

November 20, 2023



Hudson Square
Business Improvement
District

DOT Proposed Rule- Outdoor Dining Written Comments

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Samara Karasyk
President & CEO

I am Samara Karasyk, President of the Hudson Square Business Improvement District (HSBID) and am writing to submit comments on the proposed rules relating to DOT's Dining Out NYC program.

Since 2009, HSBID has overseen the transformation of Manhattan's former Printing District into a thriving creative hub. The area we manage is generally bounded by Clarkson in the north, 6th Avenue in the east, Canal Street in the south, and West Street in the west. Our mission is to put Hudson Square on the map by capturing the spirit of innovation that is thriving in the commercial spaces and bringing that energy into the public realm, while promoting social, economic, and environmental sustainability. HSBID's primary function is to undertake capital and place-making projects that improve the neighborhood's conditions with respect to pedestrian safety (and sanity), streetscape, and retail (ground-floor) environments.

Thank you for the opportunity to offer feedback on the proposed Dining Out NYC rules. HSBID is generally supportive of the Dining Out NYC Program and recognizes the critical role of sidewalk and roadway dining serves in creating a welcoming neighborhood with vibrant ground floor retail, lively streetscapes, and enhanced quality of life for residents, workers, and visitors. We appreciate that this initiative reclaims road space for people and community.

Although we are generally supportive of the proposed program rules, the curb cut clearance requirements would impact the viability of outdoor dining in our district. We also need to note that we cannot comment on the new pricing tiers for licenses and revocable consent because the fee zone map published on diningoutnyc.info does not have enough level of detail for us to know under what tier or tiers our local businesses fall. We are concerned that the process and cost to obtain licenses and revocable consent could be prohibitive for many businesses citywide and make the program unavailable to restaurants that are good actors and rely on the additional revenue to keep their costs attainable for local customers.

Consequently, our comments will focus on one aspect of the proposed rules only; how curb cut clearance requirements would specifically impact the viability of outdoor dining in our unique district. Due to Hudson Square's industrial history, our commercial buildings were designed with multiple loading docks, and many are found mid-block. Even on our blocks with wide sidewalks (15ft +), the 5-foot curb cut clearance requirement for sidewalk and roadway dining is particularly challenging for the food and beverage operators in our district. Images below demonstrate how some of our existing outdoor dining locations, which are currently in compliance, would no longer be permitted under the new rules, despite meeting all other siting guidelines and clearance requirements. We also have other locations

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where the presence of mid-block curb cuts could be a deterrent in activating the ground floor space with food and beverage operators. Below are visual examples of where this would be a problem in the district.



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The curb cut clearance requirement should allow for flexibility in districts that, like ours, because of obsolete historical usages, have many mid-block curb cuts for loading docks in addition to outdated parking infrastructure.

As we continue to transform this former industrial neighborhood, roadway and sidewalk dining are key components to activate our streetscape, pedestrianize our streets, and increase foot traffic, which are all critical in creating a neighborhood community. In this time of transition for commercial business districts, it is imperative that we do all we can to continue developing a welcoming environment for workers, residents, and visitors. We ask that DOT recognize the need for flexibility on the curb cut clearance requirement in specific districts like ours so that our local businesses can continue to participate in the program, which is very important for them to thrive and stay viable in the district.

We hope to have the opportunity to discuss these comments further and are hopeful that we will see this important program move forward with our support and collaboration. Please feel free to reach out with any questions.