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DOT Proposed Rules - Outdoor Dining

My name is Elana Ehrenberg and I am the Director of Strategic Partnerships at Design Trust for Public Space, a 28-year-old non-profit dedicated to enlivening New York City's shared civic spaces to create a vibrant, inclusive, and sustainable city.

For the past two years, the Design Trust has been working with Regional Plan Association and Tri-State Transportation Campaign as well as restaurant owners, community groups, designers and other public realm stakeholders through the Alfresco NYC coalition. Specifically, we have been working to ensure that the permanent outdoor dining program is accessible to all New Yorkers, beneficial for the local communities, and sustainable in the long term.

Alfresco NYC released [recommendations](#) last November to inform the creation of a permanent outdoor dining program. We are encouraged that the legislation and rules establishing Dining Out NYC includes key recommendations including sliding scale fees, a phased transition from the emergency program into these new rules and a "Kit of Parts" menu for which design features are mandatory and which are optional.

The proposed rules are an important blueprint for continuing to celebrate outdoor dining culture and prioritizing community use of sidewalks and curb lanes. To ensure that the program is truly equitable and successful, we recommend expanding on the following policies:

One of the biggest issues identified through our research is preserving accessibility and mobility for all sidewalk users. The NYC Pedestrian Mobility Plan outlines clear path requirements for sidewalk cafes and roadway dining. We believe that there should be additional considerations where either a) a sidewalk widening has already occurred because of a need for more pedestrian space in busy corridors or b) a sidewalk is too small to accommodate the clear path requirements. Nearly 50% of NYC sidewalks are under 8 feet wide and would not be able to meet the current clear path requirements outlined in the proposed rules. In the long term, we hope the City will develop a system for curbside permits that manages all different uses (e.g. passenger drop off, shared containerized trash bins, expanded bike storage, outdoor dining, deliveries, etc.) according to a more integrated streets plan vision. What could it look like if a block or a group of restaurants were able to share space and resources in the curb lane and not on a site-by-site basis?

We also want to recognize how outdoor dining has allowed more people with limited mobility to eat at restaurants that have barriers to their indoor spaces. It is incredibly important to maintain that level of accessibility with the proposed rules. The site plans and designs should include

moveable tables and chairs with enough clearance to maneuver around, no bench seating. Even making the flooring component of roadway dining setups mandatory would further expand accessibility. We appreciate the attention to sightlines by not allowing opaque vertical screening on roadway dining and requiring a 20 foot clearance at marked crossings daylighting intersections. We hope to see this same level of safety for all intersections, requiring the same distance for parked cars.

We have concerns regarding the transition from the current emergency outdoor dining program to this new highly regulated one. Creating stricter design guidelines after 3 years will require additional support on the City's side to help restaurants adapt their current year-round structures to seasonal as sustainably as possible. We need to reduce costs to small businesses and reduce the waste generated if businesses had to tear down current set ups and start from scratch. Allowing only 30 days to transition to the permanent program and only a week to remove all roadway dining at the end of each season is impractical. We also believe that enforcement should include opportunities for education and technical assistance so restaurants can make needed adjustments in a timely manner.

With all of the ups and downs of the emergency program, community leaders and small business owners have emphasized how vital outdoor dining has been to survival and its ability to enliven New York streets and celebrate local identity. With these proposed rules, we have an opportunity to create a roadmap for how our public spaces in the right-of-way can benefit more than just cars or restaurants.

Thank you for your time and consideration. We look forward to continuing work with the Mayor's office, NYC Department of Transportation and NYC Department of City Planning to implement a successful outdoor dining program, one which integrates the needs of all New Yorkers.