

**Testimony on 4/23/25**  
**Department of Transportation Rules Hearing**

Open Plans writes today in regard to the proposed rules on exclusive seating in plazas and on Open Streets. The past five years have proven that New Yorkers love eating outdoors. The temporary outdoor dining program was a boon to local restaurants while also giving neighbors a place to connect and creating a sense of community and liveliness on our streets.

Open Plans is an ardent supporter of public space and believes that such space should be equitable, well-managed, and vibrant. Open Streets and plazas are an incredible asset to our city and the neighborhoods where they're located. These spaces work best when they induce people to linger and engage, whether through placemaking, infrastructure, or programming. Across the world, we know that outdoor dining serves as a key tool for activating public space.

Concessions with food trucks where people can buy food and sit at non-exclusive seating are one tool for activating plazas and open streets. However, for brick and mortar restaurants that serve seated customers, this model does not work. For that reason, we support the proposed rule to allow concessions for exclusive seating in plazas and open streets. We believe that the allowance of 33% of exclusive space strikes a balance between maintaining this space for the public and allowing restaurants to activate the space. With respect to the text of the rule, we recommend a slight tweak in the rule language to clarify that the allowed 33% of exclusive seating is for all subconcessionaires (which we believe is the intent):  
"...provided that the total square footage of the total square footage of all subconcessionaires' exclusive seating areas shall not exceed 33% of the total square footage of the pedestrian plaza."

The balance between allowing vibrant, private activations of public space and ensuring that it remains open to the public is crucial. We must continue to work towards public spaces that are well-managed for all New Yorkers to enjoy.

Respectfully,  
Open Plans





Sara Lind  
Co-Executive Director  
[sara@openplans.org](mailto:sara@openplans.org)

Jackson Chabot  
Director of Advocacy and Organizing  
[jacksonchabot@openplans.org](mailto:jacksonchabot@openplans.org)

Michael Sutherland  
Senior Policy & Legislative Analyst  
[michael@openplans.org](mailto:michael@openplans.org)