

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AND WORKER
PROTECTION

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August 3, 2023
Start: 10:38 a.m.
Recess: 10:49 a.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Marjorie Velazquez, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Erik D. Bottcher
Gale A. Brewer
Amanda Farias
Julie Menin
Chi A. Osse
Julie Won

1 COMMITTEE ON CONSUMER AND WORKER PROTECTION 2

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Consumer and Worker
4 Protection, located in Chambers, recorded on August
5 3, 2023, by Nazly Paytuvi.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to today's New York City Council vote for the
8 Committee on Consumer and Worker Protection.

9 At this time, please silence all
10 electronic devices.

11 Chair Velazquez, we are ready to begin.

12 CHAIRPERSON VELAZQUEZ: [GAVEL] Good
13 morning. My name is Marjorie Velazquez, and I am the
14 Chair on the Committee of Consumer and Worker
15 Protection, and I'd like to welcome you to our vote
16 on Proposed Intro. 31-C.

17 I'd like to recognize my fellow Committee
18 Members, Council Member Brewer, Council Member
19 Farias, Council Member Osse, Council Member Won,
20 Council Member Menin who is with us virtually, and
21 Council Member Abreu.

22 Proposed Intro. 31-C sponsored by myself
23 would establish a permanent outdoor dining program
24 for restaurants by granting licenses and revokable
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2 consents to operate sidewalk and roadway cafes across
3 all five boroughs of New York City.

4 The City's restaurant industry is an
5 essential part of our social and economic framework.
6 From high-end fine dining to small family-owned
7 institutions, restaurants showcase the breadth of
8 cultures and flavors that make up this great city.
9 Restaurants provide so much for so many, a place to
10 gather, a reason to visit, a venue for a milestone
11 celebration. We recognize the value that restaurants
12 bring to our community, and that's why we worked so
13 hard to preserve the integrity of these small
14 businesses during the height of the COVID-19
15 pandemic.

16 In June 2020, New Yorkers were enduring
17 an isolated time period. As a result, the City
18 launched an Open Restaurants Outdoor and Dining
19 Program as a temporary solution to the COVID-19
20 pandemic in order to help save thousands of
21 restaurants and their many employees from losing
22 everything. This program afforded restaurants the
23 ability to reopen their establishments, restore jobs,
24 and provide patrons with a safe place to get outside
25 and share a meal. For families like mine, outdoor

2 dining and sharing these spaces was one of the only
3 opportunities we had to connect with one another and
4 be outside of our homes safely. We learned a lot from
5 this temporary program, and the biggest lesson is
6 that even three years later New Yorkers love outdoor
7 dining. We want to preserve these lessons that we
8 learned and also look forward towards a permanent and
9 sustainable future that works for all of us. We spent
10 years negotiating with various industries and
11 stakeholders to create a uniform program that
12 consider the unique circumstances in each borough and
13 neighborhood.

14 I want to take the time out to thank
15 Rachel Cordero, David Seitzer (phonetic), Sarah
16 Swaine, and Natalie Meltzer for their hard work
17 throughout this process.

18 We applaud restaurants for pivoting
19 during the pandemic and finding creative ways to keep
20 their businesses open. This permanent program will
21 make it possible for restaurants to transition from
22 the temporary program while continuing to operate
23 outdoors. Compared to the pre-pandemic sidewalk
24 dining program, the updated permanent program will be
25 more affordable, more accessible, faster with less

bureaucratic hurdles. The annual fees restaurants pay to the City will be considerably less than the pre-pandemic sidewalk cafe fees. In addition to sidewalk cafes, many restaurants will be able to have roadway cafes which was part of a pandemic era program that will be made permanent by this Local Law. Restaurants in outer boroughs that were once precluded from participating in outdoor dining due to zoning restrictions will now be able to have for the very first time a permanent sidewalk and/or roadway cafe. For residents, this bill will return outdoor dining to pre-pandemic setups that we remember. That means that sidewalk and roadway cafes will be limited to open-air layouts with tables, chairs, umbrellas, and planters. The sheds and permanent structures that we have seen will come down, which will improve accessibility and clearances. Further, every Council Member, I repeat, every Council Member and Community Board will receive notice and have an opportunity to voice their opinion and have their voices heard on proposed plans for every cafe application. There's been a range of opinions and perspective on this program, and this bill has to strike the right balance between the needs of small businesses,

2 residents, and other stakeholders, and it must
3 consider the distinct neighborhoods and communities
4 it will impact. It is critical that we establish a
5 permanent program that will support small businesses,
6 create jobs, and generate tax revenue for our city.
7 It is also critical that we do this in a way that is
8 orderly, consistent, and respectful. This bill does
9 just that, and so I urge my Colleagues to vote aye.

10 Having reviewed the record before the
11 Committee and the technical letter prepared by the
12 Department of Transportation dated July 27, 2023, in
13 connection with CEQR 21DOT016Y which is posted on
14 Legistar, which concludes that the proposed
15 legislation would not, and I repeat, would not result
16 in any significant adverse environmental impacts.

17 We will now vote on Proposed Intro. 31-C.
18 Clerk, please call the roll.

19 COMMITTEE CLERK WILLIAM MARTIN: Excuse
20 me. Good morning. William Martin, Committee Clerk.
21 Roll call vote Committee on Consumer and Worker
22 Protection, Proposed Introduction 31-C. Chair
23 Velazquez.

24 CHAIRPERSON VELAZQUEZ: Aye.

25 COMMITTEE CLERK WILLIAM MARTIN: Abreu.

2 COUNCIL MEMBER ABREU: Aye.

3 COMMITTEE CLERK WILLIAM MARTIN: Bottcher.

4 COUNCIL MEMBER BOTTCHEER: No.

5 COMMITTEE CLERK WILLIAM MARTIN: Brewer.

6 COUNCIL MEMBER BREWER: I vote aye, but I
7 want to say a couple of things. First of all, I know
8 it's a lot of work to pull this off. I also know that
9 there are going to be rulemakings, and I also hope
10 the DOT will have enough staff to implement, and the
11 rulemaking should include everybody who is supportive
12 or not supportive to get their points across. I know
13 that in a lot of areas there's concern about
14 residential versus commercial, that they're treated
15 the same. I know that in many cases there's a feeling
16 that it is too dense, that residential, as I said,
17 should not be treated like commercial because the
18 residential areas, at least in Manhattan, are so
19 dense, and I know that there's a constant discussion
20 if you live above a cafe, particularly if it's
21 roadside, but sometimes if it's on the sidewalk that
22 there is a noise issue. Again, rulemaking, how long
23 will outdoor dining be permitted? Until midnight, or
24 better, until 10 p.m. which is when non-construction
25 quiet hours are mandated to stop at. I think there's

2 an issue for cost. I'm concerned because I want
3 Manhattan not to be penalized because we live in
4 Manhattan. There are plenty of small restaurants that
5 should be paying less, I think although others think
6 they should pay more, so the whole issue of cost, at
7 least in Manhattan. We pay the commercial rent tax,
8 and a lot of these restaurants from Murray up to 96th
9 Street pay an increased tax that other localities do
10 not. I'm also concerned between the April/November,
11 where in the months that you're not having your
12 outdoor roadside, if you choose to do that, where are
13 you going to store that table, chair, or anything,
14 and, something I've been bringing up, when the
15 current roadside sheds are taken down, which I think
16 they will be at some point, where does all of that,
17 in some case, beautiful wood and other amenities go?
18 Does it go to the landfill or can we find a best use
19 elsewhere? I think that this is still a bill in the
20 making in terms of the future because rulemaking will
21 determine many of the specifics. I do know that we
22 want to have a city, particularly in the Community
23 Boards 1, 2, 32, and 5, they're the ones, I'm in 6, I
24 certainly have people who are very against any
25 continuation of anything and then you have people who

2 understand the restaurants have to make a living so I
3 will predict that in the future these restaurants
4 will pay more because they don't pay anything now and
5 the difference in terms of the structure may not be
6 as amenable to the public because it won't actually
7 be something that you might feel safe sitting in. On
8 the other hand, if it is good for your business plan
9 and it's right for the community, you might want to
10 go forward. It's, as I said, a bill in the making. I
11 vote aye, but much details have to be worked out.

12 Thank you very much.

13 COMMITTEE CLERK WILLIAM MARTIN: Farias.

14 COUNCIL MEMBER FARIAS: I vote aye and I
15 would like to be associated with the sentiments of my
16 Colleague, Council Member Brewer.

17 COMMITTEE CLERK WILLIAM MARTIN: Menin.

18 COUNCIL MEMBER MENIN: Aye.

19 COMMITTEE CLERK WILLIAM MARTIN: Thank
20 you. Osse.

21 COUNCIL MEMBER OSSE: Permission to
22 explain my vote.

23 I vote aye on this bill. I do want to say
24 that I hope that we as a Council can work towards a
25 solution of either grandfathering or creating a

2 system where some of these small businesses who've
3 invested a lot into some of these structures will be
4 able to exist in some future of the city, and I do
5 want to apologize to my mom, who is a small business
6 owner and will have to take hers down and my Auntie
7 Gwen who just invested in hers, she'll have to take
8 hers down too, and then also many of my constituents
9 in my district, but I know that this is the best
10 option that we have at hand, and I hope that we can
11 work towards a solution for these small business
12 owners in the future. I vote aye.

13 COMMITTEE CLERK WILLIAM MARTIN: Won.

14 COUNCIL MEMBER WON: Aye.

15 COMMITTEE CLERK WILLIAM MARTIN: With a
16 vote of seven in the affirmative, one in the
17 negative, and no abstentions, Proposed Introduction
18 31-C has been adopted by the Committee.

19 CHAIRPERSON VELAZQUEZ: All right, with
20 that being said, we now adjourn. [GAVEL]

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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 August 4, 2023