

New York City DEP

11/20/2023

Re: Outdoor Dining Rules

To Whom It May Concern:

I am writing to raise concerns about the proposed rules to govern the new Outdoor Dining Program.

- Stick to the hours outlined in Local Law 121. 10am to 12 midnight is certainly long enough for those of us who live above or near these proposed outdoor dining locations;
- While the statute restricts amplified sound outdoors it does not prohibit when doors and windows are open. Many restaurants flaunt the existing rule and the remainder just pump music out of their open facades, something they should not be permitted to do;
- No waivers to any rules that impact public safety including the 15 foot lane for emergency vehicles;
- The rules must clearly state that all roadway structures be moved and not stored in the street during December thru March when the program is not permitted. Many of our streets have not been cleaned in years and roadway paving is now forced to happen around the sheds;
- The rules must clearly limit the roadway seating structures to only the frontage of the restaurant, not locations that are not leased by the restaurant. There are many sheds now that take up multiple storefronts and residential footprints. In these cases the outdoor space is bigger than the restaurant;
- Structures being open is too vague of a design guideline. We learned from the pandemic that businesses will fully enclose their sheds, which is not the intent of the program. The roadway structures must be easily removable in the even of an emergency and not require construction or heavy equipment to move them; and
- Restore the 8' clearance and 3' service aisle that have always been required for outdoor seating structures.

Sincerely:

Andrew Coamey

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