

COMMITTEE ON CONSUMER AND WORKER PROTECTION

JOINTLY WITH

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AND WORKER
PROTECTION
JOINTLY WITH
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE

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November 24, 2025
Start: 10:26 a.m.
Recess: 1:15 p.m.

HELD AT: 250 BROADWAY - 8TH FLOOR - HEARING
ROOM 1

B E F O R E: Julie Menin, Chairperson of the
Committee on Consumer and Worker
Protection

Selvena N. Brooks-Powers,
Chairperson of the Committee on
Transportation and Infrastructure

COUNCIL MEMBERS OF THE COMMITTEE ON CONSUMER AND
WORKER PROTECTION:

Shaun Abreu
Gale A. Brewer
Amanda Farías
Shekar Krishnan

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COUNCIL MEMBERS OF THE COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE:

Joann Ariola
Carmen N. De La Rosa
Amanda Farías
Farah N. Louis
Mercedes Narcisse

OTHER COUNCIL MEMBERS ATTENDING:

Lincoln Restler

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A P P E A R A N C E S

Ydanis Rodriguez, Commissioner of the New York City Department of Transportation

Margaret Forgione, First Deputy Commissioner of the New York City Department of Transportation

Paul Ochoa, Executive Deputy Commissioner of the New York City Department of Transportation

Michelle Craven, Associate Deputy Commissioner for Cityscape and Franchises of the New York City Department of Transportation

Max Bookman, Legislative Counsel to the New York City Hospitality Alliance

Betsy Mak, Vice Chair of Community Board 7 Queens

Cecil Brooks, Jr., Open Plans

Jean Ryan, President of Disabled in Action of Metropolitan New York

Augustine Hope, President of the West Village Residents Association

Leslie Clark, West Village Residents Association

Douglas Davis, Neighborhood Security and Safety

Brit Byrd, representing Brooklyn Borough President Antonio Reynoso

Norma Cote, self

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A P P E A R A N C E S (CONTINUED)

Layla Passman, Atlantic Available Business
Improvement District

Carol Puttre-Czyz, East 5th Street Block
Association

Lois Frank, self

Michelle Spinner, Vice President of the London
Terrace Tenants Association

Nina Guidice, Policy Manager at Transportation
Alternatives

David Rosenberg, self

Christopher Leon Johnson, self

Valerie De La Rosa, Chair of Manhattan Community
Board 2

Michelle Campo, Vice President of the Bowery
Alliance of Neighbors

Melody Jimenez, Founder of No Voice Unheard

Kathy Arntzen, President of the Central Village
Block Association

Rachel Wilkerson, self

Sean Sweeney, Director of the SoHo Alliance

Leif Arntzen, self

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A P P E A R A N C E S (CONTINUED)

Valerie Mason, Chair of Manhattan Community Board
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Lora Tenenbaum, self

Michelle Kuppersmith, self

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SERGEANT-AT-ARMS: This is a microphone
check on the Committee on Consumer and Worker
Protection and on the Committee on Transportation and
Infrastructure recorded by James Marino on November
24, 2025, in Hearing Room 1.

SERGEANT-AT-ARMS: Everybody settle down,
everybody settle down, please.

Good morning, and welcome to the New York
City Council hearing of the Committee on Consumer and
Worker Protection jointly with Transportation and
Infrastructure.

At this time, can everybody please
silence your cell phones.

If you wish to testify, please go to the
back of the room to fill out a testimony slip.

At this time and going forward, no one is
to approach the dais. I repeat, no one is to approach
the dais.

Chairs, we are ready to begin.

CHAIRPERSON MENIN: [GAVEL] Good morning.
Hopefully everyone can hear me. I have a little
laryngitis, but other than that, my name is Julie
Menin. I'm the Chair of the Committee on Consumer and
Worker Protection, and I want to thank and welcome

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everyone to today's joint hearing. I'm sorry, I have laryngitis. Can you hear me? You can't hear me? Now you can hear me. Okay. Apologies.

Okay. So, I'll start again. My name is Julie Menin. I'm Chair of the Consumer and Worker Protection Committee, and I want to welcome everyone to today's joint hearing along with Chair Brooks-Powers, who Chairs the Transportation and Infrastructure Committee.

We are thrilled to be holding today's hearing on an update on the Dining Out New York City program as well as Introductions 1142, 1320, 1368, 1421, 1423, 1426, 1444, and lastly, 1446.

Let me first of all recognize the Committee Members who are here. Council Member Abreu, Council Member Brewer, Council Member De La Rosa, Chair Brooks-Powers, Council Member Restler was just here, I think he'll be back in a minute, Council Member Louis, Council Member Krishnan is walking in and we'll recognize additional members, and on Zoom we have Minority Leader Ariola.

Okay. In April 2025, the Council held the first oversight hearing since passing Local Law 121 of 2023, which established a robust post-pandemic

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outdoor dining program, allowing restaurants to
operate sidewalk cafes and roadway cafes across all
five boroughs of New York City. The Council heard
testimony from the Administration, industry experts,
and various stakeholders regarding the rollout and
the status of the Outdoor Dining NYC Program. We had
a very productive hearing and Members responded to
some of the concerns and insights that were raised,
and that is really the impetus for the legislation
that we are considering and hearing today.

Today, we will hear three bills related
to amending the City's outdoor dining program. Intro.
1421, sponsored by Council Member Restler, would
expand the City's outdoor dining program by removing
seasonality from roadway cafes, allowing grocery
stores to apply for sidewalk cafe licenses, and
providing the option to expand frontage for certain
cafes upon consent. Intro. 1444, sponsored by Council
Member Powers, would limit the requirements for
sidewalk cafes to leave a clear pedestrian path to no
more than eight feet in width. And Intro. 1446, also
sponsored by Council Member Restler, would expand in-
person access to sidewalk and roadway cafe
applications. The Committees will also hear Intro.

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1368, sponsored by Council Member Salamanca, which
would amend the City's Earn Safe and Sick Time Act to
include bereavement time for employees who have lost
a family member to a firearm-related death. We look
forward today to hearing from the Administration and
other stakeholders to get an update on the
implementation of Local Law 121, as well as
legislation on today's agenda.

I'm now going to turn it over to Chair
Brooks-Powers to make her opening statement.

CO-CHAIRPERSON BROOKS-POWERS: Thank you,
and good morning and welcome to today's joint hearing
of the New York City Council's Committee on
Transportation and Infrastructure and the Committee
on Consumer and Worker Protection. I am Council
Member Selvena Brooks-Powers, Majority Whip and Chair
of the Committee on Transportation and
Infrastructure. I want to thank my Co-Chair, Council
Member Julie Menin, for partnering with me for
today's hearing. In addition, I'd like to thank
everyone who has joined us.

Today, the Committees will hold an
oversight hearing on the City's outdoor dining
program, Dining Out NYC, and it is our hope to build

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on the significant work already done by both
Committees on this important initiative. We will also
consider a broad slate of legislation related to
worker protection, small business operations, public
safety, mobility, and the management of our
streetscape. In April, we examined the Dining Out NYC
program and heard extensive feedback on the
implementation of Local Law 121 of 2023. Our hearing
illuminated several problems with the program's
implementation, including application backlogs, rigid
clearance requirements, and accessibility challenges
for small restaurants. Overall, the Committees hope
to receive an update on how DOT has addressed and
responded to the issues we raised earlier in this
year, and to hear other lessons DOT has learned
during this first season of Dining Out NYC.

UNIDENTIFIED: (INAUDIBLE)

CO-CHAIRPERSON BROOKS-POWERS: Okay.

Sorry for those technical difficulties.

But as I was saying, in April, we
examined the Dining Out NYC program and heard
extensive feedback on the implementation of Local Law
121 of 2023. Our hearing illuminated several problems
with the program's implementation, including

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1 application backlogs, rigid clearance requirements,
2 and accessibility challenges for small restaurants.
3 Overall, the Committees hope to receive an update on
4 how DOT has addressed and responded to the issues we
5 raised earlier in this year, and to hear other
6 lessons DOT has learned during the first season of
7 Dining Out NYC. Several of today's bills, which my
8 Co-Chair spoke about a moment ago, also touch upon
9 these issues and directly respond to the testimony
10 that we received.
11

12 In addition, we will hear four bills
13 unrelated to outdoor dining that reflect the wide
14 spectrum of responsibilities our City must balance to
15 ensure safety, fairness, and quality of life for all
16 New Yorkers. These include Intro. 1142, sponsored by
17 Minority Leader Ariola, which would require the
18 Department of Transportation to install Child with
19 Autism warning plaques at the request of a parent or
20 guardian. Intro. 1320, sponsored by Council Member
21 Feliz, which would impose civil penalties on property
22 owners who fail to repair sidewalk defects within
23 required timeframes. Introduction 1423, sponsored by
24 Council Member Stevens, which would require DOT to
25 publish a full inventory of all City-owned retaining

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2 walls under its jurisdiction. And Introduction 1426,
3 sponsored by Council Member Bottcher, strengthening
4 News Rack maintenance requirements and enforcement.

5 I want to thank the Department of
6 Transportation for joining us today, as well as the
7 business associations, disability advocates, worker
8 advocates, community boards, and residents who are
9 here to provide testimony. Your input is essential to
10 ensuring that our legislation is informed, practical,
11 and responsive to the lived experiences of all New
12 Yorkers.

13 Before we begin, I would like to thank my
14 Staff, Julian Martin, my Deputy Chief-of-Staff; and
15 Renee Taylor, my Chief-of-Staff; and the Committee
16 Staff, Mark Chen, Senior Legislative Counsel;
17 Theodore Miller, Legislative Counsel; Kevin Kotowski,
18 Senior Policy Analyst; John Basile, Senior Policy
19 Analyst; Nell Compton, Legislative Intern; and Adrian
20 Drepaul, Principal Financial Analyst, for their hard
21 work at this hearing.

22 In addition, I want to acknowledge that
23 this is the Committee on Transportation and
24 Infrastructure's last hearing for this session, and
25 I'm very proud of the work we have done, from

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1 examining the City's infrastructure projects through
2 the lens of equity, to ensuring our City's public
3 infrastructure and spaces are sustainable for the
4 future, to addressing issues with our subway and bus
5 systems, to implementing street safety measures. We
6 have done meaningful, impactful work. We have passed
7 a number of important pieces of legislation,
8 including legislation to improve truck parking and
9 truck routes, advancing protections for four-hire
10 vehicles and taxi workers, improving street safety,
11 implementing efficient EV charging infrastructure,
12 expanding bus lanes, and more efficiently tracking
13 capital projects and the streets plan. Thank you to
14 all of the Staff, my Colleagues, members of the
15 public, and advocates, as this work would not be
16 possible without you. I look forward to next
17 session's work, and wish you all a happy holiday.

18
19 Next, we will hear from Council Member
20 Restler, who will speak on his bill.

21 COUNCIL MEMBER RESTLER: Thank you so much
22 to both Chairs Brooks-Powers and Menin, and I
23 especially want to thank Chair Menin for her
24 leadership on this issue. We've spoken about outdoor
25 dining many times, and I've really appreciated her

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partnership and commitment to trying to help address
some of the failures in the outdoor dining program.

In just five days, roadway dining
structures across the City of New York will
disappear. Instead of New Yorkers safely enjoying a
bite to eat outside, we will have thousands of parked
cars or SUVs, trucks, lining our streets. Who knows
how many restaurants will manage to come back in
April after the costly disassembly and storage fees
this season? New Yorkers have been clamoring for
year-round open dining since the day this program
ended. It was one of the only positive things that
happened amid a horrific pandemic that devastated our
city. Open dining gave us opportunities to gather, to
build community, to support local businesses and
their workforces. There's just no reason that we
shouldn't allow outdoor dining to continue to
flourish. Streamlining and formalizing the open
dining program was absolutely necessary, but we've
made it too difficult for restaurants to participate.
The proof is in the numbers. At the height of the
pandemic, there were 8,000 restaurants participating
in outdoor dining. Today, 1,400 have roadway dining.
That's an 80 percent decline, an 80 percent decline.

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Four out of five restaurants that you used to be able to go out and enjoy eating a burger outside, gone. We absolutely need to keep rules in place for high standards, for cleanliness, and to help avoid rats, for sure, and we need to address no removal and safety concerns as we return to a year-round program. But we can achieve both with clear standards and enforcement, and we can absolutely have a successful year-round outdoor dining program.

We're also hearing Intro. 1446, which will require DOT to establish in-person application locations and allow restaurants to save their progress on the application and be able to return at a later date. This is an extensive application process, frankly too extensive, with lots of information required and filling the application out itself should not be an arduous burden.

I just want to say, outdoor dining had been a great success. The new iteration of this program is failing our city. We can do better. We must do better. We need to bring back year-round outdoor dining. We need to streamline the process to apply. We need to make it easier for more establishments to be able to participate. We need to

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allow, in reasonable ways, restaurants to expand their footprint when adjacent storefronts allow for it. These are all reasonable and achievable goals that we can and should make happen.

I'm grateful to Sarah Swain and Rachel Cordero for their help and partnership with us in drafting this, and my Chief-of-Staff, Molly Haley. We've worked closely with the Hospitality Alliance, Open Plans New York, Transportation Alternatives, and many small business owners, restaurant owners across my District, who've reached out to share their feedback and advocate for changes. I'm grateful for all of their help and input in putting forward this legislative package, and I'm grateful to our Chairs for the opportunity to hear these bills. Look forward to testimony from DOT.

CO-CHAIRPERSON BROOKS-POWERS: Thank you. We've also been joined by Majority Leader Farías.

Next, we will hear from Minority Leader Ariola.

SERGEANT-AT-ARMS: You're unmuted, Minority Leader.

MINORITY LEADER ARIOLA: Thank you. Thank you so much. I want to thank Chair Brooks-Powers, who

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is also a co-sponsor on this bill, as well as the
Speaker's Office for hearing this very important
piece of legislation.

Intro. 1142 was an idea first brought to
my attention by parents of special needs children and
will give some of the most vulnerable New Yorkers an
additional level of much-needed safety on our
streets. By allowing parents or legal guardians to
request signage warning motorists that a child with
autism lives nearby, we give drivers an extra cue to
slow down, stay alert, and exercise a little more
care on residential roadways. This will no doubt help
to keep our children safe and can prevent an
otherwise avoidable tragedy in the future. If we can
make our neighborhoods even a little safer for our
children with autism, then this is a step worth
taking. Together, we will create a better, safer New
York City for everyone.

In closing, I'd like to thank my multi-
talented Chief-of-Staff, Phyllis Inserillo, who
worked diligently with the City Council Legislative
Division to draft this bill. Chairs, thank you for
the time.

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2 CO-CHAIRPERSON BROOKS-POWERS: Thank you
3 for that.

4 Next, I'll pass it over to Chair Menin.

5 CO-CHAIRPERSON MENIN: Okay. Thank you so
6 much.

7 And before we begin, I want to wish a
8 very happy birthday to Natalie Meltzer, Counsel to
9 this Committee.

10 So we will now call on representatives of
11 the Administration to testify. We are going to be
12 hearing testimony today from Commissioner Ydanis
13 Rodriguez, from First Deputy Commissioner Margaret
14 Forgione, from Executive Deputy Commissioner Paul
15 Ochoa, and from Associate Deputy Commissioner for
16 Cityscape and Franchises, Michelle Craven.

17 So, I'm going to turn it over to
18 Committee Council to do the affirmation.

19 COMMITTEE COUNSEL METZLER: Do you affirm
20 to tell the truth, the whole truth, and nothing but
21 the truth before this Committee, and to respond
22 honestly to Council Member questions?

23 ADMINISTRATION: (INAUDIBLE RESPONSE)

24 COMMISSIONER RODRIGUEZ: (INAUDIBLE) back
25 at 250 Broadway, where I spent 12 years, and it's a

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2 great honor to be still, you know, serving with so
3 many great, talented colleagues who, at some point,
4 we also served together.

5 Good morning, Chair Brooks-Powers and
6 Members of the Committee on Transportation and
7 Infrastructure. I'm Ydanis Rodriguez, Commissioner of
8 the New York City Department of Transportation. With
9 me today are Margaret Forgiione, First Deputy
10 Commissioner; Paul Ochoa, Executive Deputy
11 Commissioner; and Michelle Craven, Associate Deputy
12 Commissioner for Cityscape and Franchises. Thank you
13 for the opportunity to testify on behalf of Mayor
14 Eric Adams and the Administration's work on New York
15 City Outdoor Dining Program.

16 First, I want to say thank you to Lauren
17 Antonelli (phonetic) and Penny Ringo (phonetic), who
18 are in charge of the Dining Out program. They have
19 done a great job to put together the largest and the
20 best dining out program that we have in the nation,
21 and the one that we only compete globally, only with
22 Paris.

23 I also want to say thank you to my
24 daughter, Yarissa Rodriguez, who is here with me,
25 back from college. She has spent a lot of time here

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2 with me, visiting, and she got to meet all kinds of
3 Members from 2017 to 2021. She also served as an
4 intern for Gale Brewer, so it's nice also to have her
5 with me.

6 Roadway and sidewalk dining grew in
7 popularity during the COVID-19 pandemic and continue
8 to provide New Yorkers with new opportunities to
9 enjoy and appreciate dining outdoors. Not only was
10 outdoor dining a critical lifeline to revitalize our
11 economy when indoor dining was prohibited, but it
12 reaffirmed the vibrancy of our streets, overseeing
13 one of the most complex urban transportation networks
14 in the world, the most densely populated city that we
15 have in the whole nation. New York State is made by
16 54,000 square miles, and New York City only has 350,
17 and we had to provide space to everything, including
18 to our dining out. This includes more than 6,300
19 miles of streets and highways, and over 12,000 miles
20 of sidewalks. We are proud of the creative work our
21 outdoor dining team has done, which expands on our
22 mission to create public space that is strengthening
23 our communities across the five boroughs.

24 Our permanent program is built around
25 insights from the pre-pandemic Departments of

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Consumers and Worker Protection Sidewalk Cafe Program, as well as a temporary Open Restaurant Program. The pre-pandemic regulations were confusing, costly, and restrictive, resulting in only 1,200 sidewalks, most of them in the middle class and wealthy community, Downtown Manhattan, Downtown Brooklyn, and Long Island City. It is now Dining Out is across all communities. The temporary Open Restaurant Program during the COVID-19 pandemic introduced an urgent necessity to balance public health guidance with saving the city's beloved restaurant industry. By reimagining the use of public space, the temporary program had between 6,000 to 8,000 restaurants participating and saved 100,000 jobs. But everyone knows, New Yorkers are creative, and we built in the sidewalk, in the roadway, it was not following Code, it was nothing related to following the safety. We were aware of how we survived during COVID. But by learning from these two programs, we are making Dining Out NYC an equitable and inclusive program while simultaneously maintaining quality of life for local residents, something that all communities spoke loud and clear.

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Today's permanent Dining Out NYC program, created in partnership with the City Council in Local Law 121 of 2023, is the largest outdoor dining program in the country and second only to Paris globally.

As the first season of roadway dining comes to a close at the end of the month, we are pleased to share the tremendous work our team has done to reimagine our public space. And I want to especially thank the Council for being great partners, putting this program together.

First, we strive to make participation as accessible and as streamlined as possible. Within our first season, which began only on April 1st this year, 2025, over 3,000 restaurants were allowed to operate. Essentially, all applicants were able to operate through conditional approvals. Working in partnership with the Council, we achieved this by reducing fees from the pre-pandemic sidewalk cafe programs and having rates vary by location and set up size.

UNIDENTIFIED: (INAUDIBLE)

COMMISSIONER RODRIGUEZ: Thank you.

2 Simultaneously zoning test amendments
3 also removed the pre-pandemic program's numerous
4 geographic restrictions, allowing restaurants to
5 participate in areas of the city where outdoor dining
6 was previously not allowed. This level of retention
7 from the temporary program exceeded the rate of
8 retention from the program in Paris. While Local Law
9 121 of 2023 provides for a robust application review
10 process to incorporate public feedback from local
11 communities, DOT also sought to balance the Council's
12 desire for ample community feedback with helping
13 restaurants, most of which are small businesses, get
14 up and running quickly. That's why we cut red tape by
15 granting conditional application approvals to all
16 roadways and sidewalk dining applicants after
17 completion of the application's mandatory public
18 comments per year, established by the law of the
19 Council. This expedited the process of ensuring the
20 vast majority of applicants were able to operate when
21 the first outdoor dining season under the new rules
22 began early this year.

23 DOT has also prioritized addressing the
24 quality-of-life concerns that have been raised during
25 the temporary program, and we have worked within the

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Dining Out New York City law to be incredibly responsive to the complaints we receive and enforce when necessary. Our Highway Inspection and Quality Assurance, HIQA, units removed over 200 illegal enclosures and, with the new requirements of the program, higher quality materials for setups, weekly cleaning requirements, and water-filled barriers instead of sand-filled barriers, we now receive far fewer 3-1-1 complaints. In 2025, our Inspections units issued nearly 3,500 summonses, 85 percent of which were for unlicensed activity. I'm sure when you walk around your own neighborhood or dining out at your favorite establishment, you can see the dramatic improvement to the outdoor dining experience.

Our team does not stop working once we approve an application or issue a license. Our Outdoor Dining Team continues to engage with businesses after application approvals and offers ongoing assistance throughout the implementation season. We meet businesses where they are by offering individual on-site assistance in the language of their preference to measure and draw site plans without the need for a costly third-party architecture fee which alleviates the financial

2 burden from small businesses. We have seen this
3 measure become incredibly helpful with increasing our
4 outer borough participations. Our team continues
5 communication with businesses by sharing important
6 news related to the program, new information, and
7 extreme weather updates. We also continuously update
8 the Dining Out NYC website to share helpful resources
9 for participants and include step-by-step guidance.
10 This includes the marketplace we serve as a directory
11 of companies that sell or rent outdoor dining setups
12 and services.

13 We are proud that Dining Out NYC is now a
14 permanent program serving millions of New Yorkers and
15 visitors and increasing jobs across the five
16 boroughs. We are thrilled to see the program grow
17 significantly larger than the pre-pandemic program,
18 and we continue to receive new applications daily. As
19 our first ever season comes to an end, we look
20 forward to listening to the interests of restaurants
21 and working with the Council and other stakeholders
22 to build upon the lessons learned and make outdoor
23 dining more accessible, safe, and inviting for many
24 years to come.

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On legislation, first, Intro. 1142 sponsored by Council Member Ariola, this bill will require DOT to install at the request of a child's parent or legal guardian warning signs with plaques to warn a motorist of the presence of a child with autism. Being an attentive and safe driver, cyclist, or pedestrian is extremely important for everyone sharing the street in any neighborhood. Guided by the Federal Manual on Uniform Traffic Control Devices, we use signals carefully since too many signs can start to distract drivers from observance of other needed requirements. It's important to acknowledge some concerns we have with research showing that these types of signs don't make the street safer. And yes, as someone that has family members who have child autism, I can tell you that no one will be more committed than me to be sure that all New Yorkers, especially those with special needs, get the signs that they need to be protected. But also, it's been demonstrated that when we have too many signs, it may become visual clutter and increase chances that drivers will ignore signs with critical information. We would also want to note that the system proposed will require substantial new staffing and funding. We

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are happy to have further discussions with the
Council about this bill in our rigorous process for
street safety design interventions.

On Intro. 1320, sponsored by Council
Member Feliz, this bill will create a maximum penalty
of 250 dollars if a property owner fails to timely
repair sidewalks abutting their property as directed
by DOT. It also would subject the owners to the same
maximum penalties if the owners knew or should have
known that the defect was an immediate danger to the
public. For one- to three-family properties, if a
sidewalk is damaged or in poor condition, already DOT
will issue a violation to the property owner if the
defects are not due to the City-owned trees. If the
property owner does not make the repairs, then the
City may make the repair and bill the property owner
except for the City-owned tree root portion of
repairs. As written, this bill may become a burden to
one- to three-family property owners and add to the
existing affordability issue facing New Yorkers.
While we do see this policy having some potential
value, it's targeting those sidewalks abutting four-
plus family building or commercial properties as the
City does not repair these properties. For context,

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the work to repair a flag can be several tens of thousands of dollars for larger properties and a penalty should be large enough to incentivize timely repair of these sidewalks. We look forward to further discussion with the Council to craft a thoughtful policy and bill.

On Intro. 1421, sponsored by Council Member Lincoln Restler, this bill will expand the City outdoor dining program by allowing grocery stores to apply for a sidewalk cafe license, removing seasonal restriction on roadway cafe operation, and providing the option to expand frontage for certain cafes upon consent. This bill will also streamline the review process for restaurants applying to operate a sidewalk or roadway cafe by restricting community boards from requiring applicants to supply additional materials. We are particularly interested in identifying ways to increase program participation and remove barriers to access. Although we haven't heard this as an issue, any business that has a food service establishment permit from the Department of Health can already participate in our program, and we have several grocery stores, delis, and bodegas that fall into this category. Further, any establishment

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with a New York State Department of Agriculture license is eligible to apply for a food service establishment permit and is then eligible to participate in our program. We have a few ideas already to help streamline the application process and are eager to discuss improvements that can be made in the law to streamline and quicken the application process. As we look forward to the end of the first full permanent dining out season, DOT will continue to coordinate closely with the Fire Department in the review of applications and efforts to ensure our emergency responders have the clearance they need on our streets. With roadway setups set to go down for the winter this coming weekend, we will also use this break to look critically at setups that may need adjustments based on feedback from our partner agency. We are happy to have more discussion with the Council and stakeholders about adapting our program process.

Next, on Intro. 1423, sponsored by Council Member Stevens, which will require DOT to post an annual inventory of all City-owned retaining walls under DOT jurisdiction, including the location of each retaining wall as well as the date when the

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1 maintenance or inspection was last performed. In
2 accordance with the New York City Department of
3 Building Regulation, DOT already inspects its
4 inventory of over 638 retaining walls every five
5 years, and if deficiencies are found, then repair
6 actions are taken. DOT looks forward to working with
7 the Council on the legislation.
8

9 Next on Intro. 1426, sponsored by Council
10 Member Bottcher, this bill will require news rack
11 owners to provide email addresses to DOT when
12 registering and permit DOT to communicate with them
13 electronically. It will also expand DOT's ability to
14 seize news racks that are in violation of the
15 regulations governing news racks if owners fail to
16 correct their violation. While news racks provide an
17 important service for the distribution of newspapers
18 or other printing materials, unsightly news racks can
19 be a visual blight on neighborhoods. When news racks
20 are not taken care of, they may have the potential to
21 cause safety hazards, attract graffiti, or become
22 receptacles for trash and home for vermin. This bill
23 gives DOT better ability to regulate news racks and
24 improve quality of life in the public realm. We look
25 forward to working with the Council on a bill that

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balances these concerns with the important service
news racks provide.

Next on Intro. 1444, sponsored by Council
Member Powers, this bill will limit any clear path
requirements for pedestrian paths in front of
sidewalk cafes to no more than eight feet in width.
With the sidewalk space becoming more competitive
than ever, we need to make sure that sidewalks still
remain a safe place for New Yorkers to walk, use
wheelchairs, or push strollers or shopping carts. Our
planners must ensure sufficient clear path
requirements for sidewalks to meet various needs.
Along with our various programs installing bike
racks, Citi Bike stations, bus shelters, and other
street furniture, it is also imperative to maintain
sufficient space for pedestrian access and people
with disabilities. Currently, there are three tiers
of clear path in the Dining Out NYC program based on
DOT's Innovative Pedestrian Mobility Plan, 12 feet on
global corridors, 10 feet on regional corridors, and
8 feet on all other streets. The global and regional
corridors exist largely in the central business
districts in Manhattan, the most heavily foot-
trafficked part of the city. We are thrilled with the

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significant interest in expanding the program, but we are also worried of creating congestion and compromising the accessibility needs for New Yorkers in the business sections of the city. The outcome we must avoid is people resorting to walking into a traffic lane to get by. We are happy to discuss our current clear path requirements and see what adjustments can be made to support Dining Out NYC while still maintaining our commitment to making our pedestrian spaces safe and accessible for all.

Next on the Intro. 1446, sponsored by Council Member Restler. This bill will require DOT to issue and receive applications to operate a sidewalk cafe online and at a physical location accessible to the public. This bill will also allow applicants to save partially filled out online applications in order to complete the application at a later date. In partnership with our sister agency, we already offer robust resources to support businesses throughout the application process. Applicants can receive free services from the Department of Small Business Services, borough locations, and may submit applications in person at these locations. We also assist with application preparation both in person

2 and virtually based on applicant preference. We are
3 continuously exploring how to improve our online
4 application portal, including the function to save
5 in-progress applications, and look forward to
6 continue the ongoing work on enhancing our
7 application process. Applicants can currently apply
8 online or in person. We look forward to working with
9 the sponsor of this bill.

10 In conclusion, I would like to thank the
11 Council for the opportunity to testify before you
12 today. We will now be happy to answer any questions.
13 (SPEAKING FOREIGN LANGUAGE)

14 CO-CHAIRPERSON BROOKS-POWERS: Thank you,
15 Commissioner. We can just hop right into it.

16 I'm going to start with questions around
17 outdoor dining first, regarding program participation
18 and staffing. Specifically, what actions has DOT
19 undertaken since our last hearing to address our
20 concerns about application backlogs, the application
21 process, and the burdensome clearance requirements,
22 and the seasonality of the program?

23 COMMISSIONER RODRIGUEZ: I will start and
24 the First Deputy Commissioner, I'm sure that she will
25 add other details.

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2 We appreciate the support of the Council,
3 and we all should be proud. This is only the first
4 year. We know that we are operating with the
5 constraint of the law passed by the Council. There's
6 a timeframe that we have to follow when it comes to
7 the period of time that the application must go
8 through the Community Board when they come back to
9 us. But I can say that we appreciate the
10 Administration providing the resources that we need,
11 allow for us to hire additional numbers of staff from
12 the last hearing that we have, and we can say that we
13 are on track when it comes to all the applications
14 that is coming in front of us. In most cases, the
15 waiting is not based about the lack of staff, it's
16 based about all the information that the owner must
17 provide related to insurance and other details.

18 FIRST DEPUTY COMMISSIONER FORGIONE: Thank
19 you, Commissioner, and thank you to the Council for
20 the question. So, this has been our first full year
21 of Dining Out. We have become fully staffed up with a
22 very well-qualified and aggressive staff. We have
23 about 14 different languages among the staff members
24 that we have in our unit. Those folks have gone out
25 very proactively and offered their services to all of

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2 the restaurants, whether it's on-site or in remote
3 sessions, which many people have taken us up on, in
4 order to try to make the application process a little
5 bit more smooth. This year, we had about 4,000
6 applications, and at the height of the program we had
7 about 3,000 in operation. Many of those were
8 operating - in our attempt to make sure the program
9 didn't miss a beat, they were operating under
10 conditional approvals, and those restaurants will
11 complete their process now over the winter, and then
12 continue to operate into next year. We can get into
13 any aspects of those details that you like. I don't
14 know if there's an area you want to focus on.

15 CO-CHAIRPERSON BROOKS-POWERS: Sure.

16 First, I'd like to also acknowledge we've been joined
17 by Council Member Narcisse.

18 Just kind of digging deeper into the
19 applications, as you mentioned, that have been
20 approved versus in operation of the conditional
21 roadway approvals granted between February and April
22 2025. What percentage have converted to fully
23 licensed setups?

24 FIRST DEPUTY COMMISSIONER FORGIONE:

25 Right, so about 400 have completed the process and

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are fully licensed. The remainder of those, the vast majority of them, need to complete their process, which requires payment, and Michelle Craven will elaborate a little bit further on those aspects of it, but we're urging them to complete their process so they enter the new year with everything in order. So, Michelle.

ASSOCIATE DEPUTY COMMISSIONER CRAVEN:

Yeah. I'll just jump in to say, to complete the conditional approvals, so to get a conditional approval you go through the complete public review process. We review the site plan, it goes to the community board, public hearing if necessary, the Council if necessary for sidewalks. So the only things that are left are the insurance payment, the annual fee, and the signing of the revocable consent agreement, and once we have all of those things, we can execute the agreement and submit it to the Comptroller for registration.

CO-CHAIRPERSON BROOKS-POWERS: So on

average, how many days does it take to transition from conditional approval to operating with full approval?

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ASSOCIATE DEPUTY COMMISSIONER CRAVEN:

That varies quite a bit depending on how responsive the applicants are, and as you might imagine once a restaurant is authorized to operate, they may not be so motivated to move quickly to pay money to the City.

CO-CHAIRPERSON BROOKS-POWERS: But what have you seen in practice, like in terms of on average for those that are responsive?

ASSOCIATE DEPUTY COMMISSIONER CRAVEN: So probably a couple of months, if you factor the 30 days for the Comptroller plus the time it takes to send the agreement out, get the signatures back, get the insurance, and the security deposit.

CO-CHAIRPERSON BROOKS-POWERS: Okay. Thank you.

And I guess some of the obstacles, common obstacles that prevent businesses from successfully converting sounds like in terms of their participation, but are you seeing any other like hurdles?

ASSOCIATE DEPUTY COMMISSIONER CRAVEN: In terms of completing the conditional approval to the full approval?

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CO-CHAIRPERSON BROOKS-POWERS: Yes.

ASSOCIATE DEPUTY COMMISSIONER CRAVEN: No.

I think that's the biggest is just getting through
all the paperwork and getting everything done.

COMMISSIONER RODRIGUEZ: I think that, as
we say, like (INAUDIBLE) that temporary dining out,
which many of us know in many places in this city,
people build like houses in the sidewalk, in the
roadway. No following code, no permanent necessary
permit. So I think that when we move together, the
Council and the Administration, and say let's have
this bill to make it permanent, definitely is a big
positive change. Like having close to 4,000, or more
than 3,000 permits affiliated with restaurant that
they are using sidewalk or dining or roadway is big
one. We don't have 1,200 that we used to have before
COVID. Now it's having like more than 3,000 of those.
In many cases, I can say, as First Deputy
Commissioner say, we have a great team with Lawrence
and Penny and the whole team and Michelle that we are
processing on time. Any waiting is about some
business owner, they decide to apply at the beginning
because they were buying time. In many cases, they
not necessarily was interested in applying for the

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2 permanent one. In other cases, they also had to come
3 back and pay the insurance and all the need they had
4 to community board. So those pieces is something that
5 we don't control. The piece that we control is a part
6 related to process the application.

7 CO-CHAIRPERSON BROOKS-POWERS: And you
8 mentioned restaurants, I just want to touch on
9 another question. If a restaurant's application is
10 denied, does DOT provide information to the business
11 on specific changes needed to successfully obtain
12 approval? And if so, how many restaurants have
13 successfully reapplied to the program and obtained
14 approval?

15 FIRST DEPUTY COMMISSIONER FORGIONE: So
16 sometimes we find that a restaurant may have applied
17 in error. For example, if they're applying for
18 roadway, but they're in a bus stop, they won't be
19 eligible. So in certain cases, we respond back to
20 restaurants and we make them aware that for roadway,
21 they may not be able to participate. Maybe they can
22 for sidewalk. We give them that hands-on help. In
23 other cases, they provide us with drawings that
24 aren't always accurate. They may not show proper
25 distances to doorways, to a tree pit. And in that

2 case, what we'll do with them is we'll offer to get
3 on a remote call with them or even come to their
4 restaurant in order to sit down and create a new site
5 plan that is something that we can approve with the
6 proper measurements. So we see a variety, but in many
7 cases, the restaurant owners are very happy with the
8 hands-on expertise that we provide them to get them
9 over the finish line with a proper application.

10 CO-CHAIRPERSON BROOKS-POWERS: Now, if
11 businesses haven't applied for permanent yet, why
12 does DOT think that we'll improve over the winter?

13 FIRST DEPUTY COMMISSIONER FORGIONE: So
14 this past year, they were able to apply or operate
15 under conditional approvals. They do need to complete
16 the process before next year. So, our first focus for
17 roadway setups this season, as we mentioned in
18 testimony, ends this Sunday. Our first focus with
19 those restaurants will be to remind them and ensure
20 that they're no longer in operation come Monday. And
21 then we are quickly, we've already begun this
22 process, but then we're quickly speaking to them
23 about finalizing their application so that they can
24 resume again next year when the dining season starts
25 again.

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CO-CHAIRPERSON BROOKS-POWERS: Now, the recently released Outdoor Dining Annual Report states that 264 licenses were issued as of August 16th, 2025, and indicated that there were licensing disparities between the boroughs. For example, Staten Island wasn't issued any licenses. Is DOT still noticing disparities between the boroughs, and how is the Administration working with communities to ensure that they also have equitable access to the outdoor dining program?

FIRST DEPUTY COMMISSIONER FORGIONE: Okay. So, at this point, we are now close to about 400. The number that you mentioned earlier in August is closer to 400. We have done quite a bit of outreach in every community, and we have offered to attend meetings with the business improvement districts, or community boards, or do general outreach. And as we get into the second year of the program, and we have the applications under our belt that have either gone through the process or are almost completed, we're going to have some additional time to go out and do more outreach. So, we're very open to your input as to effective ways to reach all of the communities,

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but that's something we're committed to growing the
program as much as possible.

COMMISSIONER RODRIGUEZ: And also, I can
say that Council Member De La Rosa and I, we both
know it's a (INAUDIBLE), and we also know that many
small businesses, they decided not to apply because
for them it didn't make sense. Like, I can tell you
that in that area, let's say, Sesi (phonetic)
Restaurant, La Republica, many other, (INAUDIBLE),
they just decided that they wanted to use the extra
space for tables and chairs during the time of COVID,
but it was not because, and I can tell you as someone
that interact a lot with that business community,
many of them decided that it didn't make sense for
them to apply. So, I think there's many reasons why
we have seen the numbers that we have today, but I
can say having over 3,000 is a big number, is a big
difference from 1,200 that we had before COVID.

CO-CHAIRPERSON BROOKS-POWERS: Early in
the year, the Executive Plan added nearly 3.8 million
dollars for an additional eight headcount positions
to process outdoor dining applications. At our last
hearing in April, DOT stated that they have 24 staff,
hired several consultants, and have other staff on

2 loan for outdoor dining. What is DOT's current
3 outdoor dining headcount and how many total staff are
4 currently employed to review and process Dining Out
5 applications?

6 FIRST DEPUTY COMMISSIONER FORGIONE: We
7 currently have the 24 staff, all those positions have
8 been filled, and as you mentioned, we also have other
9 staff that are trained so, when things are busy, we
10 can have up to 30 staff handling aspects of this
11 program. We also have 10 enforcement staff inspectors
12 that are out inspecting the setups and following up
13 on any issues out in the field.

14 CO-CHAIRPERSON BROOKS-POWERS: And do you
15 feel it's a sufficient headcount?

16 FIRST DEPUTY COMMISSIONER FORGIONE: We
17 do.

18 CO-CHAIRPERSON BROOKS-POWERS: And are
19 there any vacancies currently?

20 FIRST DEPUTY COMMISSIONER FORGIONE: There
21 are not.

22 CO-CHAIRPERSON BROOKS-POWERS: Okay. So
23 just kind of going back to the timing on these
24 applications, so like what accounts for the slow pace
25 of approvals? There are still thousands of businesses

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operating with conditional approval and under the
transitional framework.

COMMISSIONER RODRIGUEZ: Again, we go back
into like in many cases, the long period of time,
it's not based about lack of the headcount that we
had to process application. Is the business owner not
having the resources to pay for the insurance? They
also have, if it's a sidewalk, it's the same process,
you have the (INAUDIBLE) the right to do the calling,
you know, and those pieces are related to why the
waiting so long is based on the law as it was passed
or the reviewing process. But when it comes to the
staff that we have, we are on track and I can say we
are processing the application on time.

FIRST DEPUTY COMMISSIONER FORGIONE: And
Chair, if you'd like, we can go through the steps for
each process, sidewalk and roadway, becomes a slight
bit tedious, but that really explains the nature of
the process and how long each step takes so, if you'd
like, I can go through that.

CO-CHAIRPERSON BROOKS-POWERS: Yeah.

FIRST DEPUTY COMMISSIONER FORGIONE: Okay.
So for sidewalks, applicants submit their materials.
Once they are completed, we ensure they're completed

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properly within five days, we send them on to the Borough President's offices, the Council Member's office and the Community Board. Community Boards then have 40 days to hold a public hearing and provide recommendations back to us. We may be required to hold a public hearing. We then approve it or approve it with a modification or deny it. Then the Council has a 45-day window to call the application to a vote if they choose to do so. Then if approved, DOT notifies the applicant and then we start to execute the revocable consent agreement. Once the applicant completes the revocable consent process, again, that's a step that's within their ability to complete quickly or take longer, we file that agreement with the Comptroller and that's registered within 30 days. And then once that's registered, we issue the license with a copy of the revocable consent. Okay. So this whole process with all of the different review periods can take as long as six months, but again, it requires that the applicant keep things moving from their end.

And then roadway, I can also go through it. It's a similar process and again, it takes a number of months.

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2 CO-CHAIRPERSON BROOKS-POWERS: Thank you.

3 Just pivoting quickly to enforcement
4 safety and quality of life. How is outdoor dining
5 enforcement being conducted? Have there been any
6 changes to enforcement by DOT since our last hearing?
7 And how much personal services funding is currently
8 included in Fiscal '26 and the outyears for
9 inspection and enforcement staffing?

10 FIRST DEPUTY COMMISSIONER FORGIONE: Okay.
11 So in Fiscal '25, we conducted 6,000 inspections. And
12 I'll just give you a little taste of the types of
13 things that we were looking at. We were looking at
14 whether or not the setup has permission to be there,
15 first and foremost. We also look at the safety of the
16 setup. We look at ADA compliance. We look at whether
17 or not, as the Commissioner mentioned, a larger shed
18 was being built, which is no longer allowed. Of
19 course, if all aspects of the setup are in
20 compliance. So we did about 6,000 inspections. We
21 issued about 3,500 summonses. 85 percent of those
22 were for unlicensed activities, so basically illegal
23 setups. We also received about 5,700 complaints, 3-1-
24 1 complaints. We investigated all of these
25 complaints. And we removed 220 noncompliant or

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abandoned setups, either by our in-house forces or by
a contractor. So that's a little quick summary of the
enforcement activity to date.

CO-CHAIRPERSON BROOKS-POWERS: And have
there been any instances of vehicle crashes into
roadway setups?

FIRST DEPUTY COMMISSIONER FORGIONE: No.

CO-CHAIRPERSON BROOKS-POWERS: I'm just
going to ask two brief questions on behalf of Council
Member Narcisse. The first one is, what data does the
Administration have on... has the Administration
measured the economic impact of the permanent outdoor
dining program, both the benefits to restaurants and
potential negative effects on neighboring businesses?
And when will those findings be shared with the
Council?

ASSOCIATE DEPUTY COMMISSIONER CRAVEN: So,
we did some analysis on converting the streets into,
rematching the use of public space, as the
Commissioner likes to say, with an analysis of the
Open Streets program. And there were four key
findings from that program. One was that Open Streets
corridors significantly outperformed nearby control
corridors on three key metrics, sales growth, growth

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in the number of restaurants and bars, and keeping businesses open. The second was that sales growth at restaurants and bars on Open Streets corridors significantly outpaced sales growth in the boroughs that the corridors are in. The third was that on Open Streets corridors, a high percentage of restaurants and bars were able to stay in business during the pandemic than across the rest of the same borough. And four, all Open Streets corridors saw faster growth in the number of new restaurants and bars that opened during the pandemic when compared to the rest of the same borough. And I think we want to revisit that. So we're drawing a parallel, obviously, between the Open Streets and outdoor dining, but I think we found that it's been pretty successful. And I think it's something we want to look at again in the future, after we get through the year and have a chance to kind of settle down and see where we are.

CO-CHAIRPERSON BROOKS-POWERS: Her second question was, has DOT conducted any analysis in neighborhoods with limited parking availability? What setups has the agency taken to ensure the program does not intentionally harm other local businesses that rely on loading deliveries or parking access?

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COMMISSIONER RODRIGUEZ: That's where we can now get both in life. That's where, if we want to have a vibrant Dining Out program, then we have to make decisions about, and especially to those who apply for a roadway, the roadway is designed by the Council as a program to be happening in the street. So there's certain limits that we have. So, anyone who own any restaurants or any establishment, can be a bookstore, can be a small cafe, if they have a license by the Department of Health, any of those patients, they can apply for a Dining Out permit. But when it comes to, you know, if it's a program where someone have a restaurant or cafe and they want to apply in the roadway, definitely, they may be that they come with the cost of losing some parking. But that's where we are, as we say, reimagining the use of public space. Knowing that the street doesn't belong only to those who have vehicle, it's not only a story for car, yeah, or the purposes. So I think in many cases, like, you know, we have seen that some point people will ask a question about, bring concern about, I may lose these two or three parking spots. But then when people see the results and they put in balance, I think that the dining out is very heavily

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supported when we did a survey in the past by most New Yorkers, and I think that it come in some cases, we losing some parking spot, but it translate into a vibrant community, too.

CO-CHAIRPERSON BROOKS-POWERS: And I hear you. I do think that there needs to be a balance in terms of some of the quality-of-life dynamics because when you have outdoor dining in Manhattan and you're in a transit-rich community, obviously people, the convenience is taking the subway or taking a bus there. But when you live in communities like the one that Council Member Narcisse represents, which is a transit desert, I think that it presents a different dynamic and the Department has to be a bit more visionary when we talk about outdoor dining and how we implement the program or continue to implement the program so that it reaches other communities, recognizing not every community is the same. So I do agree. There are some communities that really, it doesn't matter because, and I won't say it doesn't matter because there are people that do drive into the city still and want to pay the congestion pricing and need parking, but there are parking lots as an option, too. But in the outer boroughs, what we've

2 seen is largely a lot of the, even the municipal lots
3 have now become housing, and so there's less lots to
4 park in and less street parking, but yet there has
5 been an increase in car purchases. And so when we
6 think about that, like how do we align with the
7 quality of life and what that means for all New
8 Yorkers.

9 But moving on to...

10 COMMISSIONER RODRIGUEZ: And Chair, I'm
11 sorry, I just forgot also to add that in those cases
12 where we have a corridor where restaurant owners
13 would like to apply for a Dining Out permit and
14 there's a competition for the space for parking, we
15 also have been creating the truck loading zone so
16 that we create a space for everyone. So in our
17 corners, we try to do the best we can to balance all
18 the needs of everyone.

19 CO-CHAIRPERSON BROOKS-POWERS: And I think
20 that's it. I think it's about finding the balance and
21 understanding no one, whether motorists or those who
22 want to have one program over the other, owns all of
23 it. We have to find a way to create that harmony so I
24 appreciate that.

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2 In terms of Intro. Number 1142 is the
3 last question I'll be asking, and then I'll be
4 passing it over to Chair Menin. Regarding the
5 installation of child autism warning plaques, I just
6 want to first thank Minority Leader Ariola for
7 introducing this. As a proud auntie of an autistic
8 miracle baby, I think that this is pretty much a
9 simple bill that a lot of communities can benefit
10 from. But just in terms of the data, I'm curious to
11 know, does DOT track crash and injury for children
12 with autism spectrum disorder? And has DOT examined
13 how children with autism spectrum disorder or other
14 people similarly situated interact with the City's
15 traffic infrastructure?

16 COMMISSIONER RODRIGUEZ: I'm going to say
17 something that Margaret will add to the other part of
18 this answer. The first thing, as I say, we are happy
19 to have further discussion with the Council about
20 this bill. So, we are not here to say that we oppose
21 or we are against it. We know the motivation. We know
22 the importance to provide safe signs to all New
23 Yorkers. But I just want, again, for the whole Body
24 here to know, in most bills here, in all bills, our
25

position today is that we are open to continue conversation, exploring the possibility of this bill.

FIRST DEPUTY COMMISSIONER FORGIONE: Thank you, Commissioner.

So crash reports that we work with that are generated by NYPD do not have a standardized box to check or information to provide on whether or not a victim of a crash may have had an autism or other disorder. Sometimes there are notes in these reports, but I would say it's not a systematic way to track it.

As the Commissioner said, our primary goal is to make each and every street safe for all users. So if we are aware that there is a specific need on a street, we would like to examine the safety of that street. We think it's a lot more effective to redesign a street than it is to put up a sign. What we have found is that signs can be ignored, especially if there are too many signs. That's something that we have in our federal standards for this sort of thing, to be aware of overabundance of signage that then motorists ignore. So instead, we look to have motorists on each and every street, regardless of who lives there or who is walking

2 there, drive safely and carefully, and we want to
3 reinforce those behaviors with our engineering street
4 redesigns as well.

5 CO-CHAIRPERSON BROOKS-POWERS: And what
6 else can be done to help safeguard those individuals?
7 So when you talk about redesigning the street, what
8 are some of the tools that DOT has and can use in
9 those instances?

10 COMMISSIONER RODRIGUEZ: I think that, as
11 we say, again, more than happy to continue the
12 conversation with the Council that has a bill in
13 their body, but as far as their Deputy Commissioner
14 say, we are working always 24/7, the team at DOT, to
15 make the streets safer. There's so many New Yorkers
16 in need. There's one million New Yorkers with
17 disability. There's other New Yorkers that, you know,
18 that they also have particular needs in different
19 blocks, but what we believe is that our job is to
20 continue making the streets safer. And we all can be
21 proud that this year we had one of the two years with
22 the lowest numbers of traffic deaths since 1910. So
23 by this particular bill...

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2 CO-CHAIRPERSON BROOKS-POWERS: Say that
3 again. I didn't hear you. What did you say,
4 Commissioner?

5 COMMISSIONER RODRIGUEZ: Well, 2025, we
6 have 18 percent reduction of traffic death compared
7 to last year. '25... (CROSS-TALK)

8 CO-CHAIRPERSON BROOKS-POWERS: I thank you
9 for the increase in infrastructure investments, and I
10 think that has contributed.

11 COMMISSIONER RODRIGUEZ: And '25 is one of
12 the two years with the lowest numbers of traffic
13 deaths since 1910.

14 But in this particular need, as I say, as
15 someone that has a family member who is also
16 autistic, I also know the importance, I know the
17 motivation, but we still believe that our job has to
18 continue focusing on improving, making our streets
19 safer, but I'm more than happy to continue discussing
20 this bill.

21 CO-CHAIRPERSON MENIN: Okay. Great. Thank
22 you. A number of questions before we turn it over to
23 the Colleagues.

24 So, you had mentioned that there are 400
25 applications that are fully approved. I just want to

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2 make sure that that is... so, at our last hearing, it
3 was 67. So now we're at 400, of 4,000 applicants, so
4 basically only 10 percent have been fully approved.

5 FIRST DEPUTY COMMISSIONER FORGIONE: That
6 is the correct number, yes.

7 CO-CHAIRPERSON MENIN: I'm concerned about
8 that, because when we had the hearing prior, there
9 seemed to be a backlog, and while I appreciate the
10 conditional approval, but for a small business owner,
11 you want to get the full approval, the certainty of
12 the full approval, not the conditional approval. So
13 how do we address that backlog? Have you increased
14 staff? What measures can the agency take to now move
15 this forward?

16 FIRST DEPUTY COMMISSIONER FORGIONE: Yes.
17 Just to clarify, DOT does not have a backlog. We have
18 addressed each and every application that was
19 submitted, and many of them have been advanced well
20 through the process. All of those 3,000 conditional
21 approvals mean that they've all gone and they've had
22 the public hearing, so things have moved along very
23 well from our end. Just to be very general, I would
24 characterize it that now a lot of the remaining steps
25 are on the applicants. So that is where we are going

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to focus very much over the next coming months on those applicants to make sure they complete the process.

CO-CHAIRPERSON MENIN: And what would you say is the reason for the, why haven't the applicants, because now you're putting the onus back onto the applicant, and I'm concerned about that. Because I guess my overarching concern is that the program is seasonal. I support Council Member Restler's bill on this, and I'm concerned, and I say this as a former small business owner, restaurant owner myself, is the idea of the seasonal program, you're asking these businesses to outlay a tremendous amount of money. You're asking these businesses to then store the furniture during the other six months, which many restaurants don't have the space to do. They have to then bear the cost of having to warehouse it. So I'm worried that we're putting impediments in place, and that is why some restaurants, and you mentioned, Commissioner in Inwood, perhaps that is why some restaurants are deciding due to the high cost of the program in general, and then due to these additional costs of

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the seasonality, I'm worried that that is a deterrent for them to apply in the first place.

COMMISSIONER RODRIGUEZ: I interact a lot with some of the local business. I can tell you in most cases in Inwood, most business owners who decide not to apply was because they feel that it didn't make sense, that they didn't have the need to have all those tables and chairs in the sidewalk. But I, we want to be, you know, in the same place with this. If you ask me one thing that we should do, let's create a mechanism where the interaction between the business owner will be only with DOT. So, if we pass a bill that we avoided and don't include, that they had to go through a Community Board, they had to go through a Comptroller, that is only between the business owners and the agency. That's what we will cut most of the time. Because the time that we have, the waiting period of time is not based about, we know, we process the application, it's about they having the insurance, they had to go through a community board, they had to be waiting for the 40 days, they had to come through the Council to be calling or not so this is what is, you know, what I

2 can say in this year of only few months, in my
3 experience.

4 CO-CHAIRPERSON MENIN: Understood. As a
5 former Community Board Chair, I don't want to cut the
6 community board out of the process. I feel very
7 strongly about that, that community boards do need to
8 be involved. I think we've got to look at other ways
9 to cut down on the length, whether it's on this
10 insurance side or other delays that are causing this
11 length of time and also a deterrent for applicants.

12 But the other thing that I'm concerned
13 about is some comments that were made that. You know,
14 for some businesses, I'm worried they still don't see
15 the difference between these two application
16 processes. It is a little bit confusing still. And so
17 what is the agency doing to disseminate information
18 to small businesses so they understand, look, we've
19 got these different options, these are the costs
20 associated, these are the timelines associated so
21 that that is also not a deterrent.

22 COMMISSIONER RODRIGUEZ: We spend a lot of
23 time, and I can say that, you know, the great two
24 director of this program, Lawrence Antonelli and
25 Penny, they do a great job and they work with a

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1 (INAUDIBLE) team and they spend time together. You
2 know, since I've been running this agency, I spend
3 one day a month in each borough and in each of those
4 meetings, you know, we include a piece related to
5 providing information. We invite business owners to
6 come. We work with the SBAs, holding Zoom meetings
7 with the business owners. I would say in my
8 experience right now, if there's one area that we
9 need to look at it on how to cut the time, it's not
10 based about, you know, the time or processes, it's
11 about the other pieces. Like some business owners,
12 they haven't completed the process because they
13 haven't paid. So, this is something that is not on
14 the government side. This is about the business owner
15 have decided for different reason that they have not
16 been paying and the law as it is required for the
17 business owner to pay in order to, you know, finish
18 this application.

19
20 CO-CHAIRPERSON MENIN: Okay. So in terms
21 of staffing, you have the exact same amount of
22 staffing as at the last hearing. And does the agency
23 not feel that there's a need to add additional lines
24 to expedite things?

25

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2 COMMISSIONER RODRIGUEZ: Well, we know OMB
3 from different side, myself from this side, all of
4 you guys who used to work at City Hall, and we know
5 that from the moment when the additional funding was
6 allocated to the agency, by today, for months, we
7 already been fully staffed. So there's no lack that
8 we have right now. We are not behind. Again, we don't
9 have any issue at DOT when it comes to having the
10 number of men and women to process application. The
11 number of those that are not completed is not based
12 on the agency. It's based about what I explained
13 before, but we already been staffed with the
14 resource, additional resources that being allocated
15 by this Administration to us.

16 CO-CHAIRPERSON MENIN: And then can you
17 reiterate the 3,000 conditional applications? At what
18 point will all of those be fully approved?

19 FIRST DEPUTY COMMISSIONER FORGIONE:
20 Again, it's up to the applicants to keep finalizing
21 the process, and the Commissioner just mentioned a
22 moment ago, many of the folks who are operating with
23 a conditional approval, they haven't yet paid the
24 fees for the program so they do have an incentive to
25 operate under that status. That will now be ending

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into next year, so that does mean they do need to
complete those final stages of the process.

EXECUTIVE DEPUTY COMMISSIONER OCHOA:

Madam Chair, if I may, when the agency and City Hall
made the decision to provide the conditional
approvals, which I believe was still the right
decision so that we could guarantee operations by all
the restaurants, we knew that one of the consequences
could be that the payment or that the revenue that
the City was getting was going to be pushed to the
next fiscal year, which is what Margaret is alluding,
so it was actually a conscious decision to allow the
conditional approvals knowing that the agency was
going to forego some of the carrot and the stick that
we would normally have for the restaurants to pay the
revocable consent fees that our first Deputy
Commissioner is asking.

CO-CHAIRPERSON MENIN: But isn't there a
concern that the revocable consent fees are perhaps
too high and that that is an impediment to these
small businesses, and that is why they're not moving
forward on it?

EXECUTIVE DEPUTY COMMISSIONER OCHOA:

Well, listen, that's a good conversation that I think

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we went a lot of back and forth between the Council and the Administration on what we thought was the right amount for the revocable consent fees. We still think they're much lower than the original program. I would say, though, that the restaurants who went through the process knew exactly what those fees were going to be. So I don't think it's a matter of... I think it's just a matter of them paying whenever they need to pay, and by providing the conditional approvals, we essentially extended that deadline until right about now, ahead of next season.

CO-CHAIRPERSON MENIN: Another question, with this deadline of November 29th on the roadway cafes being required to stop operating and being removed, how is the Administration working to ensure these structures are broken down by the deadline?

FIRST DEPUTY COMMISSIONER FORGIONE: Yes, so we have begun reminding every restaurant operator that this deadline is approaching. We have reached out to them in multiple ways, multiple times, and then basically starting on Monday, we will visit each location to confirm that it has been removed.

CO-CHAIRPERSON MENIN: Did you have something to add to that?

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2 ASSOCIATE DEPUTY COMMISSIONER CRAVEN: No.
3 I would just say that we're going to follow the
4 process that's outlined in the legislation by issuing
5 corrective action requests, and then if people don't
6 remove in response to those, then issuing summonses.

7 CO-CHAIRPERSON MENIN: And how many
8 violations have been issued for noise and sanitation
9 related to the outdoor dining program?

10 FIRST DEPUTY COMMISSIONER FORGIONE: So
11 noise and sanitation go to other agencies, so I
12 believe that we did check that in anticipation of
13 your question and, in the last year, there were only
14 24 issued by other City agencies.

15 CO-CHAIRPERSON MENIN: On which, on noise,
16 sanitation, or both?

17 FIRST DEPUTY COMMISSIONER FORGIONE: Yes.
18 They're both combined together, 24 total.

19 CO-CHAIRPERSON MENIN: 24?

20 FIRST DEPUTY COMMISSIONER FORGIONE:
21 Correct.

22 CO-CHAIRPERSON MENIN: And that is
23 complaints, that is violations, what is that?
24
25

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2 FIRST DEPUTY COMMISSIONER FORGIONE: Those
3 were violations issued by PD or Sanitation, possibly
4 DEP.

5 CO-CHAIRPERSON MENIN: 24 violations. How
6 many complaints on noise and how many complaints on
7 sanitation?

8 FIRST DEPUTY COMMISSIONER FORGIONE: Not
9 very many more than that. We'll get that number and
10 we'll follow up with you, but it was quite... it was a
11 lot less than it had been in the temporary program.

12 CO-CHAIRPERSON MENIN: All right. I know
13 our Colleagues have waited patiently, so let me turn
14 it over to them. Council Member De La Rosa, followed
15 by Council Member Restler.

16 COUNCIL MEMBER DE LA ROSA: Thank you so
17 much, Chairs, and hello Commissioner and team.

18 I do have a few questions about the
19 Dining Out. So, you testified that you cut the red
20 tape by granting conditional applications. When the
21 conditional applications are granted, if there is
22 significant community input that there is an issue,
23 what is the process for remediating?

24 FIRST DEPUTY COMMISSIONER FORGIONE: We
25 did not grant any conditional approvals until the

application had already gone through much of the process and there had been a hearing. Community Board had also already opined.

COUNCIL MEMBER DE LA ROSA: Okay, great. And then in terms of the removal of the 200 illegal enclosures, the amount of complaints that you got was over 3,000?

FIRST DEPUTY COMMISSIONER FORGIONE: The whole program itself, we had about 5,700 3-1-1s or other letters or emails, things to that effect, and we followed up on each and every one with an inspection.

COUNCIL MEMBER DE LA ROSA: And then 200 were removed?

FIRST DEPUTY COMMISSIONER FORGIONE: Those were 200 structures that were illegal or abandoned, a lot of the shed-like structures that people had left on the street.

COUNCIL MEMBER DE LA ROSA: Okay. So I wanted to ask, since the program is supposed to end on the 29th, and I think Chair Brooks-Powers talked about this a little bit, so what is the, what's going to happen in the next five days? Like what is the communication like to businesses? Is there language,

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you know, access, accommodations, and what assistance
is granted for removal?

FIRST DEPUTY COMMISSIONER FORGIONE: Okay.

COMMISSIONER RODRIGUEZ: First of all, I
want to say that most, all restaurant owners, they
know that this program goes from April to November.
However, we don't stop communicating with them. But
when it came, is there anyone that may be confused
that he or she doesn't know that they have to remove
it? The answer is no. They are already being
communicated.

COUNCIL MEMBER DE LA ROSA: Okay. And is
there assistance?

FIRST DEPUTY COMMISSIONER FORGIONE: It's
the responsibility of each restaurant to remove and
store their own materials.

COUNCIL MEMBER DE LA ROSA: Okay. If we
get any inquiries about a restaurant that has a
hardship or anything like that, is that something we
can communicate to the agency, or there's no?

COMMISSIONER RODRIGUEZ: There's not
assistance.

COUNCIL MEMBER DE LA ROSA: Okay.

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The restaurant is responsible, everyone
is responsible to store it.

COUNCIL MEMBER DE LA ROSA: Okay.

I do have a question about Intro. 1320,
about Council Member Feliz's bill on the removal of
trees. Can you walk through that process of removal
of trees? Because we do get some questions about, you
know, broken up sidewalks and whose responsibility is
it? If it's a City-owned tree, is it DOT that's
responsible? Can you walk us through that process?

FIRST DEPUTY COMMISSIONER FORGIONE: So
for one-, two-, or three-family properties, we do
conduct a lot of inspections of the sidewalks in
front of those properties. And what we will do is we
will provide the property owner with a violation, has
no monetary value or a fine associated with it, but
on that violation it clearly indicates which sidewalk
flags or squares are the result of a tree damage or
tree root problem so they are not held responsible
for any of the damage that is caused by tree roots.

However, if any remaining portions of
that sidewalk are in disrepair, not due to tree
roots, yes, they are responsible. So, what can happen
then is the property owner can go and repair it

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themselves, or they can wait for us to come with a contract. We have about, right now, 40 million dollars' worth of sidewalk contracts. We would come in, repair the sidewalk completely, address the tree root problem, but only backcharge the property owner for the portion of the sidewalk that was not caused by tree roots.

COUNCIL MEMBER DE LA ROSA: Okay. My question is, because I do have a case with a tree root, so if the damage is caused by the root, the City will adhere the cost of removing the roots, or how do we proactively get...

FIRST DEPUTY COMMISSIONER FORGIONE: Right. That's a good question. So we're happy to help you or the constituent along throughout the process. Parks does do some tree root and tree pruning work in order to address these locations, and then we also do some so, between the two agencies, that is possible to get that work done.

COUNCIL MEMBER DE LA ROSA: Okay.

FIRST DEPUTY COMMISSIONER FORGIONE: So we can work with you on that.

COUNCIL MEMBER DE LA ROSA: So I'll follow up offline. Thank you so much.

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2 FIRST DEPUTY COMMISSIONER FORGIONE: Thank
3 you.

4 COUNCIL MEMBER DE LA ROSA: Thank you,
5 Chair.

6 COUNCIL MEMBER RESTLER: Great. Thank you
7 very much, Chairs. Appreciate the opportunity to ask
8 some questions this morning, and thank you once again
9 for holding this hearing.

10 I just want to dig in a little bit
11 further on Chair Menin's questions around the data.
12 So of those 400 restaurants that are currently
13 operating, could you just break down, are those all
14 roadway dining?

15 ASSOCIATE DEPUTY COMMISSIONER CRAVEN:
16 It's about 300 roadway and the rest sidewalk.

17 COUNCIL MEMBER RESTLER: 300 roadway and
18 then how many sidewalk?

19 ASSOCIATE DEPUTY COMMISSIONER CRAVEN:
20 About 100.

21 COUNCIL MEMBER RESTLER: 100. Okay. 400
22 establishments. Okay. And there were 4,000
23 applications this season?

24 ASSOCIATE DEPUTY COMMISSIONER CRAVEN:
25 Altogether to date, there have been 4,100 and change,

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2 although a number of those, a couple hundred came in
3 since the last hearing.

4 COUNCIL MEMBER RESTLER: 4,100 and change.
5 So, 9 point something percent of the restaurants that
6 have applied have successfully been able to operate
7 either roadway dining structures or sidewalk cafes.
8 Is that right?

9 ASSOCIATE DEPUTY COMMISSIONER CRAVEN:
10 Have completed the process, but we issued conditional
11 approvals to close to 3,000, so those restaurants are
12 able to operate.

13 COUNCIL MEMBER RESTLER: But 9 percent are
14 actually operational. Operational. I just mean how
15 many today in the streets, 9 point something percent
16 of the applicants, 90 something percent are not.

17 ASSOCIATE DEPUTY COMMISSIONER CRAVEN: No,
18 no, no. So the conditional approvals, anyone who got
19 a conditional approval or if they were authorized
20 under the legislation, if they applied for sidewalk
21 prior to August 3rd, 2024, they were all able to
22 operate throughout the season.

23 COUNCIL MEMBER RESTLER: Okay. There were,
24 according to what we understand, about 8,000
25 restaurants operating during the height of the

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2 pandemic, roadway dining, is that your understanding
3 as well?

4 COMMISSIONER RODRIGUEZ: 6 to 8,000.

5 COUNCIL MEMBER RESTLER: 6 to 8,000, okay.

6 And so our data was that there were 8,000 restaurants
7 operating roadway dining out of 12,500 total
8 participating restaurants. That's not right? 12,500
9 is not the total number of participating restaurants?

10 FIRST DEPUTY COMMISSIONER FORGIONE: What
11 we saw, Council Member, was that many restaurants at
12 one point or the other during COVID signed up for
13 dining out. Many of them did not actually partake in
14 it. Some came and some went. So as the Commissioner
15 said, we estimate about between 6 and 8,000 were
16 participating at the height of that time.

17 COUNCIL MEMBER RESTLER: Okay. My
18 understanding was that 13,144 applied for the
19 temporary program. Is that not right? Is that the
20 correct number of total applicants previously? 8,000
21 for roadway, 11,000...

22 FIRST DEPUTY COMMISSIONER FORGIONE: We
23 know that...

24 COUNCIL MEMBER RESTLER: For sidewalk?
25

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2 FIRST DEPUTY COMMISSIONER FORGIONE: Many
3 more did apply, as I mentioned, than actually
4 operated.

5 COUNCIL MEMBER RESTLER: Okay. So, just
6 long way of saying, 13,000-plus applied for roadway
7 or sidewalk during the height of the pandemic during
8 the temporary program. We're now down to about 4,100.
9 So two-thirds of the restaurants that previously
10 applied no longer applied as a result of the changes
11 in the program.

12 FIRST DEPUTY COMMISSIONER FORGIONE: I
13 would say differently. I would say two-thirds of the
14 restaurants that were in operation during COVID are
15 still part of the program. But naturally, because
16 COVID is no longer present, we don't need outdoor
17 dining as much, and there's also a cost to the
18 program, and we have changed the program to make sure
19 it is most responsible to the needs of all New
20 Yorkers. The program has morphed over time, and it's
21 a very robust outdoor dining program with about two-
22 thirds of the people still involved.

23 COUNCIL MEMBER RESTLER: I mean, robust
24 where only 400 restaurants have been able to make it
25 through an arduous process, and many others have a

2 conditional approval, and where we've seen two-thirds
3 of the restaurants that had previously applied in
4 terms of just total numbers no longer even applied
5 because of the costs and the cost of the setup and
6 the temporary nature of the program. So I would say,
7 based on the data, we could spin it in a variety of
8 ways. It's just clear that the program is not
9 working.

10 I would love if you could help me
11 understand, have you surveyed restaurants for why
12 they're not participating, and why this, what are the
13 biggest obstacles?

14 CO-CHAIRPERSON BROOKS-POWERS: And I'm
15 going to just ask you to wrap up, please, also.

16 COUNCIL MEMBER RESTLER: Okay.

17 COMMISSIONER RODRIGUEZ: Look, I think
18 that we can choose, and I always say in life, and all
19 about we understand that we play a different role.
20 And I think that the comparison that we need to make
21 is a city where Dining Out, that used to be called
22 Sidewalk Cafe, was only in Manhattan down Columbia
23 University, and they were mainly a middle and upper
24 class community and there was only 1,200. And today
25

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we have more than 3,000. During COVID, anyone could
put a table in their chair and start serving food.

COUNCIL MEMBER RESTLER: They asked me to
wrap up already.

COMMISSIONER RODRIGUEZ: So, sometimes
people build infrastructure that was not safe. There
was no following any Fire Department code, Department
of Buildings. And I think that working together, we
put the best Dining Out program, not only the larger
one, but the best one in the nation.

COUNCIL MEMBER RESTLER: Okay. So, could I
just ask the question again, because I didn't get an
answer? Have you surveyed restaurants of why they're
not participating? We've seen a phenomenal reduction
in the number of restaurants that participate.
Restaurants aren't able to make it through your
application process. Have you surveyed them? And do
you have clear data on why they're not participating?

FIRST DEPUTY COMMISSIONER FORGIONE: We
have lots of ongoing dialogue with the industry in
many different ways, and we're happy to explore
further other ways we can make sure the program is
appealing as possible to everybody.

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2 COUNCIL MEMBER RESTLER: Okay. I'm out of
3 time. Have a nice day.

4 CO-CHAIRPERSON BROOKS-POWERS: Thank you.
5 The panel is relieved.

6 I now open the hearing for public
7 testimony. I remind members of the public that this
8 is a formal government proceeding and that decorum
9 shall be observed at all times. As such, members of
10 the public shall remain silent at all times.

11 The witness table is reserved for people
12 who wish to testify. No video recording or
13 photography is allowed from the witness table.
14 Further, members of the public may not present audio
15 or video recordings as testimony, but may submit
16 transcripts of such recordings to the Sergeant-at-
17 Arms for inclusion in the hearing record.

18 If you wish to speak at today's hearing,
19 please fill out an appearance card with the Sergeant-
20 at-Arms and wait to be recognized. When recognized,
21 you will have two minutes to speak on today's hearing
22 topic, Update on Dining Out NYC Program and
23 Introductions 1142, 1320, 1368, 1421, 1423, 1426,
24 1444, and 1446.

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If you have written testimony or additional written testimony you wish to submit for the record, please provide a copy of that testimony to the Sergeant-at-Arms. You may also email written testimony to testimony@council.nyc.gov within 72 hours of this hearing. Audio and video recordings will not be accepted.

We'll call the first panel. Max Bookman, Cecil Brooks, Jr., Jean Ryan, Betsy Mak, and we ask everyone to please adhere to the two-minute rule.

MAX BOOKMAN: Okay. Thank you, Chair. My name is Max Bookman. I am Legislative Counsel to the New York City Hospitality Alliance. We are the largest bar and restaurant industry trade association in the five boroughs and we've been key stakeholders in the outdoor dining process since day one. Some regards from our Executive Director, Andrew Riggi. He's been selected by the Mayor-Elect to join a transition committee that's meeting at the same time. Otherwise, he would have been joining here with me.

The outdoor dining bills under consideration today are all extremely important to our industry, and we support them all. It sounds like from DOT's testimony that they'd like to push this

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1 off until to the next administration. We really can't
2 have that. This needs to be done now so there could
3 be clarity by the springtime, especially concerning
4 the roadway dining. I just want to push back on the
5 narrative that I heard from the Administration that
6 applicants are not paying their fees and that's sort
7 of contributing to the delay of the process. DOT is
8 requiring a full year's worth of consent fees up
9 front. That's different from the way that DCA did it.
10 Under the old pre-pandemic program, DCA allowed a
11 quarterly payment of consent fees. What landlord in
12 this city requires you to pay 12 months of rent up
13 front? Restaurants are getting sticker shock by these
14 fees and that is contributing to, I'd say, some delay
15 but it's within DOT's power to handle. Also the
16 notion that the ball is in the applicant's court on a
17 number of items is really not the full story and we'd
18 be happy to provide you examples offline.

19
20 Of all the aspects of the bills that are
21 before you, year-round roadway dining is essential.
22 Participation numbers in roadway dining have been
23 abysmal compared to the pandemic program and Council
24 Member Restler really nailed it. Restaurants are just
25 not participating in this program because it's too

burdensome to put it up and take it down every few months. Instead of having a vibrant five-borough program, roadway dining has basically been concentrated to Manhattan below 96th Street, which is really not the goal at all.

Also, as you heard in your April oversight hearing, sidewalk cafes are suffering too. We really support the bill that will bring us back to the old simple rule of eight-foot clearances versus the complicated rule they have now. Thank you.

CO-CHAIRPERSON BROOKS-POWERS: Thank you.

BETSY MAK: My name is Betsy Mak. I'm the Vice Chair of Community Board 7 Queens. Community Board 7 Queens is strongly opposed to this proposal. CB7 Queens voted unanimously 40-0 to disapprove the open restaurant tax in 2021. Downtown Flushing is already one of the most congested neighborhoods in the city. The current proposal suggests that downsizing sidewalk to only eight feet wide would be considered sufficient for pedestrians. But in reality, there are nowhere near wide enough to accommodate the heavy foot traffic in the area. Any expansion of sidewalk cafes would aggregate congestion. Just a few years ago, DOT spent millions

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of dollars to widen the Main Street sidewalk in
Downtown Flushing to improve pedestrian safety and
flow. Now this new proposal would reverse and
undermine these efforts. Sidewalk conditions are
already severely strained due to illegal vendors and
grocery store stoop-lined violators occupying much of
the pedestrian space. Because enforcement is
infrequent, these vendors and violators simply
return, creating crowded and unsafe conditions.
Pedestrians are often forced off the sidewalk
dangerously into the roadway that is extremely busy
with SBS bus service. Given these conditions, there's
absolutely no room to accommodate any sidewalk cafes
in Downtown Flushing. In addition, no one knows the
street better than the community boards. Eliminating
our input is not acceptable. Some community boards
may have responded slowly in the past, but instead of
removing their role, simply set a reasonable deadline
for comments. For all these reasons, Community Board
7 Queens urge you to reject this proposal that will
make Downtown Flushing more crowded and less safe. We
ask that you prioritize the pedestrian safety and the
quality of life for our community.

CO-CHAIRPERSON BROOKS-POWERS: Thank you.

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2 CECIL BROOKS, JR.: Hello. Happy Monday
3 and happy National Sardines Day for all of my
4 Italians and Pescadores. My name is Cecil Brooks, a
5 proud uptown resident and professional foodie who
6 wants to see our city thrive.

7 As part of the Open Plans team, we have
8 long advocated for an outdoor dining program that
9 makes our streets as vibrant and delicious as
10 possible. Intros 1421 and 1446 make great progress
11 toward that goal. The last time you saw us in April,
12 our report, Digging into Dining Out, highlighted
13 dozens of discussions with restaurant owners that
14 revealed the exorbitant financial burdens associated
15 with seasonal outdoor dining. Tens of thousands of
16 dollars for breakdown, setup, and storage prevents
17 many shops in communities like mine from
18 participating in the program. Shockingly, only 8.9
19 percent of curbside seating was located in the Bronx,
20 Queens, and Staten Island combined. Again, the Bronx,
21 Queens, and Staten Island combined. In other words,
22 the current program is significantly geographically
23 limited and inequitable. Doesn't make dollars or
24 sense. Intros 1421 and 1446 both make the program
25 better by protecting the right of the restaurant

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industry members to operate year-round and making the application process more accessible. We at Open Plans and world-class establishments like La Morada in the South Bronx, Bar Goyana in East Harlem, and The Mansion in the Upper East Side look forward to working with the council to make our outdoor dining program and the Dining Out NYC initiative as successful as possible. Thank you so much. Have a wonderful day.

JEAN RYAN: Hi. I'm Jean Ryan. I'm President of Disabled in Action of Metropolitan New York, DIA for short.

Disabled in Action is in favor of outdoor dining, but only if it is accessible to people with disabilities. In the first iteration, many roadway restaurants were not accessible, even though that was the rule. And even when we complained, it did nothing. Nobody changed. We couldn't get in. So it just is like a slap in the face seeing an outdoor restaurant, and you can't even get in and you can't buy their food. That's not fair. Why weren't they accessible? I've complained to DOT, and nothing happens. There are even some inaccessible roadway restaurants now that we can't get into. I can't go up

an eight-inch space to get into a restaurant that's that high. I've complained to DOT, and nothing happens. Winter outdoor dining might be fun for some, but many structures were just sitting there, abandoned or used to store things like a Christmas tree or construction stuff, and I bet the same thing will happen if year-round outdoor dining happens again, because most people don't want to sit outside in the winter. Some of the sidewalk cafes have high tables, and that prevents us from patronizing that restaurant also. It's also against the code and the ADA. One restaurant near me had a sidewalk cafe all summer and is only now applying for a license today. They just coasted along without trying to further the process. It wasn't the community board's fault.

(TIMER CHIME) It was theirs. I just have a few more sentences. We're not in favor of year-round roadway dining, but we have no problem with sidewalk cafes if they are accessible and allow enough room for us to pass.

We think the fine for not repairing a defective sidewalk should be more money. In many neighborhoods, we cannot go on a block because the sidewalk is so messed up from trees or something

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else. It's so frustrating and dangerous to have to
detour. In this street, to continue to our
destination, and it's scary. Thank you.

CO-CHAIRPERSON BROOKS-POWERS: Thank you.

CO-CHAIRPERSON MENIN: Great. Thank you
very much to this panel. We appreciate your
testimony.

I'm now going to call the next panel.
Augustine Hope, Leslie Charlay (phonetic), okay,
sorry, I couldn't read the handwriting, Michele
Canizo (phonetic), and Douglas Davis. If you could
please come down. Thank you.

AUGUSTINE HOPE: Can you hear me? Good
morning. My name is Augustine Hope. I'm President of
the West Village Residents Association, which
represents many long-term renters, homeowners, and
business owners in our community. We have a
particular interest in this Dining Out New York
program, largely because it has a disproportionate
impact on us. As you're probably aware, there are
almost 25,000 liquor licenses in New York City, so
for every license, there are on average 350
residents. In our community, the West Village,
however, there are just 70 residents for every

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license, which means that any problems that crop up will have five times the impact on us. You can see us, if you like, as an early warning system. What we are experiencing now is what you will experience in the future in other parts of the city. Let me give you an example of such a problem. 25 years ago, of the 1,356 retail spaces in our neighborhood, just 10 percent had liquor licenses, which is a very fair number. Today, that figure is one-third. One-third. That number is accelerating largely because you are subsidizing a single private industry to such an unprecedented extent, giving restaurants, and only restaurants, exclusive and virtually free use of public space, and certainly free while there are still conditional licenses. The small business owners that don't have this perk, the independent pharmacies, the barbers, bodegas, butchers, toy stores, hardware stores, clothing stores, gift stores, florists, all the places that make a neighborhood livable, they find they can no longer compete on rent. It is, if you like, an affordability crisis. In your rush to turn NYC into a version of Club Med, you are, in fact, turning it into Club Dead, the same issue that bedevils the center cities

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of Barcelona, Rome, Amsterdam, and Venice, among
others, where residents are in open revolt. Here are
some proposals for correcting this imbalance. First,
instead of charging just 8 to 10 dollars per square
foot for use of public space in our neighborhood
(TIMER CHIME) do you wish me to continue? I have
about four points.

CO-CHAIRPERSON MENIN: We have to keep to
the time frame, but could you submit your testimony
in writing?

AUGUSTINE HOPE: I will do.

CO-CHAIRPERSON MENIN: Is that possible?
Thank you so much. We very much appreciate it. Thank
you.

LESLIE CLARK: My name is Leslie Clark.
I'm also with West Village Residents. I am here in
opposition to Intro. 1421, which would give yet more
municipal property on both the roadway and the
sidewalk to an industry that has already been amply
enriched by outdoor dining. This industry received
5.5 billion dollars, that's a B for billion, in
federal grants and forgiving loans during the
pandemic. They've also received free use of municipal
property for over five and a half years, and they are

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continuing to do so under the conditional licensing program. No wonder they don't want to finish the application. They'd have to start paying if they did. I would like to see that if the City Council wants to continue to give even more and more and more to this industry, then I propose that along with this bill, you also give workers something, a living wage quite apart from tips. In his successful campaign for mayor, Assemblymember Mamdani asked for that very thing, asking for a new minimum wage of 30 dollars an hour. When working people have more money in their pocket, the overall economy thrives. We have to change that. I agree. Assemblymember Mamdani also supported State legislation proposed by Robert Jackson that would bring restaurant workers' wages on par with the rest of the state on top of tips. He said it is time to answer that call. It is time. We have a Mayor-Elect and a State Senator who have called for the end of what they deem as wage theft. Let's give the worker back something. This is the Worker Protection Committee. If you're going to give it to the restaurant, give it to the worker. A minimum, a living wage on top of tips. Thank you.

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DOUGLAS DAVIS: My name is Douglas Davis. I'm a Neighborhood Security and Safety person. I am OSHA licensed. I am a qualified person as I walk onto a job site and they have to listen to me. And I observe constantly how the workers are being abused and if they are to be hired through the cold of winter, it is only going to be forgotten. The workers will suffer the brunt of any extension of this program. Also, the Department of Transportation is woefully inept with this, obviously. Just to listen to this. As we had before, local control, the eight-foot minimum, one of the proponents of these changes just said keep it, at least get back to an eight-foot minimum so we can regulate this. So that's off the top of my head once again. Thank you.

CO-CHAIRPERSON MENIN: Okay. Thank you.

We need to take a five-minute pause before we call the next panel. There's just going to be a five-minute pause and then we will resume in five minutes.

All right. We are going to resume the hearing, and the next panel is on Zoom. Brit Byrd, Valerie De La Rosa, Donna Rafferty (phonetic).

BRIT BYRD: All right. We're good to go?

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2 CO-CHAIRPERSON MENIN: We can hear you.
3 Thank you.

4 BRIT BYRD: Okay. Great. Good afternoon,
5 Chairs Menin and Brooks-Powers. Thank you for holding
6 this hearing. I'm here representing Brooklyn Borough
7 President Antonio Reynoso. As a Member of the City
8 Council, he was the lead sponsor of two bills, one
9 that created the Emergency Open Restaurants Program
10 and a precursor to the bill that Council ultimately
11 passed in 2023 to make that program permanent. This
12 program has been a lifeline for small restaurants.
13 During the pandemic, it saved approximately 100,000
14 jobs, allowed for people to interact socially in a
15 safe setting, and generated tax revenue for the City.
16 It has also helped New Yorkers reimagine what our
17 streets can be, which is why so many New Yorkers
18 share our desire to see the program succeed. Yet, due
19 to the seasonal rules that this Council adopted,
20 we've seen the number of open restaurants drop from
21 about 8,000 at the program's peak to about 2,500
22 earlier this year to zero in the winter months. The
23 seasonal program simply creates too many burdens on
24 small businesses. The cost of purchasing an outdoor
25 dining setup and paying to construct it, only to have

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2 to pay again to take it down and to pay again to
3 store it in the off-season is too burdensome for many
4 businesses and is the most cited reason for why
5 restaurants are not choosing to participate. Intro.
6 1421 addresses this by allowing open restaurants to
7 operate all year, as was originally intended. This
8 will encourage more creative designs, create more
9 year-round jobs, and encourage the vibrant street
10 life that New Yorkers enjoy.

11 Intro. 1421 also addresses other
12 important issues with the program. It ensures
13 expedited approvals by preventing community boards
14 from requiring extra application materials. The
15 agency-level approval requirements are sufficient to
16 ensure safety, appropriateness, cleanliness, and
17 accessibility. It also expands the number of
18 businesses that can participate by opening the
19 program to grocery and specialty food stores, and by
20 creating an option for businesses that are too small
21 to have their own setup to expand into adjacent
22 business owners' space. Removing these barriers is in
23 line with the program's original intent to make it as
24 easy as possible for small (TIMER CHIME) businesses,
25 immigrant-run businesses, and businesses..

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2 SERGEANT-AT-ARMS: Thank you for your
3 testimony. Your time has expired.

4 BRIT BYRD: Outside of Manhattan to
5 participate without a major cost burden or too much
6 red tape. The proposals in Intro. 1446 also support
7 this by addressing the digital divide.

8 CO-CHAIRPERSON MENIN: Sir, I'm sorry.
9 That is two minutes. If you could please submit the
10 rest of your testimony in writing. Thank you very
11 much. Thank you.

12 If we could please have the next speaker,
13 thank you.

14 Valerie De La Rosa or Donna Rafferty on
15 Zoom.

16 Okay, we are going to move on then.

17 The next panel is Norma Cote, Layla
18 Passman, Carol Puttre-Czyz, Lois Frank. Thank you.

19 Okay, thank you.

20 NORMA COTE: I guess I'm on. My name is
21 Norma Cote. I'm just a public citizen. I live in
22 Manhattan. I want to comment particularly on Bill
23 1444 about the clear pedestrian path and a little bit
24 about 1421. As to the clear path, I think it's
25 important to note how this legislation came to be in

the first place. It came about because the Comptroller wrote to DOT saying, in effect, give the restaurant industry whatever they want, and what we have in 1444 essentially is everything that the restaurant industry wanted. I would say before you even consider voting in favor of this, demand that the restaurant industry give you authoritative treatises, text, standards on sidewalk design, the principles of sidewalk design that say it's a good idea to have the same fixed width for a clear path all over the city regardless of the nature of the sidewalk, the location, the conditions, the need, the capacity. It's particularly bad when the maximum clear path that you think is appropriate on a residential street be also used on the major, the biggest, most crowded streets in the city. If they cannot show you that there's an authoritative treatise that says it's a good idea to let the sidewalk cafes take over every square foot of the sidewalk, that's not absolutely necessary for a clear path, then don't vote for this. Sidewalks perform many different purposes in addition to pedestrian traffic. They let people congregate and mix. They let people stop and linger and pause and talk to one

another. If the only thing that is left to pedestrians is that clear path for travel, they're saying, in effect, keep moving. Thank you. My time is up. I'll submit the remainder of my testimony in writing.

LAYLA PASSMAN: All right. Dear Committee Members, the Atlantic Avenue Business Improvement District provides direct services and advocacy for businesses and residents of the Atlantic Avenue corridor in the vibrant Brooklyn neighborhoods of Brooklyn Heights, Cobble Hill, Boerum Hill, and downtown Brooklyn. We thank this bill's sponsor, Councilman Lincoln Restler, who is our City Council representative for our District. We applaud his proposed reforms, which overhaul a failing framework to restore year-round open dining, allow expand footprints for small restaurants, and let businesses like grocery stores and retail food establishments to be eligible to participate. Our District is home to some of New York City's oldest and most beloved legacy food stores, such as Sahadi's and Damascus Bakery, both of which sell substantial prepared foods in addition to groceries. It would be wonderful to enjoy grabbing the food items from these shops and

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eat them outside. This summer, Members of the City Council heard from one of our Board Members and small business owners, Megan Rickerson of Someday Bar. She laid bare the issues she personally faced in order to be compliant and relaunch her outdoor dining roadway structure. As you know, she was among the minority of businesses owners citywide who pursued outdoor dining. The current system is so expensive and convoluted to launch that most businesses do not bother to participate. If the City wants to support small businesses, we must streamline the ability for businesses to grow with outdoor dining. The consequences of the current program are evidenced citywide and on Atlantic Avenue. We currently have a mere three outdoor dining spaces, down from 19 before the new requirements, and we are just one small district in one borough. This bill will keep our independent restaurants here so we can continue to be the Atlantic Avenue of fast and fresh burrito and El Zason, except not Chili's, and our Lilo's Cucina and Sottocasa instead of Olive Garden and Domino's. Thank you for your consideration.

CAROL PUTTRE-CZYZ: Carol Puttre-Czyz
here, representative of the East 5th Street Block

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2 Association. Outdoor dining was a gift during COVID.

3 It helped restaurants stay alive and gave residents a
4 respite from their isolation. While COVID is over,
5 there is no reason to give establishments year-round
6 free use of pedestrian walkways for their businesses.

7 I am sure the Council Member who proposed this bill

8 did not live upstairs from a restaurant with outdoor

9 dining. If they did, they would never want to extend

10 throughout the year the noise of loud voices getting

11 louder as fueled by alcohol as the evening

12 progresses, clinking plates, music. Yes, outdoor

13 music is not allowed, but it happens all the time. It

14 is impossible to listen to a TV, read a book, and

15 forget about sleeping in any of the frontal rooms

16 above a restaurant. Add to that the increased trash,

17 rats, and traffic congestion from taxis and service

18 cars. At least please give us a break during these

19 winter months. And as to allowing only eight feet for

20 a pedestrian passageway, what about people with

21 walkers, wheelchairs, baby carriages, and people with

22 disabilities who should not have to wade their way

23 through the crowds waiting for tables? I have often

24 had to take the risk of walking in a bike lane which

25 resembles I-95, what with speeding delivery guys and

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Citi Bikes. Please think about what's best for the residents of this city. Do not vote for these proposals. Thank you.

LOIS FRANK: That was great. Can you hear me? Lois Frank, ditto everything she just said. That's exactly what we're all experiencing in Community Board 2 downtown. It's incredibly crowded. It's way over congested. And what we started to notice is that a lot of these awnings covering the sidewalk cafes are blocking the ladders that come down from fire escapes. These ladders are being blocked by awnings. And now in the wintertime, there are heating elements under these awnings. I don't hear anyone talking about that at all, but it's something definitely to notice with at least sidewalk seating. With roadway seating, for a while we had roadway sheds that were meeting like this, cutting off access to apartment building entrances that were right there. So if you need an ambulance or something, that ambulance has to park around the corner because of roadway sheds that meet. And for the roadway sheds that had just a few feet of space, they were fetid, putrid puddles of water that never evaporated. And they'd turn all sorts of green and

1 disgusting colors. And when they spray in the
2 summertime because of infestation of insects, that's
3 what these fetid puddles promote, are insects. And I
4 just want to say, I really have enjoyed outdoor
5 dining. I promoted outdoor dining in the beginning.
6 But come on, it's over. These businesses can't say,
7 we need it, we need it, we need it. It's a hostile
8 takeover of pedestrians, of residents who have put up
9 with so much drunken conversations at night that just
10 come into your window. You cannot avoid it. It's a
11 hostile takeover. And we're asking you to balance,
12 balance bicycles, outdoor dining, roadway dining,
13 people walking, people walking with strollers, with
14 walkers. You can do it. Thank you.

16 CO-CHAIRPERSON MENIN: Thank you.

17 And I'm going to call our next panel.

18 Michelle Spinner, Nina Guidice, David Rosenberg.

19 MICHELLE SPINNER: Are you ready for me?

20 SERGEANT-AT-ARMS: Michelle, you may
21 begin.

22 MICHELLE SPINNER: Very good. My name is
23 Michelle Spinner. I am a 41-year resident of Chelsea
24 and Vice President of the London Terrace Tenants
25 Association. I speak on behalf of the LTTA when I say

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we are against Intro. 1421 and Intro. 1444. Outdoor dining is a highly visible use of public space with daily impacts on accessibility, noise, safety, street cleanliness, and neighborhood character. Decisions regarding our public spaces must be grounded in robust community engagement, not rushed through without adequate public participation, as has been the case here. The proposed legislation expands on the new outdoor dining rules, which have been in effect for less than a year, and thus would potentially worsen already thorny problems. For instance, noise complaints remain frequent in areas where late night operations disrupt residents' ability to rest and sleep. Sidewalk congestion, particularly affecting seniors, people with disabilities, and parents with strollers, continues to push pedestrians into the street. While more and better enforcement has been repeatedly promised, oversight remains limited and it is unclear how an expanded program would be effectively monitored. Taken together, Intro. 1421 and 1444 promote commercial expansion at the direct expense of pedestrians, safe intersections, accessible sidewalks, and the integrity of public space, not to

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1 mention a good night's sleep. New York is a city of
2 walkers. We deserve a pedestrian-first public realm.
3 Furthermore, we feel allowing more types of
4 businesses, not just restaurants to operate outdoor
5 sheds, could open the door to a free-for-all of
6 business uses that go far beyond the program's
7 original intent. I repeat, the LTTA is against Intro.
8 1421 and 1444.
9

10 SERGEANT-AT-ARMS: Thank you for your
11 testimony. Your time has expired.

12 MICHELLE SPINNER: Thank you.

13 NINA GUIDICE: Good afternoon. Thank you
14 to Chairs Brooks-Powers, Chairman Menin, and Council
15 Members for holding today's joint hearing. My name is
16 Nina Guidice. I'm the Policy Manager at
17 Transportation Alternatives. We're here to testify in
18 enthusiastic support of year-round outdoor dining in
19 Intros 1421 and 1446. New York deserves a year-round
20 outdoor dining program that works for restaurants and
21 patrons. These two bills are a strong step in the
22 right direction. Restaurants don't close for the
23 winter, and neither should our outdoor dining. The
24 current program is impossible for small restaurants
25 who don't have the resources to build new structures

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each year or store materials during the off months,
and the current application process is too
bureaucratic and long. These two bills can fix that.
With a more streamlined, accessible, and year-round
system, New Yorkers in every neighborhood can dine
outside, and restaurants in every neighborhood can
increase their seating space and raise revenues,
making it easier for restaurants to survive a slow
January or chilly March and more money for the City.
New York is famous worldwide for its restaurants, but
without a consistent and stable program, we're
limiting them. It's time to pass these bills and make
it easier to get some of the city's hardest
reservations. New York deserves a permanent year-
round outdoor dining program that works for everyone,
and the Council has a chance to make this happen. We
believe in a city and future that puts our shared
public curbs to better use, and reimagining the
streetscape to be vibrant, accessible, and usable for
all New Yorkers. Thank you for your time. We'll
submit a longer written testimony.

SERGEANT-AT-ARMS: You're muted, David.

Unmuted.

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DAVID ROSENBERG: Thank you. I'm here to express my strong opposition and deep disappointment regarding Proposed Bills 1421, 1444, and 1446. As a longtime resident of Greenwich Village, I am frankly appalled that these measures would be advanced by this Council. These bills suggest a prioritization of industry interests, particularly those of the Hospitality Alliance, over the quality of life and well-being of New York City residents. It is difficult to understand how these proposals align with the mission of a Committee that claims to protect consumers. Residents spent years working with the Department of Transportation to develop the 2024 Outdoor Dining Regulations, rules that many of us considered a compromise. Yet those regulations have already been undermined by inadequate DOT enforcement and extensive FDNY waivers. Now, instead of strengthening oversight, these Council Members are proposing amendments that would further erode the balance we've fought to achieve. Regarding 1421, which would make roadway dining year-round, it directly contradicts the intent of the 2024 DOT rules. Residents pushed back against year-round roadway dining because of the noise, trash, heating

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equipment, and sidewalk disruptions they bring. We successfully fought this battle once. Why is it being revived? Reinstitution year-round roadway and sidewalk structures disregard the clearly articulated concerns of communities across the city. I oppose this bill in the strongest possible terms. Our streets and sidewalks exist for the public, not as a permanent extension of private commercial space.

Regarding 1444, which would reduce the acquired clear pedestrian path, is another step backwards. The existing clearance requirements were a compromise designed to protect safety and accessibility. One of my own neighbors suffered a serious injury after tripping over a dining obstruction before these standards were implemented. Weakening these protections now would be irresponsible and dangerous. I strongly oppose this bill.

Regarding...

SERGEANT-AT-ARMS: Thank you for your testimony. Your time has expired.

DAVID ROSENBERG: Thank you.

CO-CHAIRPERSON MENIN: Thank you.

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Valerie De La Rosa, Michelle Campo, and
Christopher Leon Johnson.

CHRISTOPHER LEON JOHNSON: Oh, you want to go first? Okay, yeah. Hello, Chairs Menin and Brooks-Powers. My name is Christopher Leon Johnson. I'm here to show support for Intro. 1368 and related to the gun violence bereavement bill package to amend when somebody gets shot and killed in the street, their family member is allowed to take days for bereavement. I support this bill because of the fact that I believe that nobody should be dependent on GoFundMe or any of these crowd sourcing websites, these funding source websites to pay to reimburse them when someone gets shot and killed on the street. I believe that the employer should be able to pay for that. The employer makes... sometimes the employer makes millions of dollars a day, billion dollars a day. It doesn't hurt them when... it doesn't hurt them when they paying a certain amount of money... paying out the money was somebody shot and killed to a family member... when a person get shot and killed on the street. I believe that people... gun violence should be taken more seriously in the City Council. Gun violence should be taken more seriously by this

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1 Mayor... by the Mayor's Office, this Mayor's Office and
2 the incoming Administration, Zohran Mamdani
3 Administration. I believe that... oh, sorry about that.
4 I believe that... he threw me off with that. Okay.
5 Yeah. So going forward, I support these bills. I
6 support this bill 100 percent. Thank you for the
7 Council Members that jumped onto this bill. Like I
8 said, the wife should be depending on funding from
9 outside like GoFundMe to supplement this stuff. I
10 think the City has enough money to really make this
11 happen. And just to end it here, I'm shocked... I'm sad
12 that the Mayor's Office didn't come and say they
13 support this and say that they care about this stuff.
14 They be out every month with these organizations that
15 get government funding but, a bill like this, they
16 refuse to show up. And, you know, they should be
17 condemned for that. But thank you so much and enjoy
18 your day. Thank you.

20 VALERIE DE LA ROSA: Great. Thank you.

21 Good afternoon, Chairs Brooks-Powers and Menin,
22 Members of the Committees and the Committee Counsels.
23 I'm Valerie De La Rosa. I'm Chair of Manhattan
24 Community Board 2, CB2, and I'm speaking on behalf of
25 the Board. CB2 has held public hearings for 542

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roadway and sidewalk cafe applications. That is 30 percent of all outdoor dining cafes in Manhattan and nearly 20 percent of outdoor dining cafes across all five boroughs. Outdoor dining has been a resounding success in our District in CB2. And revocable consent fees are 55 percent cheaper than before COVID for most of CB2. Now, here's what works. Regarding Intro. 1421, seasonal roadway dining works in Manhattan CB2. Year-round roadway dining ends up being used as seasonal storage. And research shows asphalt and pavement surfaces are under intense thermal and structural stress during warmer months, absorbing heat, expanding and contracting, and accelerating and fatiguing and cracking. Year-round rapid dining rapidly turns into either a building with doors, windows, electricity, heating elements, and generators used for winter storage. Regarding the clear path requirements, 8 feet, 10 feet, 12 feet, all of those matter in our District. They are so important on our narrow streets that the pedestrian mobility plan is adhered to as recommended by NYC DOT. To preserve the integrity of current clear path requirements, our Board actually voted to eliminate the requirement of a perimeter demarcation for

sidewalk cafes with a single row of two tops. One table with two chairs that are directly against and parallel to the building façade in order to maintain the clear path. We think that that is good for business, and we think that that is a robust outdoor dining program.

With that, we stand ready to work with the Council, DOT operators, and neighborhood stakeholders to ensure that the Dining Out NYC program remains vibrant, safe, and equitable. Thank you.

MICHELLE CAMPO: Hello, Council Members. My name is Michelle Campo. I'm Vice President of the Bowery Alliance of Neighbors. And I will be brief. I will submit something later. But I just want to say that one size does not fit all, and that's what these bills are trying to do. We're opposed to all of them. And I live in Little Italy, which has untold number of roadbed sheds. They do not work. They are in the way of everybody. And the collection of garbage is just beyond the pale. I mean, it was after years of compromise, we came down to something that kind of worked, which was, you know, open air and something that comes in at night and something that comes in

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when, you know, after November. But the thing that's...

I have watched fire engines that cannot get up the

block. The head of the firemen's union is strongly

against these sheds in the street. If you live above

them, he said, be very worried. Now that should tell

you something. I mean, it's scary. It's just scary.

And I think that we need something that, if we need

it... and New York, I've heard it said New York is like

Paris. It is nothing like Paris, okay? Let's get that

down. And if it has to be... I have a place on my

corner that has two sheds, one on the side street and

one in front of the building. One on the side street,

nobody has ever been in. Does that mean it comes

down? No. We need something that has more logic to it

and extending the year, full year, and extending the

sidewalk so people can't walk by and extending the

sounds that go with that so that the people who live

upstairs cannot do their work (TIMER CHIME) and they

do work up there, too, if they can hear. Thank you.

CO-CHAIRPERSON BROOKS-POWERS: Thank you.

Next on Zoom, we'll hear from Melody

Jimenez, Kathy Arntzen, and Rachel Wilkerson.

Melody, you may begin.

MELODY JIMENEZ: Hi. Can you guys hear me?

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SERGEANT-AT-ARMS: We can hear you.

MELODY JIMENEZ: Okay, perfect. Hi, my name is Melody Jimenez, Founder of No Voice Unheard, an organization that services families that are affected by gun violence. I want to thank you guys for allowing us to have a meeting for Intro. 1368. I brought this item to Council Member Salamanca, and it was drafted. After sitting at court with family members, I realized that many women are struggling to pay their bills after sitting in court and grieving over losing a child to gun violence so I thought it would be a great idea if we introduced legislation that would allow families to have 10 days off to grieve their lost loved one, whether it's a child or a family member. So, I urge Council Members to jump on this bill and the Mayor's Office to back us and to sign this bill into legislation. It will do a service to the families, and it will show support from the City that we all heard, seen, and understood during this time of grief. Thank you.

SERGEANT-AT-ARMS: Kathy, you're unmuted.

KATHY ARNTZEN: Yes. Hi. My name is Kathy Arntzen. Thank you for your time today. I am the President of the Central Village Block Association,

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which covers the area from 6th to 7th Avenue between
Bleecker and West 4th. These are narrow streets with
safety and quality-of-life concerns that need to be
addressed. We are troubled by Intro. 1421, -44, and -
46. They leave out an important issue. This is the
people who live here and the problems they face. The
Village has always had outdoor dining before the
pandemic, and we supported our local restaurants, but
this one-size-fits-all program does not reasonably
work for our neighborhoods. The present legislation
seemed like an okay compromise was reached. Are we
going backwards, giving total control once again to
private use of public space? In 1421, year-round
outdoor dining would once again increase trash,
prevent cleaning of streets, and bring back many
other issues which are somewhat under control now.
And many sheds are unoccupied in the cold weather,
and they become shelters for homeless. Allowing
restaurants to occupy more than their frontage and
allowing grocery stores to occupy sidewalk space in
front of their business is just being greedy. This
space is necessary for pedestrians, deliveries, and
other needs, especially on our narrow streets. As it
is, pedestrians are sometimes forced to walk in the

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street, which is extremely dangerous due to bikes,
Ubers, deliveries, trucks, and other vehicles. When
did pedestrians get put to the bottom of the list?

1444, reducing the pedestrian clear path
to just 8 feet would create impossible quality-of-
life issues on our narrow streets. Pedestrians,
residents, people with disabilities using
wheelchairs, canes, parents, babysitters with
strollers, dog walkers, and tourists should be
respected and considered. Patrons of restaurants on
our narrow streets block the sidewalks and the clear
path before and after their meals, and they create
noise for everyone in the neighborhood. And if there
is a shed as well, then sidewalk is virtually
blocked.

SERGEANT-AT-ARMS: Thank you for your
testimony. Your time has expired.

KATHY ARNTZEN: Thank you.

RACHEL WILKERSON: My name is Rachel
(INAUDIBLE) speaking for both measures to expand
outdoor dining.

SERGEANT-AT-ARMS: Rachel.

RACHEL WILKERSON: Yes. We were having
trouble hearing you. Do you want to just restart?

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RACHEL WILKERSON: Start over? Great.

My name is Rachel (INAUDIBLE) I'm speaking for both measures to expand outdoor dining. A few years ago, as a health (INAUDIBLE) a common virus that left me immunocompromised. That means that when I want to spend time in the world, grab a drink with friends, take a new coworker out to lunch, or participate in the social work of our city, I rely entirely on outdoor dining because it's the only way I can reliably avoid airborne illnesses. If you've never had to think about this, you likely don't know how hard it is to socialize in these circumstances. A lot of outdoor dining is partially enclosed or only has a couple of tables, and I can't just pop inside when that happens. As a result, I've had to miss my friends' goodbye drinks, birthday parties, casual networking opportunities, and so many other gatherings that people take for granted. I've bundled up and sat outside on very cold nights because I don't have another choice, and every year I watch more of these meager options vanish. Having more options available would remove a huge barrier. Being sick and having to be so cautious is deeply isolating, but being able to easily meet up with

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1 friends allows me to feel normal and like my old self
2 again. More than one in four adults have a
3 disability, so I'm not the only New Yorker who
4 benefits from outdoor spaces to eat and drink. This
5 is especially important at a time when flu and COVID
6 vaccine uptake is low. COVID is not, in fact, over,
7 and I pray that none of you who believe that will
8 learn that the hard way. Loneliness is very high. Far
9 from being an ADA violation, open streets are a form
10 of accessibility and help healthy New Yorkers stay
11 healthy both physically and mentally. When we curtail
12 roadside dining, we're saying that to park cars are
13 more important than the health of all New Yorkers. I
14 hope that City Council will support these bills
15 because we all deserve to participate in public life
16 in our city. Thank you.

18 CO-CHAIRPERSON BROOKS-POWERS: Thank you.

19 Next, we'll have on Zoom Sean Sweeney,
20 Ned Shalanski, and Leif Arntzen.

21 SERGEANT-AT-ARMS: You are unmuted, Sean.

22 SEAN SWEENEY: Yeah, can you hear me?

23 SERGEANT-AT-ARMS: We can hear you.

24 SEAN SWEENEY: Okay. Hi. My name is Sean
25 Sweeney. I'm the Director of the SoHo Alliance, a

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1 volunteer community group in SoHo. I'm also the past
2 twice-president of the Downtown Independent
3 Democrats, for whom I'm not speaking, but I got to
4 know politicians in the 30 years I've been in that
5 club. And I wonder, why do politicians, why are they
6 given such a bad name? I hear things like hypocrites.
7 Well, I've seen, I watched the beginning of this
8 hearing, and there was Lincoln Restler saying there
9 was a groundswell of requests for these. Actually, if
10 you look at the comment sections of publications as
11 diverse as the New York Post and the New York Times,
12 90 percent, 90 percent of the comments were against
13 these rat traps, as they call them. And why do I say
14 some politicians might be hypocritical? Well, Mr.
15 Restler, how many of these outdoor sheds are on your
16 tree-lined block in Brooklyn Heights? I'll tell the
17 audience, none. And Julie, I always thought you were
18 a community advocate. The community doesn't want
19 this. And again, I know I'm not going to reveal what
20 block you're on, but you have a very beautiful park
21 across the street from you, and not for blocks and
22 blocks and blocks have you one of these on your
23 block. The same with Keith Powers. It must be very
24 nice up there in Cooper Village, Stuyvesant Town. How
25

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1 many do you have in your block? There's none on my
2 block. There's very few in SoHo. I just have
3 something called compassion, which I see lacking in
4 the people who are pushing these bills. This is why
5 we get a bad reputation, folks. This is why. If you
6 have any heart, do you want to hear people yelling
7 and screaming underneath your windows? No, I bet you
8 don't. Do you want to see rats like I've seen
9 scurrying about? I bet you don't.

11 SERGEANT-AT-ARMS: Thank you for your
12 testimony. Your time has expired.

13 SEAN SWEENEY: Don't make a mockery of
14 politics.

15 SERGEANT-AT-ARMS: Ned, I'm unmuting you.
16 Ned, are you on?

17 Ned is not responding.

18 CO-CHAIRPERSON MENIN: Leif? Is Leif on
19 the Zoom?

20 SERGEANT-AT-ARMS: Leif, I'm unmuting you.

21 LEIF ARNTZEN: Okay. Thank you. My first
22 question in my testimony is this. Why are we here? I
23 live on Cornelia Street in the Village, and it's 100
24 percent R6, R7 zoned with seven small restaurants on
25 a single block. All the adjacent streets, sidewalks,

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and roads are narrow. Tourists flock here daily to see, you know, these old-world walk-ups and everyday people coexisting with, you know, global trade skyscrapers. But those people don't live here. We do. I witnessed the conditions that overwhelmed our neighborhood when restaurants stayed to operate long after the COVID catastrophe. We found ourselves immersed in a years-long fight with this industry to regain reasonable quality-of-life norms. After three lawsuits fighting four years of industry lobbying, the City emerged with a compromise, an outdoor dining program with rules that included important review processes, rules that were touted as protecting residents and public use in the long term. Hailed time and again as an important compromise, the industry vowed to follow the new rules of their own design. Now, five years later, with only one year of operating the permanent program under the new rules, the industry now circles back with a fresh campaign to pressure lawmakers and public perception to roll back important community engagement and controls. These bills are a fresh attack on residents' rights, public review, community board voice, against City Council's ability to monitor and manage constituents'

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concerns. And undermines this very City Council's reason to exist as a governing lawmaking body, doing the work of enacting equitable urban policy that protects taxpayers from unfair, inequitable commercial use of our public space. Knowing what we all know now, it's outrageous that we must now contemplate reversing critical rules for the sole benefit of this industry. It's further upsetting to see City Council Members intent on crafting amnesiac bills on behalf of paid lobbyists that seek to remove the very guardrails that were a critical element...

SERGEANT-AT-ARMS: Thank you for your testimony. Your time has expired.

LEIF ARNTZEN: Of the safety and privacy of people wary and weary, but adamantly oppose public greed, to allow this industry a permanent program in the first place.

CO-CHAIRPERSON MENIN: Thank you very much. And our next panel is Valerie Mason and Lora Tenenbaum.

SERGEANT-AT-ARMS: Valerie, you may begin.

VALERIE MASON: Thank you very much. It's nice to see the Chairs of the Committee. I saw you at the Speaker Roundtable the other night. I'm Valerie

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Mason, and I'm the Chair of Manhattan Community Board

8. We are opposed to these bills. I want to take

issue with something that Council Member Restler

said. He asked the DOT about a survey of restaurants.

I don't recall receiving a survey from Council Member

Restler asking any community boards what they feel

about this legislation before it was put forth. We

are on the ground. We see what's happening. We hear

from pedestrians about the loss of sidewalk space. We

have handled very many applications just like CB2.

So, we are on the ground and we know what's

happening. We are concerned about the expansion of

the definition of retail food establishment. One of

the things that we consider when we look at

applications is how many restrooms there are

available. If you were to include grocery stores and

other establishments, we don't understand how the

public would have use of a bathroom, and we think

that should be thought about. One of the things that

we find lacking in these bills is something that was

lacking in the original bill, which was to give

community boards the time to actually review these

applications at the get-go. The 40-day notice from

the time you receive it doesn't coincide with many of

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our community board schedules, and we would ask that
the City Council go back and take a look at that.

One of the other things on a maximum
clearance, again, and I think this has been said by
many of the speakers today, from the public at least,
one size does not fit all here. Sidewalk space is
precious. If you happen to have a huge sidewalk, I
don't know why we would permit a private
establishment to take more square footage away from
pedestrians, and we just don't understand what the
rationale behind any of this is. One thing we have
heard loud and clear from our residents...

SERGEANT-AT-ARMS: Thank you for your
testimony. Your time has expired.

VALERIE MASON: If I may just finish my
sentence, is that not having outdoor dining year-
round has resulted in many fewer rats running around
their neighborhood. Thank you.

SERGEANT-AT-ARMS: Ned, I'm going to try
and unmute you again.

Not responding.

LORA TENENBAUM: Am I on now?

SERGEANT-AT-ARMS: Yes.

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LORA TENENBAUM: I'm sorry. I got involved in something else. My name is Lora Tenenbaum. I live in a neighborhood where Chinatown, Little Italy, and SoHo meet in Community Board 2, Manhattan. The Dining Out New York City program is only a year old. It's too early to fiddle with it, giving even more power over our public spaces to a single industry and less to the whole community. It's clear that a balance between the needs of the eating and drinking industry and the needs of residents is paramount for our city to be livable. Noise and space are vital quality-of-life issues in our city. During COVID, Open Restaurants was a disaster for many residents in my community, even though I am aware that it was a lifeline for many. But in my community, people lost sleep, had to sidle between tables on the sidewalk, or take to a roadway, couldn't even see across the street to wave to friends due to roadway dining. Dining Out NYC fixed a lot of that, particularly by expanding the pedestrian clear path so families could walk side by side again, so people using canes didn't have to walk on subway grading, which unfortunately is within the pedestrian clear path. It gave wintertime respite to roadbed obstruction, which is

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also environmentally smart because heaters require energy. If you're going to make any change, please make it safer for pedestrians. Impose daylighting at our corners and recognize roadway dining as obstructions to daylighting, at least in transit-rich areas like mine. By the way, this program did not take out much private car parking in my neighborhood because we really don't have much of that. What it did take out was the vistas. And in a tourist-rich environment like mine, that's what it does.

SERGEANT-AT-ARMS: Thank you for your testimony. Your time has expired.

LORA TENENBAUM: Thank you. I'm done.

CO-CHAIRPERSON MENIN: Thank you very much.

So, if we've inadvertently missed anyone who registered to testify today and is yet to be called, please speak with a Sergeant or if you're remote, use the Zoom hand function and you'll be called in the order that your hand has been raised.

I'm just going to call the additional names of remaining Zoom panelists who we called earlier (INAUDIBLE) Michelle Birnbaum (phonetic), Michael Hirachi (phonetic), Scott Lynn (phonetic),

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Robert Camacho (phonetic), Chris Schuyler (phonetic),
Michelle Kuppersmith (phonetic), Jessica Walker. If
you hear your name called, if you could please begin
your testimony.

SERGEANT-AT-ARMS: Michelle Kuppersmith is
online.

Michelle, you're unmuted.

MICHELLE KUPPERSMITH: Thanks, Kevin. My
name is Michelle Kuppersmith. I live on East
Broadway. I live above four outdoor dining setups and
I love it. To respond to previous testimony, it is
compassionate to expand the outdoor dining program
year-round for several reasons. As we heard earlier,
there are people with invisible disabilities who
suffer in a city that does not provide enough outdoor
opportunities and so often they are forgotten. I also
want us to have compassion for the small business
owners who are able to grow their businesses and
pursue the American dream because of outdoor dining.
And with the permanent program, they were unable to
bear the unwieldy costs of storing and dismantling
setups for non-year-round dining. So in fact, the
current law benefits corporate restaurants and
disadvantages the small business owners I'm sure a

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lot of people testifying against this bill claim to support. I also want us to be compassionate for the employees who have lost their jobs due to the curtailment of the outdoor dining program, which is well-documented. I'm a vocal advocate for outdoor dining and I've said this over and over in the past five or six years that for those of us who don't have second homes and live in New York City full time, outdoor dining was a lifeline for us. It was the way to reintegrate into society and it's the only good thing to come out of the pandemic, literally the only thing. So, I ask the Committee and the Council to support Intro. 1421 to make our city more equitable. Thank you.

CO-CHAIRPERSON MENIN: Okay, thank you very much. I called the additional names.

Okay. Well, we want to thank everyone for being here today for a very productive hearing. Thank you so much. We will close the hearing. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 14, 2025