for the Yale New Haven Health System, but we had a dream to build wealth for our children.

We were faced with so many challenges and struggles in the beginning but after nearly 2 years, we were able to open our doors. Then a few months later, Covid 19 hit. Words cannot express the havoc this pandemic is wreaking on our business. So far we did not get PPP, nor EIDL. We, like many other restaurant owners had to weigh total suspension of operation with merely sustaining via takeout & delivery. Though we're barely sustaining, the delivery apps (Grubhub, Seamless, etc) the 30 percent convenience charge is killing us! We look forward to opening our restaurant and serving our community but we want to ensure we do it safely. We're humbly asking you to please issue executive orders for immediate sidewalk dining for all Cafe/Bar/Restaurants, regardless of commercial overlay issues including street and curb space and backyards. We are thankful for this bill, but we need more help to survive. Our case is dire and we need urgent help. A) Our initial construction plans were delayed because our landlord had thousands of dollars of DOB building violations from the past that refused to pay expeditiously. B) We had to change our initial plans for gas and change to an electric commercial kitchen as National Grid stopped new gas service as we were nearing our opening date. B) reverting to an electric kitchen postponed our application for a full liquor license because we couldn't close our permits. To add insult to injury, our Landlord issued a "Notice to Cure" demanding rent for March - June; please note that we HAVE NOT made enough money during that time to cover even one month's rent. With that said, we're also asking for rent voucher and utility vouchers. Our restaurant family neighbors from Chez Oskar, Mamafox and Skal Coffee shared how much support this bill is receiving to save us from dying on the vine. We truly appreciate Borough President Eric Adam's support to issue an immediate Executive Order allowing dining establishments to bring outside seating to adjoining sidewalks and curbside parking lanes. No one could have anticipated the havoc Covid-19 wreaked on our economy, as a small (macro) business owner, it's been absolutely detrimental. We just want the chance to live our dreams, build a better future for our children and our community. Thank you.

Thank You so much,
Kirk & Shawanna McDonald,
Please allow us to be successful.



June 3, 2020

Speaker Johnson
Committee on Consumer Affairs and Business Licensing
New York City Council

Re: Café Seating: A Lifeline for Businesses in New York

To whom it may concern,

I am writing today with what should be a simple request, given the uncertainty of today for small business owners in New York and beyond. We saw that the city is opening the sidewalk cafe process a bit in light of the hardships being felt by the hospitality industry, their patrons, and their employees, and I wanted to say thank you.

I own Analogue, a bar and restaurant on west 8th street in operation for the last seven years. For the entirety of that seven years, we have watched each summer as people migrate toward outdoor cafes, rooftops, and venues with open windows. We reflect on the fact that none of that is allowed on West 8th Street, a unique strip of NYC real estate that could be a beautiful hospitality destination and walking promenade if only for a few issues. We saw that the café licenses are finally being lifted, and we were ecstatic.

However, the bureaucracy that pervades much of our lives as operators is having an impact here too. The cafe restrictions are leaving out streets where sidewalk cafes are prohibited. West 8th is an anomaly in this regard. Despite sidewalks all over the city boasting smaller widths and more outdoor seating, we are told that OUR sidewalks must be 12' wide, if cafes are even to be considered, which we are told they are not. I measured, and the sidewalks on West 8th are "only" 11'9". Despite this need for an additional 3 inches, we have 10 foot wide parking lanes – the widest I've seen in the city. It seems such a simple matter to allow an exception for the 3 inches on West 8th.

When we opened our doors on West 8th in 2013, the street was largely empty. Since then, a number of hospitality businesses have made an attempt to open, and most have failed. In a

city with ever-increasing rents, ever-increasing labor costs, and a slew of costly rules and regulations, every single dollar counts for restaurants like mine. It is disheartening to see so many dark and empty storefronts on West 8th, despite some headline names like Loring Place, Marlton, and Stumptown coming in. When we speak with other owners, we invariably lament our inability to put a few tables out and liven up the street, which is gated by the old Barnes and Noble (empty for 8? 9? Years) and the now defunct juicery on one end, and a residential building and LPQ (which closes and goes dark early in the evening) on the other. It's frankly not an inviting street to walk down.

Despite being closed for normal business as a result of the pandemic, we have seen the impact of marginal revenue streams. Delivery and takeout have provided a lifeline to some of our employees during this time. Every dollar counts in employing people, and in putting food on their tables. Outdoor seating is revenue that we desperately need, now more than ever, but also moving forward to whatever new normal awaits. We should not let arcane laws and a matter of 3 inches prohibit us from bringing in those needed dollars, and from employing those extra New Yorkers.

We understand that you represent us and we are hoping you can help overcome this injustice. We'd like sidewalk cafe restrictions lifted on west 8th not only in light of corona, but moving forward. We are imploring you to help our businesses, our employees, and our city.

Thanks and stay safe.

Jared Gordon
Analogue, 19 W. 8th St.
analoguenyc.com

Gold Bear, 377 Park Ave. South
goldbearnyc.com

New York City Council Hearing
Committee on Consumer Affairs and Business Licensing
Carlos Hernandez Testimony on Intro. 1957

June 4, 2020

Good afternoon Chair Cohen and members of the committee. Thank you for the opportunity to testify today. My name is Carlos Hernandez and I am a fast food worker at Chipotle in Manhattan.

Workers like me have been on the front lines, making sure our neighbors are well fed during the pandemic. However, working during the COVID crisis has been extremely stressful as Chipotle has violated workplace safety rules putting me, my coworkers' health in danger. What Chipotle preaches to the media about their high standards is not a true reality for workers or customers in the shops.

In late March, my coworker told me she had been diagnosed with COVID. Although she informed our general manager, Chipotle never communicated with staff about a positive COVID case and exposure at our store. However, a few days later our store closed without an explanation. Chipotle moved my coworkers and I to different locations, and were never transparent to us or our new coworkers about our exposure to COVID. Notifying team members about possible or confirmed COVID cases has been an issue in multiple stores. Because of this, my coworkers and I filed OSHA complaints. Several Chipotle team members also reported safety violations such as being unable to socially distance or wash their hands as frequently as we're supposed to.

Chipotle makes billions of dollars a year on the backs of working people like me. A company like Chipotle, who disregards the health and safety of their team members, should not be allowed to receive a free public benefit without accountability. Food service workers like me need protections at work. I respectfully urge you to pass permanent protections for fast food workers (Intros. 1415 and 1396) as you consider giving multi-billion dollar corporations free public benefits.

Thank you.

Charlotta Janssen, owner of Chez Oskar
310 Malcolm X Blvd.
Brooklyn, NY 11233
Additional Testimony

New York City Council,

I would like to submit additional testimony. I have been communicating with a lot of small businesses and see a troubling trend. As mayor or council may want to clamp down on "bad actors" among restaurants, there is nothing in place that clamps down on truly bad, even evil actors:

1) Third party delivery apps have had a monopoly throughout this pandemic and have thoroughly abused it. Any cap should be made retroactively and the current 20% is still way too high. Slow walking the cap has added insult to injury. We are now almost 3 months into the pandemic and the too high cap just kicked in. San Francisco implemented their 10% cap before this was even discussed. It doesn't feel right to any small business owners that anyone pats themselves on the back saying "they helped small business" with the cap on the bill.

2) Predatory landlords who have no mercy: even though small biz has been hit really hard losing in general 80% of business, some landlords will not discuss rent reduction. Landlords with violations prohibiting tenants to get licenses and sign offs are all too happy to evict as tenants have no recourse whatsoever. **Tenants need emergency permits** immediately and **landlords with violations prohibiting tenants from receiving proper licenses need to be regulated. They should not be allowed to collect back rent and cannot evict tenants due to the fact that their violations have held up approvals - especially if they themselves received deferments. Right now commercial tenants have no recourse with "bad actors" that are landlords.**

3) Help Small Businesses that are just starting out and cannot receive PPP or EIDL because they are too "young". They, like us, did nothing to deserve this pandemic, yet they are so far locked out from any small business programs, while huge "small" businesses take it all. Help small businesses caught up in red tape of permit processes, provide grants to those who are so far cut out of loan programs who serve their communities in spite of being short changed every step of the way. Don't make loans dependent on their lack of credit or brief business history.

Give commercial tenants emergency liquor licenses and food serving permits now (even temporary) and stop landlords from evicting tenants who have to operate at a vastly diminished capacity and cannot obtain permits due to their landlord's violations. Force landlords to cure them themselves.

I feel the need to speak out on behalf of small businesses I am neighbor to, because I see a pattern of abuse: a hardworking small business owner trying hard to serve

their community by making a food/drink establishment work (with razor thin profit margins) and a landlord, aloud to misbehave and profit off the improvements the tenant has made without any mercy when they hit a roadblock like this pandemic or the landlord's own violations. I have seen many lose everything they had, not realizing they had no recourse prior to COVID19. Now this is amplified with the pandemic. **Without swift action hardworking businesses will fail and predatory landlords will take advantage, encourage their failure and just rent for a higher price to a next tenant. Please use your authority to stop this finally.**

Charlotta Janssen

June 2, 2020

To: **June 4th Committee on Consumer Affairs, Andrew Cohen Chair**
 From: **Central Village Block Association CVBA_nyc@yahoo.com**
 Re: **Temporary Outside Dining for Cornelia Street**

Chairman Cohen and Committee Members:

The Central Village Block Association has been successfully addressing quality of life issues for the residents of our neighborhood for over 20 years. We work amiably with our local businesses to establish a balance between the requirements of the marketplace and the quality of life Greenwich Village offers. We are proud of our ability to work with our commercial neighbors.

We love and support our long-established restaurants like Pearl, Le Gigot, and Palma - - whose owners have contributed so much to Cornelia Street's special character. And we welcome the newer restaurants whose owners want to work with us.

But this new proposed ruling which wants to shut down Cornelia St. for five months to traffic and open it , potentially, to seven restaurants (we have at least 7 here) is very troubling to us. Literally, hundreds of people could eat and drink daily in our tiny, narrow street – the width of two cars and the length of a block -- without their masks on during the most dangerously infective pandemic of the last hundred years --- and this sounds to us as though the balance of commerce and life has been disastrously tipped towards commerce. Let us explain.

We still know too little about Covid-19, and opening up cities from lockdown is an experiment: we can't yet make determinations about the safety of this venture or the dangers that inhere to it. On June 2, the *New York Times* published a series of scientifically well-researched articles subtitled: "THE VIRUS AT SIX MONTHS". The articles tell what we know and don't know about Covid-19.

One of the things we know, is that up to 50% of infected people are symptomless -- so we should all still be wearing our masks in public. One of the things we can expect, is that the virus is going to be around for a long time. We quote from today's *NYT's* article endorsed by 20 virologists: **"Without a vaccine, the virus is expected to circulate for years, and the death tally will rise over time."...[T]here is no scenario, epidemiologists agreed, in which it is safe for ... people to suddenly come out of hiding. If Americans pour back out in force, all will appear quiet for perhaps three weeks. Then the emergency rooms will get busy again."**

What we fear is that "pouring out in force" is exactly what is proposed for our tiny block. If we had fewer restaurants – say 2 restaurants that wanted to serve outside -- we would have a far better chance of avoiding infection. In short, we will be forcibly exposed to a much higher viral load than other areas of Greenwich Village with this plan of street eating. People who are eating, drinking, and unmasked are exuberant – and they'll be expelling, exuberantly, many more aerolised viral droplets than usual.

So there's the fear of high viral contamination as well as the noise from a constant block party in a street where many of us work at home. Waiting customers will be smoking and talking in front of our buildings– and blocking our narrow sidewalks. Who will police

these customers? What are the specific number of tables allowed for each restaurant, the hours of operation, and what happens with the inevitable drunken behavior at this block party – who will police that? We worry, too, that our street will be blocked to delivery trucks in this time when we ALL live on deliveries. How many packages won't get delivered because the street will be blocked off for 5 months?

We think this proposal for "Temporary Outside Dining" is unworkable, non-specific, and dangerous in its current form --- and in the face of a global pandemic. It puts the residents of Cornelia Street under stress and at risk in their own block. In its current form, it shifts an unfair and unfeasible burden of fear and heightened infection on to the residents of Cornelia St.

But in a month, if and when the results of this gradual relaxation of lockdown are clearer (and we hope safer), we'd be pleased to discuss a compromise with our much-valued restaurant neighbors: the possibility of closing Cornelia St. for a 3 day weekend every week (Thursday dinner to Saturday dinner, or Friday dinner to Sunday dinner, with strict rules for health and safety to be spelled out) so that our restaurants could cash in on the public's favorite nights out with sit-down dining instead of takeaway -- and our residents could have four and half full days of no exposure to an artificially heightened viral load. And that 3 day solution for our restaurants could be extended as soon as viral circumstances warrant.

But now, we're sorry to say, we think it is just too soon to put our block and the people who live on it in what is clearly harm's way.

Thank you for your kind attention,
The Central Village Block Association

June 3, 2020

To: Committee on Consumer Affairs and Business Licensing
From: James D. Ellis, Executive Director--North Flatbush Avenue Business Improvement District
Re: Int 1957-2020; A Local Law in relation to temporary space for outdoor dining

I would like to take this opportunity to comment on Int 1957-2020. I appreciate the efforts of our legislators and this committee to review policies to support small business and getting our neighbors back to work. I recently reviewed the legislation proposed and while I am excited to see swift movement that accounts for current needs, I have a few concerns and considerations. In an effort to be brief, I have bulleted these below:

- Mobile Vending--Let us not discount the potential for proliferation of these services and the unintended consequences of these setting up in front of brick & mortar businesses with similar services. What controls will be enacted to prevent this conflict of space use?
- Enforcement/Regulatory compliance--If these spaces are to be activated, there should be assurance that regulatory agencies that have jurisdiction of public spaces/sidewalks (DOT, DCA, DSNY, NYPD, etal.) are well informed of current legalities and have clarity on any enforcement protocols.
- Non-traditional or currently zoned spaces--There are some areas in "neighborhoods" that are not currently zoned for sidewalk cafes, but are active commercial spaces or corner lots. Any allowances for approval of these spaces?
- Any considerations of options that may be limited by streetscape impediments or municipal infrastructure? For example, the North Flatbush corridor has many block faces with MTA subway ventilation vaults.
- I recognize this legislation is speaking to public dining options, but will there be a provision for the allowance of stoop line sales/sidewalk sales in the same spirit as outside dining? Or will this come in another proposal? Warm weather months that bring outdoor opportunities are limited and retail is going to need space too--these businesses need to be considered now not later.

Thanks for the opportunity to share and I hope you consider the above comments in this proposed legislation.



In support of Intro 1957, opening temporary space for outdoor dining

Good morning. My name is Kathleen Reilly and I am the NYC Government Affairs Coordinator for the New York State Restaurant Association. We are a trade group that represents food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years. Our members represent a large and widely impacted and regulated constituency in New York City. They also represent, today, one of the hardest hit industries in the hardest-hit city in this coronavirus pandemic.

Thousands of employees have lost their jobs, estimated to be about 80% of the restaurant workforce. Our members tell us on a daily basis that they are barely, or not even, making ends meet while limited to takeout and delivery. Those who have temporarily closed worry every day about their ability to reopen, to shoulder those immense costs that have accrued through no fault of their own, and many are still considering whether to reopen at all. We know how much the restaurant industry means to this city, its culture and its economy, and we need serious assistance to reopen and recover. We strongly believe that outdoor dining will be a critical piece of that puzzle, and we are heartened to see City Council considering this important proposal, Intro 1957, today.

We are so appreciative of Council Member Reynoso and all the co-sponsors for bringing Intro 1957 before us today. Intro 1957 would address the availability of space for outdoor dining, which we see as a way to bridge the gap between capacity limitations, on the one hand, and the necessary foot traffic to keep a restaurant viable, on the other. Our members take the safety of employees and guests very seriously, and we understand that when restaurants begin to reopen for on-premise dining, there will be social distancing requirements that will impact the capacity of indoor spaces. With that in mind, we are so pleased and excited to see that City Council has heard the calls from the restaurant community, and is rising to the occasion on the need for outdoor dining space. Identifying new areas of the city – from sidewalks, to streets, to plazas – for this purpose will take some creativity and resourcefulness, and we are ready to help the city reimagine the urban footprint of outdoor dining in NYC.

In particular, we are grateful to see that Intro 1957 specifically charges DOT, DOHMH, and DCA to act within their capacities to begin this project within 7-10 days of this law coming into effect. We are glad to see that DOT-designated areas will be publicly searchable online, and we applaud the explicit role for BIDS, Community Boards, and trade associations like ours to identify possible spaces. We are encouraged to know that the process for receiving a permit for public space would be streamlined and expedited, and that the ability to use private space, with permission, would be even more straightforward and require no permit. We strongly support these permits being free!

One additional element we would like this committee to be aware of is the impact of liquor licenses on the ability to serve alcohol in new areas. Given the SLA has jurisdiction over this issue, we hope to see City Council work collaboratively with the SLA to establish an infrastructure for modifying businesses' existing licenses to include the outdoor spaces they are approved to use for dining. We were extremely pleased to see the guidance the SLA released last night, which begins to address this issue, and we hope City Council will fully collaborate in its role as a municipality, to create a streamlined process for this needed accommodation. As your State Restaurant Association, we look forward to continuing our work with the SLA towards this goal as well.

I would also like to take a brief moment to address the concerns brought forward by street vendors and their advocates today. First, we believe that unlocking vastly more public space for outdoor dining and street vending should be capable of benefitting everyone. Granted, it does seem at least a little misleading for some to claim that street vendors are at risk of being "evicted" from any given sidewalk space, and our thought process on that is as follows: the call for location-specific permitting for street vendors has been a suggested reform, and I know it was suggested at a hearing on street vendor permits not too long ago by a Community Board representative. To our knowledge, the street vendor community and advocates have not taken up this idea, mainly due to the advantage that comes with mobility and location-based flexibility. So as it stands, vendors can and do operate from multiple spaces throughout the day and week, with neither the obligation nor responsibility of staying in any one spot.

Restaurants, on the other hand, are beholden to specific locations through their commercial leases – and many are underwater trying to meet the terms of those leases with severely limited business. Furthermore, the patterns of people moving through the City have changed from the current pandemic, with far fewer people commuting into Midtown office spaces, and many more people staying closer to home in their residential neighborhoods. Now, that brings us back to street vendors, who are actually well-positioned to capitalize on this change. Those who may once have frequented Times Square are now able to vend closer to home, observing where there is foot traffic, and going there. Restaurants are not so lucky. All of this is simply to say that restaurants will benefit from access to the areas of sidewalk and street adjacent to their lease-bound locations, and street vendors absolutely should be accommodated in the swaths of newly opened street and sidewalk, but talk of them being "evicted" from regular haunts seems to overstate and misrepresent the situation.

In conclusion, the New York State Restaurant Association is fully supportive of Intro 1957 and its goals. We are glad to take on our role in helping city agencies successfully identify and operationalize new spaces for outdoor dining, and we are encouraged at the out-of-the-box thinking that will help restaurants to reopen and recover. Thank you for considering this proposal today, and we look forward to making these goals a reality.

Respectfully Submitted,

Kathleen Reilly

NYC Government Affairs Coordinator

New York State Restaurant Association

315 W 36th St., 7th Floor

New York, New York 10018

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Intro 1957 Outdoor Dining Legislation Testimony

Before the New York City Department of Consumer Affairs

Jeffrey LeFrancois

Via Zoom | June 4, 2020

My name is Jeffrey LeFrancois and I am the Executive Director of the Meatpacking District, a business improvement district on the far west side of Manhattan, bordered by Chelsea to the north and the West Village to the south.

Thank you to Speaker Johnson and Chair Cohen, and to Council Member Reynoso for introducing this legislation and allowing me to testify today.

The Meatpacking BID represents over 200 businesses, including over 70 restaurants. The District employs 26,000 people, 6,000 of which are in the foodservice and hospitality industries. Despite the large workforce and visitor population, 80% of public space is dedicated to cars, while just 20% of space outside, including 30,000 square feet of plazas is space for pedestrians and sidewalk cafes. This legislation is a positive step to allow for those numbers to come closer together and provide more space for restaurants to occupy.

The Meatpacking BID supports the premise of Intro 1957 to allow outdoor on-street dining and support for implementing the idea from the Administration today is heartening. Hospitality and entertainment businesses are at the heart of our district, and without providing the opportunity to expand outdoor dining, COVID-19 and the associated quarantine policies may decimate the vibrant and lively community here in the Meatpacking District. We would like to make a number of suggestions to improve the legislation:

The need for swift and direct action is essential. Involving three agencies in this process will slow down and complicate the process, thereby undercutting the overall goal of allowing restaurants to quickly open for outdoor dining. The legislation should give broad authority to one agency to direct how this will work and apply existing rules accordingly.

If plaza use is going to be allowed by a restaurant, the plaza partner should be empowered to set rules as it relates to maintaining the space by the restaurant, including cleaning of plaza furniture, trash, and sanitation needs. Over the past few weeks, the Meatpacking District sanitation team has noticed a substantial increase in the amount of trash generated as a result of the increase in to-go dining in the neighborhood. While we are used to managing 63,000 bags of trash per year from our litter cans, becoming the commercial carter for foodservice businesses is outside of our capability. How waste is managed will also need to be considered.

The legislation also provides that street vendors be granted new space and permissions. While we support siting guidelines and specific rules as they relate to vending and providing space off the sidewalk for doing so, curbside space is in high demand and a street vendor should not be allowed to occupy space that could otherwise be used for a restaurant or brick and mortar stores.

Coordination and flexibility will be critical, given that streets have numerous uses, some of which are conflicting. Prioritizing people and the needs of businesses to provide for them are paramount to parking and non-commercial vehicle needs and activity. Everything has changed, and so too should the use of our streets to better benefit pedestrians and the businesses they patronize.

While this legislation addresses the restaurant industry and its immediate needs, we should also be considering retail needs in the reopening and how they may need to use the street and sidewalk in ways we've never seen or contemplated as a city. Beyond Intro. 1957, the city needs to take this opportunity as a moment to reimagine our streets as a whole.

This legislation presents a critical lifeline that can support and bring many of our businesses back, but this is not a panacea. Even with this proposal, business owners will still face difficult decisions. This opportunity provides a fighting chance, so it must be done quickly and efficiently. Otherwise, despite all the good intentions it will come for naught. Bringing our bustling city back will not be easy and will indeed be messy. We should let this happen quickly, learn what works and what does not work, and we can then fix issues that arise accordingly.

Thank you.

TESTIMONY: INTRO 1957 OUTDOOR RESTAURANTS
JUNE 4, 2020

MARC WOUTERS, RA, LEED AP, DIRECTOR
MARC WOUTERS STUDIOS

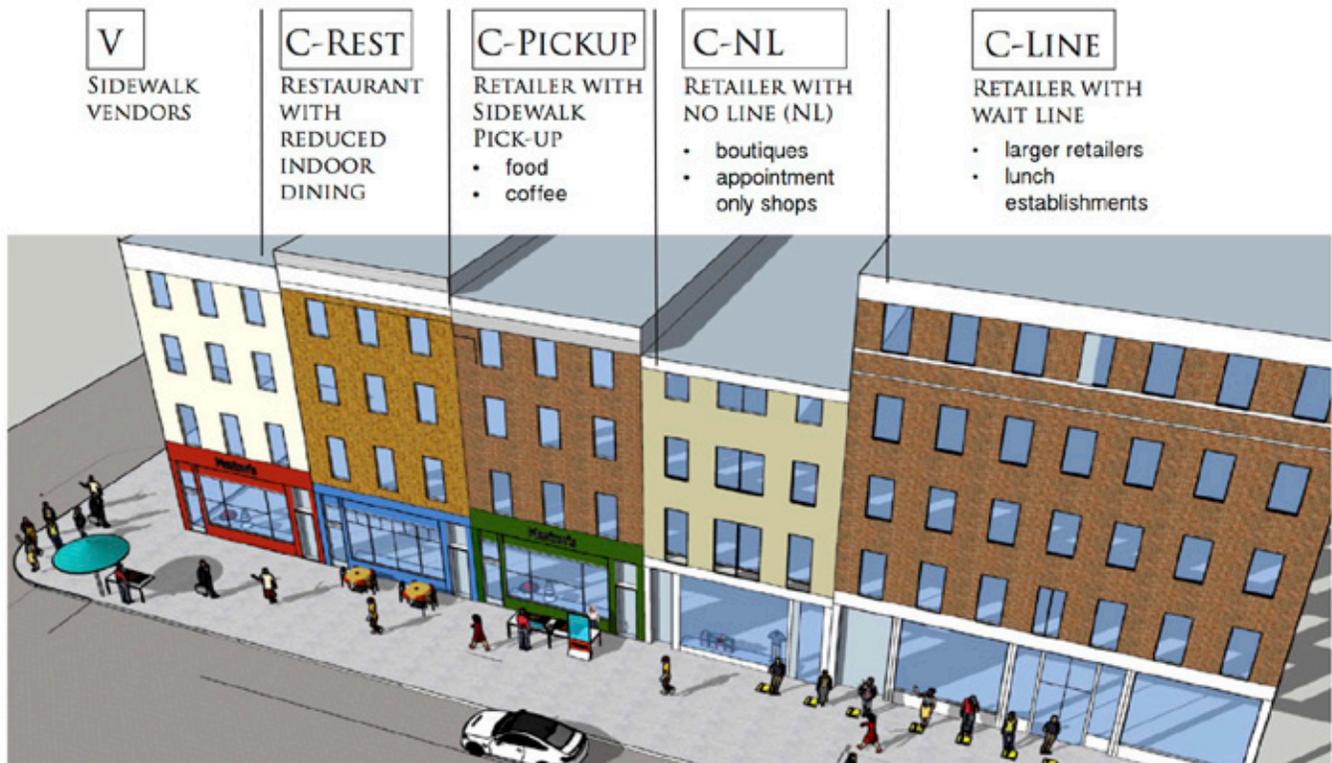
I am the director of an urban planning and architecture studio in Brooklyn, and have been studying modifications to the city's sidewalks and streets to accommodate the opening of the city and the many new needs for social distancing.

Several heads of Business Improvement Districts and local representatives have discussed the need to customize outdoor restaurant and retail social distancing practices for their specific streets. In our testimony we discussed a Social Distancing Toolkit for Commercial Streets that we have been developing so that local stakeholders can develop their own preliminary plans for their outdoor restaurants and other retailers with social distancing needs. The toolkit provides both an evaluation tool and strategies kit. This toolkit may streamline discussions between local leaders and city agencies like NYCDOT, DCP, and DPW and could assist in creating block-wide plans as Commissioner Trottenberg suggested. We would be happy to discuss this further with Council Member Renoso, Commissioner Trottenberg, Commissioner Doris, Chair Cohen, and others. We have already shown early drafts of the Toolkit to the Department of City Planning and Staff at City Council where it received positive responses.

Some excerpts are included below:

3. POSSIBLE TYPES OF RETAIL ACCORDING TO SIDEWALK SOCIAL DISTANCING

This chart attempts to categorize retail store types according to the amount of social distancing space they may require on sidewalks. Establishing categories may offer a method to assess various retail areas for the amount social distancing space they might require.

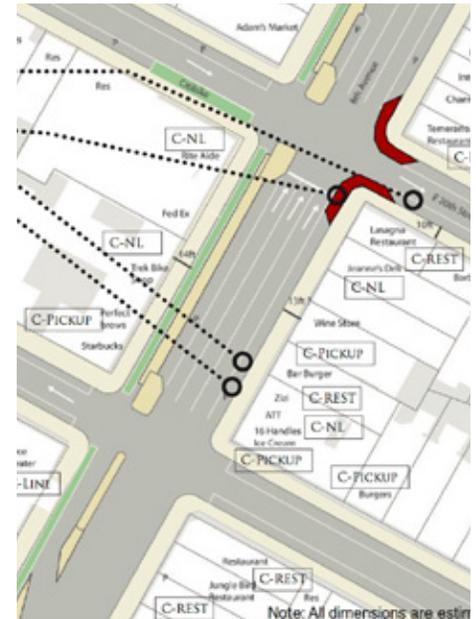
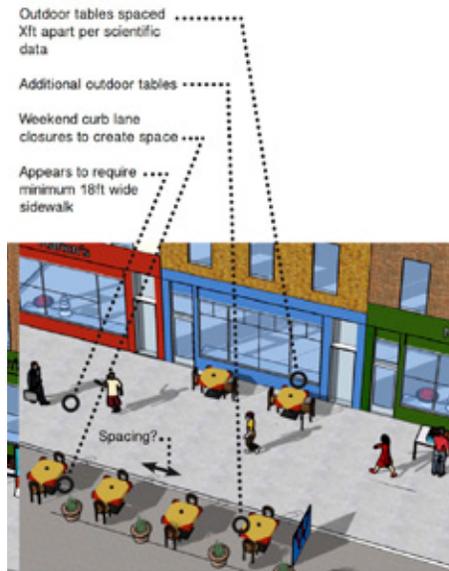
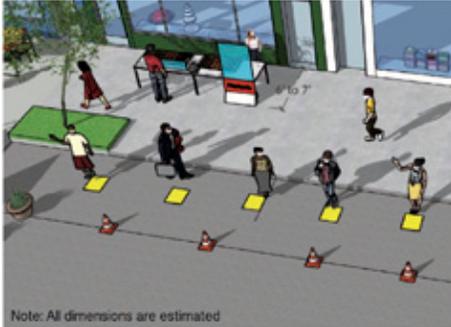


THE TOOLKIT INCLUDES AN EVALUATION SYSTEM THAT EACH COMMUNITY CAN USE TO CREATE A PRELIMINARY ASSESSMENT OF SOCIAL DISTANCING NEEDS ALONG COMMERCIAL STREETS, AND THAT THEY CAN SHOW TO CITY AGENCIES TO STREAMLINE CONVERSATIONS.

POTENTIAL SIDEWALK MODIFICATIONS

POTENTIAL EXPANSION OF NARROW STREETS

- SOME NARROW SIDEWALKS MAY EXPERIENCE INCREASED CAPACITY
- ADDITIONAL SPACE MIGHT BE OBTAINED BY TEMPORARILY CLOSING PARKING LANES INTO PEDESTRIAN AREAS
- IN SOME LOCATIONS, PARKING LANES MIGHT BE REPURPOSED FOR PEDESTRIANS
- TAKING OVER THE ENTIRE LENGTH OF PARKING LANE MIGHT CONSIDER MAINTAINING SOME LOADING SPACES AT A PORT STREET PARKING LANE.



THE TOOLKIT INCLUDES A SERIES OF STRATEGIES TO ACCOMMODATE SOCIAL DISTANCING NEEDS FOR A VARIETY OF CONDITIONS ON COMMERCIAL STREETS, AND ALLOWS THE STRATEGIES TO BE CUSTOM MATCHED TO SPECIFIC SITES OF A COMMERCIAL STREET.

Furthermore, We wholeheartedly support into 1957 and the effort by Council Member Renoso, Commissioner Trottenberg, Commissioner Doris, Chair Cohen, and others. We interviewed restaurant owners and asked if they were interested in using parking lanes for outdoor tables. We can't even finish the question before they say "yes."

These additional tables will do more than support restaurant jobs. They will help the food distribution network of New York State including farmers that sell to restaurants. The positive image of outdoor dining can also improve the image of an entire retail street and encourage foot traffic to a variety of adjacent small businesses.

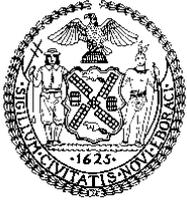
There is precedent for tables that are publicly owned on city streets like Broadway. Some restaurant owners have questioned issues of liability when privately operated tables are placed in a street. This may require some additional thought regarding legal waivers to deal with issues of insurance.

Thank you for introducing the Outdoor Restaurant Initiative. We look forward to seeing it implemented. Again, we would be happy to assist Council Member Renoso, Chair Cohen, Commissioner Doris, and Commissioner Trottenberg if they are interested in the toolkit.

KIND REGARDS,

MARC WOUTERS, RA LEAD AP

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Honorable Ruben Diaz Jr., Bronx Borough President

MS. EVONNE CAPERS
Board Chairperson

MR. JOHN SANCHEZ
District Manager

New York City Council Committee on Consumer Affairs and Business Licensing
Council Member Andrew Cohen, Chair
June 4th 2020
Re: Intro 1957

Good Morning Chairman Cohen and Members of the Committee on Consumer Affairs and Business Licensing,

My name is John Sanchez and I'm the District Manager of Bronx Community Board 6 and I fully support Intro 1957. It creates a temporary permit issued by the Department of Consumer Affairs that would allow restaurants and food vendors to expand outdoor capacity, and requires the cooperation of the Department of Transportation and Department of Health and Mental Hygiene to ensure outdoor dining is operated in a safe way.

Our community board includes an active restaurant scene from East Tremont Avenue to the famed Arthur Avenue in Little Italy. I know how important restaurants and dining are to the economic vitality of neighborhoods throughout our city. As New York City prepares to move into Phase One, the legislation will allow restaurants to do so safely without jeopardizing their ability to earn enough money to stay open. Many restaurants cannot survive with a 50% indoor capacity and it makes perfect sense to allow them to increase their capacity outdoors.

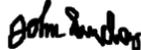
This legislation ensures safety for city residents who want to enjoy dining at one of our restaurants by requiring the Department of Health and Mental Hygiene to create clear and specific guidelines on how to do so safely properly. Guidelines for safe outdoor dining have been enacted in cities around the country - including Tampa, Cincinnati, and Kansas City, all of which expanded space to diners in early May, nearly four weeks ago, and none of which have experienced a resulting surge in cases. Research shows that outdoor dining, when done with clear precautions and enforcing social distancing protocols, is safe for diners and restaurant workers.

By requiring the Department of Transportation to identify sites suitable for the expansion of outdoor dining, the proposed legislation will also make streets safer by closing traffic lanes for restaurant tables. So far in 2020, 662 pedestrians and cyclists have been injured by cars in The Bronx. City data show that since NY on PAUSE was enacted, more cars are speeding. Reducing traffic lanes will help reduce speeding, therefore making our streets safer for our residents.

I encourage the Committee to ensure that the proposed legislation gives restaurants a clear idea of how long it will take to receive a permit. Every day that restaurants and vendors cannot expand capacity will increase the risk that restaurants will permanently close. Our community board does not require burdensome hearings and is able to recommend approval the same day we receive an application. According to the National Restaurant Association, more than 4% of the 25,000 restaurants citywide closed in April, with another 7% expected to close by the end of May. Given that this industry produces \$50 billion in sales citywide and employs more than 300,000 New Yorkers (according to the State Department of Labor), large-scale restaurant closings would have a disastrous effect on our economy. I also encourage the Committee to require the Department of Transportation to ensure the continuity of ADA accessibility in areas where restaurants are allowed to expand onto sidewalks

In closing, our community board is ready and willing to assist the Department of Transportation to provide examples of streets where traffic lanes can be removed and capacity expanded, and to work with the Department of Health and Mental Hygiene to ensure guidelines are followed. I fully support this legislation and urge the committee to recommend approval to the full Council.

Sincerely,

A handwritten signature in black ink that reads "John Sanchez". The signature is written in a cursive, slightly slanted style.

John Sanchez
District Manager
Bronx Community Board 6

New York City Council Hearing
Committee on Consumer Affairs and Business Licensing
Kendra Avila Testimony on Intro. 1957

June 4, 2020

Good afternoon Chair Cohen and members of the committee. My name is Kendra Avila and I work at a Chipotle in Manhattan at 2 Broadway. Thank you for the opportunity to speak today.

I'm here to talk about allowing temporary outdoor dining from a worker's perspective. We want our City to reopen and we want businesses to thrive. But, reopening our City should not mean that food service workers are left behind.

If businesses get special privileges to open outdoor dining areas, worker protections must be included. Fast food workers like me have been fighting for over a year for Just Cause protections. We live in constant fear of being fired or having our hours docked without reason. Working under these conditions is stressful and can affect our livelihoods at any moment without notice.

COVID has highlighted the flaws in our systems. For working people, that means little or no access to affordable health care, no paid time off, substandard health and safety working conditions, and/or termination without just cause. Fast food is a multi-billion dollar industry, why should they get access to free public benefits without accountability. I respectfully urge you to pass permanent protections for Fast Food workers, Intros. 1415 and 1396, as you consider this bill.

Thank you.



June 4, 2020

City Council Speaker Corey Johnson
Council Member Jimmy Van Bramer
New York City Council
City Hall
New York, NY 10038

Dear Speaker Johnson and Council Member Van Bramer:

On behalf of the Long Island City Business Improvement District and the Long Island City Partnership, the local development corporation for the LIC area, I want to commend the City Council for taking a leadership role in creatively addressing the needs of our local food and beverage businesses during the COVID-19 crisis and into the recovery beyond. Intro. 1957-2020 is both welcome and incredibly time sensitive. Although we do support the general approach outlined, we would like to address some particular points within the broader framework. Our testimony is in addition to that of the **NYC BID Association being given today, which we also endorse.**

New York City is an extremely diverse place, and our many restaurant owners work tirelessly to succeed despite numerous difficulties. Now more than ever the creation of additional outdoor dining spaces for food and beverage establishments is an essential tool to help them meet some of the challenges presented by current social distancing and other re-opening regulations. There are many great measures included in the legislation, however, if we want to witness an economic recovery which is both holistic and equitable for all our small businesses, a few key issues need to be addressed.

Most important, we urge you to include non-food retail as covered businesses, which are not currently mentioned in the legislation. Our retail businesses are integral parts of our communities and economy and they too have been hit hard by the current crisis. They will both face the same challenges from social distancing requirements and so will need to also take advantage of the measures proposed, so we ask that they be included.

As much as possible, we would recommend an approach where guidelines or toolkits should be developed and then businesses should be allowed as much as possible to self-certify, with the opportunity to correct any problems if they are found on inspection. We would also like to note that current city regulations require 8 feet of clearance for a sidewalk café to be permitted, but in some areas, especially in Queens and other outer boroughs, many of our sidewalks hardly cover 10 feet in width, so as rules are developed, we would ask for flexibility in using a lesser, but still safe clear path.

We also want to urge caution around one other issue. We are all focused on ensuring that our brick and mortar businesses are able to weather this period of enhanced social distancing, which is why this measure seeks to free up additional outdoor space for their use. Nevertheless, there will not be enough, and we do need to ensure pedestrian safety. By allowing food vendors to operate in the same outdoor dining spaces as our small eateries, we run the risk of having the already small spaces become overcrowded with food trucks and trailers. Street vendors are an important part of the New York

LICP and LIC BID Testimony
Intro 1957 2020
June 4, 2020

economy but have for many years operated in an environment with little enforcement when it comes to site selection and adherence. We urge caution, therefore, on the way vendors are included in this bill.

Finally, for any of this to be successful and quick enough to be helpful, all relevant city agencies must act in concert and be coordinated by an accountable leader.

There has been a real urgency to address the many challenges our restaurants and local retailers are facing, but it is going to require comprehensive reform to make it easier for them to operate in a sector where the margins are low and have been exacerbated by the current pandemic.

Again we commend the City Council for its leadership in raising and advancing these essential issues, and working to create vital opportunities to save our small businesses so they can in turn save our communities.

Sincerely,



Elizabeth Lusskin
President, Long Island City Partnership
Executive Director, Long Island City Business Improvement District

CC: LICP and LIC BID Boards of Directors

June 3, 2020

To Whom It May Concern:

The support that we have had from the local community and our Dante regulars, giving so generously to our hospital meal program and supporting our business has been overwhelming, and kept us going. Not only does it help us to provide a nourishing meal to those working tirelessly to combat this virus, but it also allows us to provide employment, and healthcare to our staff as a result.

It's incredible to think that the doctors and nurses are often working 12 + hours with no access to breaks and a nourishing meal. Every meal that we drop off, is met with such appreciation and a gracious spirit. I am so inspired with the heroic acts of our medical practitioners working on the front line to look after those most affected by COVID 19.

Last night, we delivered to the Columbia Presbyterian ICU unit, where two surgeons were celebrating their birthdays, with a 12 hour shift. (We took them a cake with a handwritten card, & candles.). Dr Mal wrote us this morning - "thank you and your team, for your dedication to the cause! Just knowing that there are other people alongside us, as we move forward through this craziness is really appreciated"

Providing these meals, and take-away cocktails alone, however, aren't helping us pay two rents on our two locations (79-81 Macdougall street, NY 10012 and 551 Hudson street, car Perry st, NY 10014). We've been able to continue offering work to our team, and full health care benefits through the pandemic, but if this continues through the summer, my wife and I most likely will have to close our business forever.

We request the consideration of shuttering Macdougall and Perry streets, so we can serve our meals to customers, at a safe 6ft distance through the summer.

Please support this request so we can continue to survive and be an important part of this community!

Many thanks for your time.

Linden Pride

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Testimony submitted by Monica Blum, President of the Lincoln Square Business Improvement District, to the New York City Council Committee on Consumer Affairs and Business Licensing regarding Int 1957-2020 – Temporary space for outdoor dining.

Thank you to Chair Andrew Cohen, Councilmember Reynoso, and members of the Committee on Consumer Affairs and Business Licensing for the opportunity to submit testimony in relation to Int 1957-2020 to provide temporary space for outdoor dining. We applaud your efforts to support the restaurant industry in its recovery from the financial impacts of COVID-19 by making outdoor space available for dining and for providing permits for the use of public space without fees.

The restaurant industry in New York serves millions of New Yorkers, providing a taste of the vibrant culture native to New York City. The restaurant industry employs numerous New Yorkers and contributes to making New York a global destination. We cannot afford to see the restaurant industry collapse under the financial strains brought on by COVID-19. Most restaurants were operating on razor thin margins before COVID-19, and switching to take-out and delivery models and reducing seating capacity once they are allowed to reopen will inevitably result in many restaurants operating at a loss, if they are able to reopen at all. We have a very small window of time within which to make something happen that would assist our struggling restaurant industry -- whatever program that is implemented must be quick and nimble.

While we generally support Int 1957-2020, we have some concerns that we would like to share. We believe that public space should include spaces that are not solely within DOT's jurisdiction, such as Parks and other spaces including POPs. Accordingly, in order for our restaurants to successfully use public space to expand their footprint during the recovery from COVID-19, the program must have clear leadership and be mobilized quickly to support our restaurants and retailers. To that effect, I urge you to do the following:

- Designate a senior official with authority over all participating City agencies—including DOT, Parks, DOHMH, DCP, DSNY, and DCA—to oversee the program to ensure that outdoor space is made available to restaurants as quickly as possible and not slowed down by bureaucracy;

- Expand the public spaces made available for outdoor dining and retail outside of DOT's jurisdiction such as Parks and privately-owned public spaces;
- Include access to public space, in particular sidewalks, for retailers using models such as stoop line stands and interventions to manage queuing to comply with social distancing guidelines;
- Temporarily increase the maximum time for Temporary Use Authorizations to allow restaurants to use Parks for outdoor dining for longer than 29 days and if necessary suspend the rules governing TUAs;
- Ensure that DOHMH gives clear guidance to ensure public health at outdoor dining locations without creating insurmountable regulatory hurdles with which restaurants cannot feasibly comply; and
- Include the approval and support of adjacent property owners for any program that is implemented.

Although there have been some occasional conflicts with food vendors setting up immediately outside of our brick-and-mortar restaurants and crowding our sidewalks outside of our local businesses, I am pleased to say that we have developed a pretty good relationship with most of our food vendors. We have worked with our partners at the 20th Precinct and the Departments of Consumer Affairs, Sanitation and Health and Mental Hygiene to ensure compliance with the various laws and regulations. There are currently restrictions, i.e. zoning among others, governing where food vendors and others can set up and I urge the Council and DOT to carefully consider the current rules before expanding vending where it is not already permitted. It is imperative that our streets and sidewalks do not become overcrowded while we continue to practice social distancing and while we take advantage of this narrow window to assist our restaurants.

Further, I am pleased to report that Community Board 7 unanimously approved a resolution at its stated meeting on June 2 in support of allowing restaurants to use public space for dining.

Flexibility and speed will be paramount to ensuring that this program successfully allows our restaurants and retailers to reopen safely. Additional creative strategies to use the space in front of vacant storefronts and other underutilized spaces will help to mitigate the competition for limited space.

Thank you again for your leadership in trying to rescue the City's beleaguered restaurant industry by introducing Int 1957-2020.