



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

630 9th Avenue, Suite 208
New York, NY 10036

tel: 212-736-4536
www.nyc.gov/mcb4

LESLIE BOGHOSIAN MURPHY
Chair

STACIE JOHNSON
District Manager

Executive Committee

Item # 31

October 15, 2026

Mike Flynn
Commissioner
Department of Transportation
55 Water Street, 9th Floor
New York, NY, 10041

RE: Sidewalk Café Enclosures Law

Dear Commissioner Flynn:

At its October 7th Full Board meeting by a vote of 40 in favor, 1 against, 0 abstentions and 0 present but not eligible, MCB4 provides the following comments. Manhattan Community Board 4 (MCB4) wants to express its serious concerns regarding the sidewalk café outdoor dining program. The intended clear path for pedestrians on the busiest streets and avenues is being severely encroached upon due to changes in interpretation. The situation would worsen if a new law permits café enclosures without careful guardrails. We ask for your assistance in resolving those problems and promulgating clear rules that support the law's original objective to safeguard pedestrian clear paths.

The term "clear path" is defined as a straight, unobstructed path on the sidewalk or sidewalk widening for pedestrian circulation. Although it is not spelled out in the rules and contradicts the definition, recesses have been approved that constrain the clear path by forcing pedestrians to walk in the café perimeter to avoid obstructions.

The rules spell out that (C) the clear path shall be measured from the outer edge of the perimeter of the sidewalk cafe to the nearest element or object affixed to the sidewalk between such

perimeter and the nearest curb line. As a result, the clear path distance does not apply to any obstruction that is located a mere 2 inches away from the café perimeter. This results in bottlenecks for pedestrians.

The combination of these two interpretations has led to numerous exceptions that obstruct appropriate sidewalk circulation and jeopardize the advancements made by utilizing DOT's pedestrian mobility plan, which defines clear paths for congested avenues (3% of all sidewalks).

Now, Intro 0894-2026, which allows cafes to suspend a readily removable vertical winterization covering that may be attached to an overhead covering or to an awning, will make the aforementioned problems worse because the overhanging covering is difficult to chisel out. Furthermore, most awnings are larger than cafes' footprints, which will further reduce the unobstructed path.

We recommend that in the revised rules, recesses not be permitted, that measurements be taken as a radius from the cafe boundary, and that enclosures be strictly compliant with the café boundaries and in transparent plastic only to reduce visual “walls” on the sidewalks.

Another proposed Intro 0724-2026 would go further (it has not passed yet); It would limit the power of DOT to impose a clear path requirement upon a sidewalk cafe larger than 8 feet or 50% even on heavily congested corridors. Thus, sending a clear message now is more important than ever.

It is all about balance. The roadway cafes are about to generate 30% more revenue in the roadway – which we applaud - there is no need to expand the use of the sidewalk unreasonably. If we want New York city to be the envy of the world, we should allocate walking space accordingly. Thank you for your support.

Thank you,



Leslie Boghosian-Murphy
Chair
Manhattan Community Board 4

cc- Danielle Zuckerman, DOT Manhattan Commissioner